A Review of Official Documents and Literature on the Forgotten Victims of Parental Incarceration in South Africa

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ABSTRACT

This article is a literature synthesis of the living conditions of black children after their parent's imprisonment. In Africa, the prison population currently stands at 1,194,497, while in South Africa, 147,922 people were being held in correctional facilities as of January 2021. Parental incarceration has affected all children, regardless of race, age, or cultural background. An increasing amount of research indicates that children with incarcerated parents are prone to internalized behaviors such as depression, anxiety, and withdrawal, as well as externalized behaviors including criminality and substance use. They may also experience cognitive delays, academic struggles, and insecure attachments in their relationships with both their imprisoned parents and primary caregivers. The term "caregiver" denotes the individual who assumes the role of the child's main caregiver while the parents are incarcerated. It is important to note that the literature focusing on child-headed households in South African informal settlements and townships may be limited. This paper is a narrative synthesis of the literature review and uses secondary sources.

KEYWORDS

Criminality; incarceration of parents; caregiver; child-headed-households; poverty.

INTRODUCTION

It is conventional to refer to children of jailed parents as hidden or forgotten victims as they suffer fear and anxiety due to the temporary or permanent isolation with their loved ones (Bulow, 2022). The magnitude of parents who are serving sentences worldwide is alarming. In South Africa, as of the 2018/2019 fiscal year, prisoners amounted to 162,875 (Fair & Walmsley, 2024). While in the 2021/2022 fiscal year, there was a recorded decrease of +14 percent (Fair et al., 2024). Subsequently, the mere focus of this discussion paper is on a literature synthesis of the living conditions of black children after their parent's imprisonment. The ever-increasing incarceration also known as the prison industrial complex, has been the focus of Global North scholars such as Davis and Shaylor (2001). The study examines the gender, class, and race of incarceration, leading to more black people being incarcerated in large numbers. While these authors address the complexities of excessive incarceration of racially disenfranchised communities, which scholars in the Global South largely neglect, the plight of children whose lives are impacted by incarceration is ignored. Prison inmates have increased at an unprecedented rate around the world in recent decades, and today, well over 11 million people are in prison (Helen & Walmsley, 2021).

In the United States, "more than 1.75 million children under the age of 18 were in state or federal prison with a parent in 2007" (Shlafer et al., 2015:4). About "53% of men and 61% of women in United States prisons are parents" (Shlafer et al., 2015:5). This equated to almost 810,000 imprisoned parents, a disproportionate proportion of whom were from ethnic minorities. Similar to the previous year, US jails handled over 11 million admissions in 2013 (Minton & Golinelli, 2014). According to a recent assessment, there were "1.69 million inmates in China, 811,000 in Brazil, 478,000 in India, 471,000 in the Russian Federation, 309,000 in Thailand, 291,000 in Turkey, and 266,000 in Indonesia", in addition to over 2 million prisoners in the United States, 165,000 in the Philippines, 220,000 in Mexico, and 189,000 in Iran (Helen & Walmsley, 2021).

In Africa, the prison population currently stands at 1,194,497, while in South Africa, 147,922 people were being held in correctional facilities as of January 2021. Parental incarceration has affected all children, regardless of race, age, or cultural background (Fair et al, 2024). An increasing amount of studies demonstrates that children whose parents are in prison exhibit internalized depression, anxiety, withdrawal, and externalized (criminality) (Eddy & Poehlmann, 2019). The term "caregiver" refers to the one who cares for a child in the absence of their biological parents (Poehlmann-Tynan, 2015). It is important to note that the literature focusing on child-headed households in South African informal settlements and townships may be limited. However, the sources mentioned above can provide valuable insights into the broader issues faced by vulnerable children, including those living in such contexts. For millions of people in South Africa, social grants constitute a significant source of income. Fewer children fall below the qualifying age for maintenance payments (up to 14 years old) in child-headed homes because children in these households tend to be older than those in mixed-generation

households. Additionally, these households are not occupied by retirees. This implies that households headed by children have fewer opportunities to get social grant income support. Pillay (2021:9) posits that "95% of children in households do not attend school. The attendance rate for children in mixed-generation households is the same as this one".

