

**THE WELFARE OF CHILDREN LIVING WITH
INCARCERATED MOTHERS IN SELECTED PRISONS OF
ZAMBIA**

BY

OLIVIA MALAMBO

**A DISSERTATION SUBMITTED TO THE UNIVERSITY OF ZAMBIA IN PARTIAL
FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE
OF MASTER OF EDUCATION IN CIVIC EDUCATION**

THE UNIVERSITY OF ZAMBIA

AUGUST, 2016

DECLARATION

I, **Olivia Malambo** do hereby declare that this dissertation represents a product of my work and it has not been submitted at this or any other university. All scholarly work used in this dissertation has been duly acknowledged.

Student:

Signature.....

Date.....

Supervisor:

Signature.....

Date.....

COPYRIGHT

No part of this dissertation may be reproduced in any form without written permission from the author or the University of Zambia.

@ 2016

Olivia Malambo

All Rights Reserved

The University of Zambia

2016

CERTIFICATE OF APPROVAL

This dissertation of **Olivia Malambo** has been approved for the partial fulfilment of the requirements for the award of the Degree of Master of Education in Civic Education by the University of Zambia.

Examiners:

Signature.....Date.....

Signature.....Date.....

Signature.....Date.....

DEDICATION

This dissertation is dedicated to the memory of my beloved late mother, **Uriah Mukalubinda Mutema** and my late father, **Douglas Malambo**, who unfortunately did not live long enough to see me come this far in my education.

ACKNOWLEDGEMENT

This research would have not been completed without the help of many people who are too many to mention but among them the following individuals: my supervisor Dr. G. Masaiti, who is soft spoken yet steadfast with profound knowledge, wisdom and experience. Your motivation and guidance made me work hard towards the completion of this academic exercise and for this, I say thank you.

I give the gratitude and honour that is due to my course lecturers Dr G. Masaiti, Dr. G. Muleya, Dr. L. Mweemba and Mr. C.S. Kandondo for your tremendous support and encouragement. May God Almighty bless you. I also want to thank my respondents for accepting to participate in this study.

Many thanks also go to my family. You have been a great source of encouragement and inspiration to me as i have observed how most of you work hard to achieve your goals. This also encouraged me to work hard towards this work. I am greatly indented to my auntie and uncle Mr and Mrs Mphande for raising me, nurturing my academic potential and for all the sacrifice you paid in order for me to come this far in my life. To my husband, sweetness and best friend, Josphat Njobvu, thank you for your prayers, love and support. When I felt like giving up on this work, you were there to encourage and push me in the right direction. Above all, I thank the Almighty God, Jehovah Ebenezer for bringing me this far.

LIST OF ACRONYMS USED

ACRWC	African Charter on the Rights and Welfare of a Child
AU	African Union
DIGNITY	Danish Institute against Torture
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome.
ICCPR	International Covenant on the Civil and Political Rights the
ICESCR	International Covenant on Economic, Social and Cultural Rights
MCUs	Mother and Child Units
PRISCCA	Prisons Counselling and Care Association
RSNDP	Revised Sixth National Development Plan
SMR	United Nation Standard Minimum Rules for the Treatment of Prisoners
STIs	Sexually Transmitted Infections
TB	Tuberculosis
UN	United Nation
UNCRC	United Nation Convention on the Rights of the Child
ZCS	Zambia Correctional Service
ZPA	Zambia Prisons Act
ZLHR	Zimbabwe Lawyers for Human Rights.

