

Children of Women Prisoners in Jails: A Study in Uttar Pradesh

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Abstract:

Imprisonment of mothers with dependent young child is a problematic issue. The effects of incarceration can be catastrophic on the children and costly to the state in terms of providing for their care. Children should not be allowed to stay in jails. The children of women prisoners living with them in jails are being deprived of their basic rights, entitlements and amenities for their development. Against this backdrop, this study reviews the status of women prisoners and their young children living with them, suggesting policy measures for their development. This is an empirical study and is based on mainly primary data collected through field survey in selected jails of Uttar Pradesh, India.

Keywords: women prisoners; criminality; female criminality; jails; Uttar Pradesh; children in jails;

Introduction

Women in prison in Uttar Pradesh are similar to women in overseas prisons. They are quite immature, primarily unlawfully primitive, and serving moderately short sentences of imprisonment. They are also more likely to have been the victims of abuse and to experience higher levels of addictions than their male counterparts. Because they are few in number, women in prison are likely to be imprisoned far from their homes and families which make it difficult for them to maintain relationships with family and friends.

Such difficulties are exacerbated for those women in prison who have children. Separation of a mother and her children can have negative effects on both parties and pose problems for the successful reunion of the family on the mother's release from prison. In Uttar Pradesh the Department of Corrections' national policies have related performance standards which take into account the importance of maintaining and enhancing the family relationships of prisoners.

However, apart from policies relating to women with babies under the age of 6 months, there is no specific policy which addresses the unique needs of mothers in prison by taking into account the fact that they are more likely to have been their children's primary caregiver before their imprisonment. Information on the numbers of children involved and who cares for them in the absence of their mothers is not collected routinely either in Uttar Pradesh or overseas jurisdictions. Therefore, the primary aim of this research was to gather this information from a sample of imprisoned mothers.

This paper briefly outlines the research process, describes the sample of women, summarises their concerns for their children and families and conditions of children of imprisoned mothers in Moradabad and Bareilly city of Uttar Pradesh.

Objectives

1. To study socio-economic background of the families of these children and the status of their family setup.
2. To analyze the concern of mothers for their children living with them or apart.

Hypothesis: (Alternative)

H1. The family background is poor and uneducated.

H2. The children live in very difficult conditions.

Research Methodology

The field work involved face-to-face interviews with a sample (N=112) of female prisoners in Uttar Pradesh women's prisons (Moradabad and Bareilly). To conduct the research knowing that the language barrier will play a vital role and also that structured or set of questions cannot be prepared therefore personal interview was taken as tool for collecting the data. The data collected was then represented in tabular form and analyzed through MS-Excel.

A Profile of the Women and Children

The sample consisted of 112 women who had children under the age of 18 at the time they were interviewed (ten of whom were also at the time pregnant), two woman who were pregnant with their first child, and eight women who had adult children and grandchildren. Nearly three-quarters (73%) of the women in the sample had only been in prison for a relatively short period of time (less than 6 months) at the time they were interviewed.

These women shared the characteristics of the Uttar Pradesh female prison population in general, even though this sample was not randomly selected. Many of the women were in prison for the first time (59%) and for 28 it was their first offence. Approximately one third had committed an offence which involved violence whilst the majority of the remainder had committed either property (36%) or drug (alcohol) offences (24%). Most of the women were serving relatively short prison sentences.

The women generally had limited educational skills and little or no work experience; and they were predominantly welfare dependent (74%) before coming to prison, lived in rental accommodation or with family (76%) and were often single parents (36%). Rural women made up almost (66%) of the sample which parallels the statistics that indicate that rural women are over represented in the number of women who are sent to prison. Rural women were, on average, a slightly younger group than those identifying as Uttar Pradesh who made up 66% of

the sample. Also, a significant proportion of the women reported problems related to the abuse or misuse of drugs and/or alcohol (76%) and told of histories of victimisation (28%).

The study revealed that the family background of the imprisoned women's children was not good in fact they belonged to poor and uneducated families which resulted in bad for them. The hypothesis (**H1**) that the family background is poor and uneducated proved true.

The Children

The majority of the women (91%) had children under the age of 18 at the time they came to prison; almost two thirds (63%) were single parents and more than half said that their children had been present at the time they were arrested.