Households headed by children subsist on about a third of the resources available to households headed by adults, and the poverty rate is extremely high. (Neal and Rick, 2023). The effect of parental incarceration on children varies, depending on the gender of each child. It is primarily expected that boys more than girls would be affected by this stressful breakup. In research, it is purported that both genders are equally negatively affected by their parent's imprisonment but express themselves differently. Boys tend to exhibit externalizing behavioral problems more frequently, whereas girls are more prone to internalizing issues (Neal et al., 2023).

However, the study by (Wildeman, 2020) found a link, arguing that boys are more likely than girls to have early childhood behavior problems after their father's incarceration. These results also provide evidence that parental incarceration does not affect all children equally and that family processes may be responsible for some of the children's behavioral problems. In the United States of America, a significant body of literature has been published on the impact of parental incarceration on children. Research on the relationships between children's health and parental confinement is compiled in the literature. The study makes the case that examining the quantity and calibre of interactions between caregiver's confinement and the child including those that occur during re-entry and reunification is essential to addressing fundamental issues, elucidating contradictory results, guiding policy, and creating interventions for kids who are at risk (Dunlea et al., 2020; Garner, 2012; and Poehlmann-Tynan, 2015). However, relatively little literature has been published on the experiences of children being left behind when their parents are incarcerated in the Global South and South Africa. Numerous studies, such as Dunlea et al., (2020), have examined the association between parental incarceration and social cognition in children. The results showed that some children tend to depict their incarcerated parents in a positive light, focusing on the good memories and qualities they possess, rather than on the negative aspects of their situation. This implies that cultural narratives conveying negative messages about incarcerated individuals do not necessarily lead children to report negative feelings towards their incarcerated parents. However, some studies have indicated that many children with incarcerated parents exhibit negative sentiments when reflecting on their incarcerated parents. This may be due to dominant cultural messages that depict incarcerated individuals as having committed serious moral wrongdoings that can shape children's views. This study used both closed-ended and open-ended questions to gather data from children. The study aimed to determine the way children see their parents who are confined. Data analysis method focused on exploring the relationship between the responses of participants and biographical variables, including how old they are, how long they have

separated, and how often parent and child meet each other. However, the results indicated that these variables did not consistently predict the outcomes of the participants' responses.

The study's research design used mixed methods. The findings note that qualitative questions might demand greater communication and reasoning skills, on the other hand, quantitative questions may not completely reflect children's perspective on complex subjects (Dunlea et al., 2020), (Garner, 2012; and Poehlmann-Tynan, 2015). This discussion paper commences with the theoretical perspectives on parental incarceration. It follows by narrating the research methods utilized in the paper. Furthermore, it delves into the sphere of literature review to give insight into how other scholars view the phenomenon in question. Follows a delineation of consequences that manifest and impede the normal development of children of incarcerated parents. Discussions on current policy frameworks and other legislative imperatives form the core part of the paper. Lastly, this paper closes with the recommendations on how children of the incarcerated population can be managed and supported by different stakeholders in the community and policy implications.

Aims and objectives of the paper.

This conceptual paper sought to narrate the challenges faced by children who have incarcerated parents in a South African context and elsewhere. To achieve this aim, the paper is guided by the following objectives:

- To find out which children, in terms of gender, are more affected by parental incarceration,
- To investigate the impact of parental incarceration on child-headed households,
- To identify the available support structures for children of incarcerated parents and
- To recommend strategies that can be used to quell and contain the matter of the phenomenon of a child-headed household

Theoretical perspectives on parental incarceration

The General Stress and Attachment Theories magnify the situation before and during the incarceration of parents. These theories have been found useful for theorizing the effects of parental incarceration on children and vouching for their behaviors. These theories connect or testify to individuals' experiences, stresses, and responses to the stresses of times of darkness in their lives.

The General Strain Theory

Perez (2021) postulates that failure to achieve society standard goals due to the absence of means for survival makes a child to endure negative experiences and such situations can ultimately lead to stress. In general, as opined by Bezuidenhout (2021) factors such as unemployment, poverty, social class structure, differential opportunity, etc subsequently produces a disjunction between the goals and the means. This frustrating situation cause specific individuals which are under stress to be more vulnerable to behaviors that lead to adverse consequences and to the detriments of society. More extreme reactions often occur with increasing stress. The incarceration of a parent tends to create a burden for the child.