TABLE OF CONTENTS

DECLARATION	i
COPYRIGHT	ii
CERTIFICATE OF APPROVAL.....	iii
DEDICATION	iv
ACKNOWLEDGEMENT	v
LIST OF ACRONYMS USED	vi
LIST OF TABLES AND FIGURES.....	x
ABSTRACT.....	xi
CHAPTER ONE: INTRODUCTION.....	1
1.0 Overview.....	1
1.2 Statement of the Problem.....	5
1.3 Research Objectives.....	6
1.3.1 Main Objective.....	6
1.3.2 Specific Objective.....	6
1.3.3 General Research Questions	6
1.3.4 Specific Research Questions.....	6
1.4 Purpose of the Study	7
1.5 Significance of the Study	7
1.6 Delimitation of the Study.....	7
1.7 Limitations and Challenges.....	8
1.8 Theoretical Framework.....	8
1.8.1 Piaget's Theory of Cognitive Development	8
1.8.2 Bowlby's Attachment Theory.....	9
1.9 Conceptual Framework.....	9
1.11 Summary of Chapter One	11
CHAPTER TWO: LITERATURE REVIEW.....	12
2.0 Overview.....	12
2.1 International Human Rights Instruments for Circumstantial Children	12
2.1.1 International Covenant on Civil and Political Rights (ICCPR)	12
2.1.2 United Nation Convention on the Rights of the Child (UNCRC) 1989.....	14
2.1.3 The United Nation Standard Minimum Rules for the Treatment of Prisoners	16
2.1.4 The United Nations Rules for the Treatment of Women Prisoners	18

2.2 African Human Rights Instruments for Circumstantial Children.	21
2.2.1 The African Charter on the Rights and Welfare of the Child (ACRWC)	21
2.3.1 The Zambian Constitution (Chapter 1 of the Laws of Zambia) 1996.....	22
2.3.2 The Zambia Prisons Act (Chapter 97 of the Laws of Zambia) 1966	23
2.4.1 Global Perspective	24
2.4.2 The African Perspective.....	27
2.4.3 The Zambian Perspective.....	29
2.5 Summary of Literature Review	33
CHAPTER THREE: METHODOLOGY	34
3.0 Overview.....	34
3.1 Research Design.....	34
3.2 Target population.....	34
3.3 Sampling Design.....	34
3.4 Sample Size.....	35
3.5 Sampling procedure	35
3.6 Methods and Tools of Data Collection	36
3.6.1 Primary Data	36
3.6.2 Secondary Data	36
3.7 Data Analysis	36
3.8 Data Validation and Trustworthiness.....	37
3.9 Ethical Considerations	38
3.10 Summary of Methodology	39
CHAPTER FOUR: PRESENTATION OF FINDINGS	40
4.0 Overview.....	40
4.2 Findings on provision of food for children living in prison with their mothers.....	43
4.3 Findings on access to early childhood education for circumstantial children.....	46
4.4 Findings on access to separate accommodation from other female inmates.....	48
4.5 Findings on Challenges in the Implementation of Laws Concerning Children.....	51
4.5.1 Challenges Regarding Laws	51
4.5.2 Challenges in the Implementation of Policies Regarding Education.....	52
4.5.3 Challenges in the Implementation of Policies Regarding Accommodation	53
CHAPTER FIVE: DISCUSSION OF FINDINGS	55
5.0 Overview.....	55
5.1 Lack of Provision of Food for Circumstantial Children	55

5.2 Unequal Access to Early Childhood Education for Circumstantial Children	57
5.4 Challenges in the Implementation of Laws Concerning Children	60
5.4.1 Contradictions in Laws	60
5.4.2 Lack of Funding for Education	61
5.4.3 Lack of Funding and Space for Accommodation for Children.....	61
5.5 Summary of Discussion of Findings.....	61
CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS.....	62
6.0 Overview.....	62
6.1 Conclusion	62
6.2 Recommendations.....	65
6.3 Suggestion for Further Research.....	65
REFERENCES	67
Appendix 1: Interview Guide for Zambia Prisons Service and Social Welfare Department.....	71
Appendix 2: Respondent Consent Form	72
Appendix 3: Letter of Permission into Prison	74
Appendix 4: Ethical Clearance	75