Over two thirds of the women had all or at least some of their children living with them before they were sent to prison. These women were caring for a total of 97 children under the age of 18, either alone or with a partner. Over half had children under 5 when they were sentenced, including 30 women whose youngest child was aged 2 years or less at this time.

The Children's Placement

Almost half of the children who had been living with their mother at the time she was sent to prison experienced little disruption to their living conditions. These children were usually being cared for by their father, their mother's current partner or family. Conversely, almost a quarter of the children were placed with caregivers that they either did not know or did not know well. It was not unusual for siblings to be separated. Almost one-fifth of the children had had a change of caregiver during the time their mothers had been in prison. This usually took place early in the mother's sentence.

There were a number of mothers who did not have any or all of their children living with them before their imprisonment. These were mothers whose lifestyles were often characterised by alcohol, drugs and crime and half of them had been in prison before. Their children were likely to be in care because of the mother's lifestyle and/or concerns for the children's well-being.

The Caregivers

The largest number of caregivers came from the child's own family; almost half were grandparent/s or other family members. Caregivers were usually female members of the mother's family, particularly maternal grandmothers. Another third of the caregivers were either the children's natural father or their mother's partner. Where a woman did not have family that she could leave her children with she often relied on her friends to care for them or they went into foster care.

Caregivers shared many of the characteristics of the imprisoned mothers; they were also predominantly single or single parents and the majority was welfare dependant. At least one third had dependent children. The majority of the women said that they were satisfied with their children's placements and caregivers; those who were not invariably had a poor relationship with the caregiver.

Women's Concerns during the Interview

The primary focus of the women's concerns was the needs of their children and families.

Women voiced concerns about:

- re-establishing relationships with their children;
- regaining custody of their children;
- their children becoming distant with them;
- problems with their children's health;
- their children's behaviour and emotional state;
- problems with children's schooling;
- their lack of knowledge of caregivers;
- how families were coping financially;
- their children getting negative messages about them from others (caregivers/others in community);
- not being able to support adult children/grandchildren; and
- things being kept from them by caregivers.

The study revealed that the conditions of children living in prison is not much equipped as it could be outside in the society therefore the hypothesis (**H2**) that the children live in very difficult conditions proves true.

Overview and Recommendations

The results of this research clearly confirm the findings from overseas studies which indicate the need for programs and facilities to assist women in prison to maintain relationships with their children during their separation. Furthermore, the provision of assistance and support for the women post-release as well as assistance to their families, as caregivers, is also of importance if the impact of women's imprisonment upon their children is to be minimised.

In addition, women prisoners need (and in fact desire) services that empower them as parents and increase their parental decision making capabilities. Thus parent education programs, services supporting parent-child relationships and continued parent-child contact during incarceration are required along with post-release support for both mothers and children. What also emerged is that the caregivers of the children of imprisoned women are primarily an under-resourced, unsupported group who are often single female members of the women's own families. Therefore, these findings highlight the importance of addressing the needs of these groups if we are to prevent the sons and daughters of imprisoned women becoming the casualties of their mothers' offending and imprisonment.

Findings

None of the findings from this research are particularly new: these issues and concerns have been well documented in studies carried out on imprisoned mothers and their children both in Uttar Pradesh. Yet, despite the small number of women in prison which would theoretically enable the problems that these women have in maintaining relationships with their children to be addressed in an effective manner, government policies and practices still continue to ignore the needs of imprisoned mothers and their families: providing more places for women in prison will not address the problems of mothers who break the law! Imprisoned women come from our communities and return to live there on their release with their children and families. In terms of human costs to mothers and children, alternatives to imprisonment are by far the most

progressive options within existing criminal justice systems. However, some mothers will always need to be imprisoned due to the seriousness of their offending. This population is sufficiently small for well-planned and co-ordinated initiatives to produce meaningful results. In the process, it would be possible to also learn more about how to develop cost-effective and humane methods of reducing society's reliance on imprisonment as a sanction for both mothers and fathers and subsequently how to strengthen at-risk families instead of fragmenting them. In so doing, re-offending may be reduced and intergenerational cycles of abuse, addiction, crime and imprisonment may be broken.

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