Guardians who assume the responsibility of taking over the duty of parenting are also not immune to stressful situations (Walsh & Hemmens, 2008). Due to the imprisonment of the parents, fewer caregivers take care of the household. Nichols and Loper (2012:7) posit that the "depletion of financial and social resources can increase the strain on both the child and the caregiver". Consequently, "children may struggle to meet the social, emotional, and academic demands or challenges presented by the school environment". Stress significantly affect children's academic performance and motivation. With rising stress levels, a child might become disengaged from school (Nichols & Loper, 2012). In families under strain, children often shift their focus from academics to the challenges within their immediate environments. Those with incarcerated parents might prioritize concerns like food security or personal safety over schoolwork.

The incarceration of a parent often forces young people to assume greater responsibilities, such as supporting the family or caring for siblings, which can overshadow the importance of school. The well-being of caregivers is also impacted. Home dysfunction leads to stress for both the caregiver and the child. The indirect consequence of a parent's incarceration is reduced supervision for the child, as the increased burden on the caregiver limits their capacity (Nichols & Loper, 2012). The remaining parent or guardian may lack the time and resources to offer sufficient supervision and support. Becoming a new primary caregiver is pivotal in ensuring the provision of basic needs, support, and protection for a child. Caregivers frequently harbor ongoing concerns regarding the level of protection and support they are able to provide (Shlafer & Poehlmann, 2010). Poehlmann-Tynan & Turney (2021) have noted that children with incarcerated parents often face challenging conditions. A significant number of these children experience poverty or unstable family dynamics. While children may not be conscious of their own distress, they are sensitive to their caregiver's distress and may attempt to mitigate it by assuming greater responsibilities. The incarceration of a parent compounds the difficulties of an already potentially precarious living environment. (Ruhland & Nesmith, 2008).

Attachment Theory

Attachment theory, originating from Bowlby's 1958 research on children and their parents, posits that children develop stronger and healthier bonds when they receive consistent caregiving. In contrast, inconsistent support from parents leads to less secure attachments in children. Robledo et al. (2022) highlight that the quality of early interactions between parent and child significantly influences the child's future relationships. Furthermore, attachment theory indicates that a child's attachment patterns, or how they bond with important figures, are adversely affected by parental incarceration, as noted by Nichols & Loper (2012). Disruptions, such as when children transition between caregivers, can negatively impact them (İşcanoğlu & Uçanok, 2022; Shlafer & Poehlmann, 2010). For instance, children lacking direct parental attention may become confused and unsupported in their academic and socio-emotional growth. Research by Dallaire et al., (2012), as well as Dallaire et al., (2015), has explored how parental incarceration affects child-parent relationships. Specifically, in situations

where no-contact visitation policies are enforced, prohibiting physical contact between the incarcerated parent and their child, the children often suffer increased feelings of insecurity and disorganization, manifesting as vulnerability, emotional detachment, isolation, tension, and anger. Parental detention is a considerable stressor for families, potentially undermining children's sense of security, as noted by Dallaire et al., (2012). Poehlmann (2015) observed that young children require extra emotional support to manage separation from an incarcerated parent. A key element in a child's attachment level is the presence of a caregiver who provides a sense of protection. Thus, theories of attachment and general stress are useful in understanding the impact of parental incarceration on children.

METHODOLOGY

This paper is a narrative synthesis of the literature review and uses secondary sources to delineate challenges encountered by children of incarcerated parents. A synthesis combines elements from several sources to make a point while describing how sources converse with each other (Boboyi, 2024). When the researcher synthesizes, they organize similar ideas together so readers can understand how they overlap. This process assists in showing where the researcher's voice or ideas are incorporated into existing knowledge (Chen et al. 2024).