LIST OF TABLES AND FIGURES

Figure 1.9.1: Conceptual Framework.....	10
Figure 4.1.1: Social Demographics	41
Table 4.1.2: Children Found in the Kabwe Female Prison	41
Table 4.1.3: Children Found in the Lusaka Central Prison	42
Figure 4.2.1: Types of Food Given in Prison	43
Figure 4.4.1: Accommodation in both the Kabwe Female and Lusaka Central Prisons...	50

ABSTRACT

This study was an investigation of the welfare of children living in prison with their incarcerated mothers in selected prisons of Zambia. The study was conducted because the Zambia Prisons Act of 1966 allows a female inmate with a child below the age of four (4) years to live in prison if there are no family members willing to take care of the child. There seems to be very little known about the conditions under which these children live in prison, hence, the need to conduct this study. The study was conducted in the Kabwe Female Prison and Lusaka Central Prison respectively. The study investigated whether children's right to food, education and accommodation are respected in the named prisons above. Furthermore, the study also inquired on the challenges faced by the prison and social welfare authorities in the implementation of policy and laws concerning children living in prison with their incarcerated mothers.

This was a qualitative study, using a case study design. The data collection methods used were semi-structured interviews, focus group discussions and observations from a sample of twenty five (25) respondents. The sample comprised of 12 incarcerated mothers living with their children in prison, 10 prison wardens, 2 officers in charge and 1 Director of Social welfare Department. The two prisons were sampled using convenience sampling while homogenous purposive sampling was used to sample all the respondents. Data was analysed using thematic approach.

The study established that the children living in prison with their mothers are not given food in prison because the dietary scale of the Zambia Prisons Act of 1966 does not include children. Thus, prison authorities only give food to the mother and not the child. Children therefore, depend on the food portions given to their mother which are undoubtedly too small for both the mother and child to be satisfied. The kinds of food which children are able to access through their mothers include beans, kapenta, samp, nshima and rice. Children also depend on food donated by well-wishers. Concerning access to early childhood education the study established that children living in the Lusaka Central Prison have access to early childhood education while those living in The Kabwe Female Prison do not.

Furthermore, the study also established that no special separate accommodation was given to incarcerated mothers living with children in both prisons due to shortage of accommodation. Finally, the study established that the prison and social welfare authorities had challenges in

implementing laws and policies concerning children due to contradictions that exist in the laws and also lack of funding from the government.

The study concluded that there is gross violation of children's right to food, education and accommodation. Therefore, the Zambia Correctional Service, Social welfare department and non-governmental organisations need to arise to the occasion and improve the welfare of circumstantial children.

The study recommends that the Zambia Prisons Act of 1966 must be revised to cater for children's needs of food, early childhood education and accommodation. The study also recommends that the prison and social welfare authorities should work together to create alternatives for children not to enter the prison but place them in orphanages or foster care because the prison is not a good place to raise children.

The study suggests that further research could be conducted on the welfare of children living with incarcerated mothers in all prisons of Zambia. This is because this study was only confined to two prisons in Zambia. Another study could be conducted to investigate the impact of incarcerating a mother on a child who remains outside prison.

CHAPTER ONE

INTRODUCTION

1.0 Overview

This chapter gives a background to this study so that there is a clear understanding of what the study is all about and where the problem under investigation is emanating from. Thereafter, the chapter proceeds by giving the statement of the problem, research objectives and questions, purpose of the study, significance of the study, delimitation of the study, limitations and challenges, theoretical framework and lastly the conceptual framework.

1.1 Background

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948, proclaims that motherhood and childhood are entitled to special care and assistance and proclaims the right of everyone to a standard of living adequate for their health and wellbeing (UN, 1948 article 25). It also states that all human beings are born free, recognizing the right to life, liberty and security of persons, as well as the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. These basic human rights are recognized in other legally binding international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) among others and many countries including Zambia have signed and pledged to follow these human rights conventions.