Data for this study was solicited from articles found on Google Scholar that were searched through desktop research using a variety of data sources, including books, dissertations, and journal articles. The aforementioned sources were deemed to be advantageous and provided with reliable information for this discussion paper. Giancola (2021) also commends the use of the information contained in documents as compared to people, given that individuals may forget valuable information. Furthermore, documents save time and money. It is also important to note that documents might be more accessible than people, as is the case in this study. Altogether, large data used in this paper is posted on various websites.

Collected data files were stored according to file naming schemes that were developed as follows: poverty, parent incarceration, HIV/Aids in prison, child-headed households, government departments, and criminology scholars, to name a few. This method is also supported by Giancola (2021) for tracking data that has been collected to answer research questions.

FINDINGS

The data analysis produced four themes, as follows: 1) Understanding child-headed households in South Africa, 2) The impact of parental incarceration on children's behavior, 3) The prevalence of HIV in child-headed households, and 4) The unintended consequences of parental incarceration on children.

Theme 1: Understanding Child-headed Households in South Africa

The official definition in the Children's Act, (Act No. 38 of 2005) defines a "child-headed household as a household headed by a person under the age of 18 years" (Makhalima, 2020:2).

This includes situations where these children must care for a terminally ill adult living in the same home (Bezuidenhout, 2013). In South Africa, around 122,000 of 18.2 million children live in child-headed households. Most children living in child-headed households are not all orphans; +8% of children living in child-headed households have lost both their parents. Eighty percent (80%) had a living mother or father. In 2006, almost half (44%) of child-headed households consisted of just one child. Most child-headed households have between one and three members staying in the household. (Meintjesa et al. 2009). Turney (2018) opines that the negative circumstances which existed preceding parental incarceration co-exist with those that emerge in the aftermath of parental incarceration. Thus, it is also quite conceivable that children of incarcerated parents are disproportionately more likely than other children to have additional adverse behavioral problems in society. Zenzile (2021) argues that the situation in a rural setting, as is the case at ORTDM, also becomes a breeding ground for criminality. According to Mogotlane et al. (2010), children living in child-headed households face a unique set of challenges and vulnerabilities due to their typical family structure. A child-headed household is one where children are responsible for running the household without adult supervision or support, often because their parents have passed away, are absent, or are unable to care for them (Derick et al. 2011). These challenges range from:

•   *Lack of Basic Needs*: In child-headed households, access to basic necessities like food, clean water, shelter, and clothing is a daily struggle. Children from these homes often need more financial resources to meet these needs consistently. They may need to be made aware of or have access to social services and support systems that could assist them in their time of need. This vulnerability pushes them to break the law and the law enforcements have to convene, and some of them end up being in contact with the law. Magadla and Obioha (2021)   argue that police officers must investigate any case of criminality and uphold the law.

•   *Education:* In child-headed households, children find it difficult to maintain regular attendance at school; this is worsened when these children have to balance household responsibilities with their studies. The cost of education, including school fees, uniform and supplies, may also be a barrier.

•   *Healthcare:* Health issues may need to be addressed due to a lack of access to healthcare services and the knowledge to seek appropriate medical care.

•   *Emotional and Psychological Stress:* These children often experience high levels of stress and emotional trauma due to the removal of their parents or family members from the household. They may also face stigma and discrimination from their peers. Being responsible for the daily functioning of a household at a young age can lead to high levels of stress and emotional exhaustion. These children often carry adult responsibilities, which can affect their development, and they experience a range of emotional responses such as depression, anger, anxiety, and fear, which raise their psychosocial vulnerability.

- *Safety and Security:* also drawing from Mturi (2012*)* child-headed households can be vulnerable to various forms of exploitation, abuse, and neglect. The children may also be at risk of engaging in risky behaviors to survive. In some cases, older siblings in child-headed households may resort to child labor or other illegal activities to support their younger siblings, putting them at risk of legal consequences. At times, they have to adjust to being a child to being the head of a household, which can be challenging and overwhelming.

- *Social Isolation*: Children in child-headed households may experience social isolation, as they may not have the same opportunities for social interaction and support as children in traditional households.

- *Sexual exploitation,* as noted by Van-Breda (2008)*,* children in child-headed households are vulnerable to sexual exploitation, which is often related to their economic vulnerability.

Theme 2: The impact of parental incarceration on children's behavior

According to Antle et a., (2020), the impact of incarceration of parents on children varies, depending on the gender of each child.   Boys, more than girls, will be affected by this stressful breakup. Literature purports that both boys and girls are equally negatively affected by their parent's imprisonment but express their reactions differently. Boys are more likely to show externalizing behavior problems, while girls are more likely to show internalizing problems (Antle et al., 2020). However, the study by Wildeman (2020) found a link, arguing that boys are more likely than girls to have early childhood behavior problems after their father's incarceration. These results also provide evidence that parental incarceration does not affect all children equally and that family processes may be responsible for some of the children's behavioral problems. In the United States of America, a significant body of literature has been published on the impact of parental incarceration on children (Jones et al., 2024). The literature review summarizes research on the impact of parental incarceration on children's well-being. It suggests that examining the frequency and quality of contact between children and their incarcerated parents, as well as the nature of relationships during re-entry and reunification, is vital for addressing fundamental questions, resolving conflicting results, shaping policies, and crafting interventions for at-risk children (Dunlea et al, 2020; Garner, 2012; and Poehlmann-Tynan, 2015). However, relatively little literature is published on the experiences of children who are left behind when their parents become incarcerated in the Global South and South Africa. Many studies, including those by Luyt (2008) and Dunlea et al. (2020), have explored the link between parental incarceration and children's social cognition. Findings indicate that some children are inclined to speak positively of their incarcerated parents. Consequently, cultural narratives that cast incarcerated individuals in a negative light do not necessarily lead children to perceive their incarcerated parents negatively. However, other studies have found that some children do express negative sentiments towards their incarcerated parents, possibly influenced by prevailing cultural messages that depict incarcerated individuals as severe moral offenders

Dunlea et al., (2020) study used both closed-ended and open-ended questions to gather data from children whose parents were either incarcerated or not incarcerated (Dunlea et al., 2020). The aim was to determine whether children's descriptions of their parents differed based on their parents' incarceration status. Both Bayesian analyses and equivalence testing to compare the responses of children with incarcerated parents to those with non-incarcerated parents were used. The authors also conducted sensitivity analyses to determine the statistical power of their results. The study's data analysis approach involved examining correlations between participants' responses and demographic factors such as age, length of parent-child separation, and frequency of parent-child contact (Dunlea et al., 2020). The findings report that these factors did not reliably predict participants' responses. The study's research design included both closed-ended and open-ended questions, and findings note that open-ended questions may require more verbal and cognitive ability than closed-ended items. They may not fully capture children's thoughts regarding complex topics (Dunlea et al., 2020). When examining the reasons individuals engage with the justice system, children of both incarcerated and non-incarcerated parents often ascribe this interaction to the person's negative inherent traits, like poor moral character or unethical desires (Dunlea et al., 2020). Other studies, such as Dallaire (2007) and Garner (2012), have shown that research to date has tended to focus on children living in prison with their mothers, finding that prisons do not provide the physical and social environment conducive to a child's development, as is believed to be the early one's Childhood years are the most crucial for a child's physical, emotional, social and cognitive development. The paper posits that children with incarcerated mothers are among the most vulnerable and at-risk groups. Stressful and adverse life events are risk factors for these children. In contrast, protective factors are associated with a reduced risk of negative outcomes in high-risk populations, but not in low-risk ones. Promotive factors are variables that correlate with positive outcomes across all children, regardless of risk level, such as social support and connectedness (Dallaire, 2007). The paper emphasizes the significance of children's connections to family, school, and peers in developing social and emotional competence. Teenagers with incarcerated mothers who receive consistent, supportive care that fosters connections to family, school, and non-delinquent peers are less inclined to partake in delinquent and risky behaviors. The paper notes that research on children with incarcerated mothers often involves small samples and lacks direct child assessments. It advocates for an interdisciplinary approach that enhances communication among researchers, child welfare, and law enforcement agencies, enabling research to address pressing and significant questions (Garner et al., 2012).

Theme 3: The prevalence of HIV in child-headed households.

According to Roberts et al., (2023) the HIV is a main concern in child-headed households in South Africa. Many parents who are HIV-positive or have died from AIDS leave behind children who become orphans and may end up in child-headed households. Children in these households may experience social exclusion and discrimination due to their association with HIV/AIDS. Additionally, child-headed households may face challenges in accessing healthcare and support

services related to HIV prevention, treatment, and care (Roberts et al., 2023). The article discusses the importance of studying children and youth in migration and mobility studies. It argues that minors are often overlooked on issues of migration and globalization and that they ought to be acknowledged as active participants and decision-makers in the processes of migration. The book "Child and Youth Migration: Mobility-in-Migration in an Era of Globalization" explores the different movements that occur among individual families (Veale & Dona, 2014; Heidbrink, 2020). It examines various aspects and the impact of migration (Heidbrink, 2020).

Theme 4: The Unintended Consequences of Parental Incarceration on Children

The societal stigma

It is estimated that "1 million children have a parent in prison" (Lotter, 2020:9). Many of these children face several complex issues because of their parents' confinement. Individuals may experience stigma, social exclusion, separation anxiety, disrupted attachments, depression, and profound feelings of loss, all of which can impede their development and educational achievement (Bulow, 2022). Some of them witness their parents being arrested in front of them. For the purpose of this paper, as drawn from Small et al., (2022), social stigma is understood as a process that marks certain attributes or statuses as having a socially negative value. This 'mark' bears the effect of causing the individual attributed with these attributes or statuses to be perceived as deviant, as unacceptably different and therefore meriting separation from the rest of society. Drawing from Johnson et al., (2023) social stigma does not only places a person who carries the marked attribute as being different, but also labels them as unworthy of equal treatment. Stigma is a fundamental mechanism of social organization that maintains distinctions between individuals and groups

According to Trani et al., (2020) in South Africa, social stigma can manifest in various ways such as marginalization and discrimination from friends and community members. Often times, children living with social stigma as a result of their parent's conditions have to find means to manage it. However, pressures deriving from public management of their socially stigmatized conditions can disempower these. According to Jacobs et al., (2024), this could create unsafe environments for children, who are inadvertently left in a critical position where they are forced to interact with a public that often stigmatizes their lived experiences. According to Jacobs et al. (2024), the power of a collective offering support in various forms, such as adequate housing and encouraging a supportive school environment, will secure a safer future for children living with social stigma. There are consequences to social stigma such that it can clearly and negatively impact the cognitive ability and physical growth of the child through micro-level data analysis. A child stigmatized by the community where she lives could relate to her notion of social stigma similarly (Jacobs et al., 2024).

DISCUSSIONS

The article highlights the prevalence of HIV in child-headed households in South Africa. Children in these households face challenges in accessing healthcare and support services related to HIV prevention, treatment, and care. This underscores the need for targeted interventions to support these vulnerable children. The article also notes the impact of parental incarceration on children's behavior as a complex issue that varies based on gender and individual circumstances. Research indicates that both boys and girls can be negatively affected by their parent's imprisonment, with boys more likely to exhibit externalizing behavior problems and girls more likely to show internalizing problems. However, studies have also demonstrated that parental incarceration does not affect all children equally, and family processes play a role in determining the extent of behavioral problems in children.

The article unequivocally notes the unintended consequences of parental incarceration on children, such as stigma, social exclusion, separation anxiety, disrupted attachments, and depression, all of which have long-term adverse effects on children of incarcerated parents. The general public needs to understand the root causes of these consequences to develop effective support systems for children with incarcerated parents. Trani, Moodley, Anand, Graham, and Maw (2020) highlighted the negative impact of social stigma on children living in conditions where their parents face stigma. These children may experience marginalization, discrimination, and challenges in managing the stigma they face. The pressure from public management of their stigmatized conditions can disempower them and create unsafe environments. It is emphasized that collective support, including adequate housing and a supportive school environment, is crucial for securing a safer future for children facing social stigma. The consequences of social stigma can negatively affect the cognitive ability and physical growth of children; therefore, it is significant to address and mitigate stigma for the well-being of these children. The article also emphasizes the importance of studying children and youth in migration and mobility studies, highlighting that they are often overlooked as active participants in migration processes. This perspective calls for future research to consider frameworks like children's rights, feminism, critical race, and post-colonial studies to better understand migration's impact on children.

CONCLUSION

Parental incarceration can lead to the breakup of families, which are the fundamental units of our communities and nation. This situation creates an unstable environment for children and can have long-term effects on their development and well-being. Both during and after a person is sent to prison, the children, spouses, and parents of the incarcerated experience several difficulties. While there are measures and reforms in place within the criminal justice system that cater to the rights of the prisoners themselves, the impact of these sentences on families, especially on children and the community, is often overlooked. The recommendations presented in this paper aim to highlight the various issues affecting the children, spouses, and older adults of the incarcerated population. These recommendations also propose measures to

enable policymakers, civil society organizations, and volunteers to improve the lives of these unintended victims of imprisonment. It is recommended that government departments create a database for children of incarcerated parents. The government should support this database effort so that data on children of incarcerated parents can be collected to better understand their specific needs, vulnerabilities, and long-term outcomes. Collecting data on this population can inform evidence-based policies and interventions. Furthermore, relevant government departments should prioritize the well-being and rights of children of incarcerated parents, as their experiences can have long-lasting effects on their lives. By actively addressing these challenges, governments can help mitigate the impact of parental incarceration and provide support for the positive development of these children.

Recommendations

To address challenges faced by children of incarcerated parents, it is the responsibility of governmental structures at all levels, beginning with the local, regional, and national, to recognize the adverse effects of incarceration and respond promptly to ensure that communities are given the opportunity to make informed decisions and choices. The incarceration of a parent has a profound impact on children who may have already faced a number of life adversities. It is a growing global problem, not because of incarceration itself, but also because of the hardships experienced by these children who are left behind when their parents are incarcerated. To counteract these challenges facing children of incarcerated population, this article recommends that:

- *Department of Correctional Services in collaboration with other components criminal justice system and government department should consider to raise awareness about programs for incarcerated parents, Children and Caregivers.* Programs to support incarcerated parents and their children come in a variety of formats and target different groups, including the children themselves, alternative caregivers, and the parents behind bars. In addition, a variety of individuals and organizations, including clinics, schools, prisons and social workers, should offer these programs. Some programs should aim to improve visitation patterns and encourage family interactions, while others should seek to help incarcerated parents become better parents after incarceration. Other programs should aim to help incarcerated parents re-enter society and take on parenting responsibilities by providing post-incarceration training, employment services and housing support. In South Africa, some of these programmes exist, however, nothing is known about their locations and accessibility, or which ones are mostly used and their successes

- *Strategic programs should be monitored and evaluated on a regular basis.* It is unfortunate that most studies of incarcerated parents have focused only on the well-being and attitudes of incarcerated parents but have not paid sufficient attention to how interventions may affect parental behavior and patterns of parent-child contact and children themselves. There is no guarantee that these programs help incarcerated parents to become better parent.

There is a need for the development of child-specific programs that should take into account their needs to prevent these children from contacting the criminal justice system at a later stage

• *The Criminal Justice System should seek alternatives to incarceration:* there should be exploration and expansion of other options to incarceration for non-violent offenders, especially those with minor offenses, to minimize the negative impact on children. Such alternatives could include community service, restorative justice programs, or rehabilitation and treatment programs.

• *Government departments should have a database for children of incarcerated parents.* Governments can support research efforts for the collection of data for children of incarcerated parents to better understand the specific needs, vulnerabilities, and long-term outcomes of parental incarceration. Collecting this data on this population can inform evidence-based policies and interventions.

• *Relevant government departments should prioritize the well-being and rights of children of incarcerated parents*, as their experiences can have long-lasting effects on their lives. By taking an active role in addressing these challenges, governments can help mitigate the impact of parental incarceration and provide support for the positive development of these children.

Policy implications

Boadu and Alaji (2022) state that the United Nations Convention on the Rights of the Child (UNCRC) is the foremost global policy regarding children's rights. Enacted by the United Nations General Assembly in 1989, the UNCRC is the most all-encompassing international agreement concerning children's rights. It outlines the civil, political, economic, social, and cultural rights that should be afforded to every child, without any form of discrimination. Referencing Bouchet (2008), the UNCRC underscores that all children possess equal rights, regardless of race, color, sex, language, religion, disability, or any other status. It calls for the protection of children's rights, irrespective of their background or circumstances. The best interests of the child should be the paramount consideration in all decisions and actions concerning children. Governments and authorities are duty-bound to prioritize the well-being of children when making decisions that may impact them. Children have the right to life and to grow up in conditions that support their survival and development, as noted in Songca (2011). Government agencies ensure that children have access to healthcare, nutrition, education, and social services. Children also have the right to express their opinions, be heard, and take part in decisions that affect them. Governments are encouraged to promote and enable meaningful participation of children in matters concerning their well-being and rights (Songca, 2011).

Following Johnson and Arditti (2023), the UNCRC acknowledges the right of children to be safeguarded from all forms of violence, abuse, neglect, and exploitation. It calls for actions to prevent such acts, provide assistance and recovery services to victims, and hold perpetrators accountable. As noted by Hairston (2017), children have the right to receive free and compulsory primary education and access quality education at all levels. Governments are responsible for ensuring inclusive and fair education for all children, irrespective of their

background or circumstances. Children also have the right to freedom of expression, including the seeking, receiving, and sharing of information and ideas. Governments are expected to respect and protect children's right to access age-appropriate information and media, as per Songca (2011). As highlighted by Quennerstedt et al., (2018), the pieces of legislation. South Africa is not exempt from the array of policies and legislative frameworks in Africa designed to promote and safeguard children and young people. Although these policies and laws protect many, the truth remains that a considerable number still live under challenging conditions throughout the continent, including in South Africa. Despite the existence of laudable policies and legislation, there remains persistent uncertainty surrounding some laws and policies designed to promote and protect the rights of children and young people globally and nationally. Consequently, this article will scrutinize these policies and practices, especially within the South African context. Various policies and legislative frameworks have been established to protect and advance the rights of children. These policies align with the United Nations Convention on the Rights of the Child (UNCRC) and consider children's unique contexts and challenges in South Africa (Boadu et al., 2022). Apart from UNCRC, other pieces of legislation protect children, such as:

- The Children's Act (Act No. 38 of 2005), as elaborated by McCall-Smith (2023), is an extensive piece of legislation that safeguards and advances the rights and welfare of children in South Africa. It encompasses various facets of children's rights, such as their care, safeguarding, adoption, foster care, guardianship, and juvenile justice. This legislation, which is fundamental to South Africa's dedication to children's rights, guarantees that children receive the necessary care and protection while also ensuring that their rights are respected across different aspects of their lives.

- The National Integrated Early Childhood Development (ECD) Policy (2005), as mentioned by Atashbahar et al., (2021), centers on the comprehensive development of children aged 0-4 years, promoting their health, nutrition, cognitive, social, and emotional growth. It establishes a structure for delivering integrated ECD services and interventions in South Africa.

- The National Policy Framework on Child and Youth Care (2012), derived from McCall-Smith (2023), seeks to direct the provision of comprehensive care and support services for vulnerable children and youth, including those requiring alternative care, children living on the streets, and children impacted by HIV/AIDS. The National Policy Framework on Child Justice (2016), based on Byrne and Lundy (2020), outlines principles and guidelines for implementing a child justice system that prioritizes children's rights when in conflict with the law. It emphasizes diversion, rehabilitation, and restorative justice approaches for young offenders.

- The National Policy Framework on Victim Empowerment (2007), as cited by Testaí (2022), advocates for a victim-centered approach to meeting the needs of child victims of abuse, neglect, violence, and exploitation. It underscores their rights, protection, and access to support services.

- The National Policy on the Prevention and Management of Learner Pregnancy in Schools (2007), as acknowledged by Mathebula, Runhare, and Mafumo (2022), focuses on preventing and managing learner pregnancy in the school environment, striving to ensure that pregnant learners receive support to continue their education and that measures are in place to prevent discrimination and stigmatization.

These policies provide a framework for safeguarding, and nurturing children in South Africa. Together, they guide the implementation of programs and services to protect children's rights, address their specific needs, and ensure their overall well-being.

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