In spite of many nations signing the international human rights conventions, studies by many scholars such as Javeed (2014) have shown that the general conditions in the prisons around the world are in a deplorable state in terms of basic services such as clean drinking water, health, hygiene, sanitation and food. Furthermore, overcrowding inevitably worsens the already unhygienic conditions because many of the prisons do not have proper sanitation and sewerage systems. Therefore, the spread of communicable diseases such as cholera, dysentery and typhoid is quite rampant (Robertson, 2008).

All over the world, most women in prison are mothers (Bastick and Townhead, 2008). When a mother is imprisoned, her baby or young children may go into prison with her or be separated from her and left on the 'outside'. Both situations can put children at risk as Chirwa

(2001: 18) noted in his report of the Special Rapporteur on Prisons and Conditions of Detention in Africa that “Prisons are not a safe place for pregnant women, babies and young children and it is not advisable to separate babies and young children from their mother.” Therefore, this means that there are no simple solutions to this problem but the complexity of the situation cannot be an excuse for nations failing to protect the rights of children who have a parent in prison or those who are living in prison with their mothers.

Moreover, for small and dependent children, the deprivation of liberty of their main caregiver (mother) has adverse effects on their lives and on the enjoyment of their basic human rights. Alejos (2005:1) is in agreement with this, as she argues that “children living with their mothers in prison may be directly and most likely be negatively affected in their survival, health, development and their psychological and emotional well-being.” When these children who have committed no crime are allowed to stay in prison with their mothers, it raises complex issues about the facilities available for such children inside prison to ensure their appropriate development (Javeed, 2014). Even where special mother and baby units are provided, these are often very limited in number and so may not be available in practice. Furthermore, there are questions about what age children should be kept in prison with their mothers. State practice in this area varies considerably from a few months to 6 years worldwide, and has to include difficult issues pertaining to the mother’s capacity and suitability, the length of her sentence, and the nature of her crime, in addition to the needs of the child (Taylor, 2004). Therefore, it is important that before any prison allows a child to live in prison, they need to make sure that they have the capacity to keep these children well catered for.

In many parts of the world the rights of children of incarcerated parents remain largely unacknowledged within criminal justice systems and their best interest and needs unmet. Children fall through the cracks created by inadequate social welfare provision, lack of clarity in law and policy as to how to respond to them, and inadequate protection for children living in prisons (Alejos, 2005). Unfortunately, these children who live in prison with their mothers also commonly referred to as circumstantial children, neither choose the environment in which they grow nor do they have the freedom to socialize so that they acquire life skills, which is the right of every child. In spite of the bad conditions in many prisons around the world, most criminal justice systems agree that in some situations it can be in the best interest of the child to live in prison with his or her mother and while there, the child should not be subject to the same treatment and restrictions as convicted persons (Towhead, 2006). The

environment for the children's upbringing inside prison is to be "as close as possible to that of a child outside prison." (Javeed 2014: 40). This is very important so that the children's physical, emotional, social and intellectual development is not damaged by living in prison.

Children living in prison with their mothers often have special needs. For instance, they need to be housed in specially created Mother and Child Units (MCUs), separate from the general prison population. This is important because children and their mothers need to have a conducive environment in which they can bond (Javeed, 2014). Moreover, children need to be separated from other female inmates because they may easily learn bad behaviour such as insulting and fighting which are common in prison. Another reason why mothers with children must be given separate accommodation from other inmates is that communicable diseases which are often common in many prisons such as tuberculosis, cholera and typhoid may easily spread to children. Alejos (2005) is of the view that these special MCUs should have all the facilities that a nursing mother would normally have in the community, and should provide the children with a stimulating and safe environment to live in. In addition, mothers should also have access to facilities to prepare food for their children which is appropriate for their nutritional needs. Additionally, children in prison must be given appropriate medical treatment and immunisation, and have access to specialist child health services, comparable to a child outside prison (Robertson, 2008). Children living in prison with their incarcerated mothers also need to have access to early childhood education which is important to stimulate their cognitive development.

However, in many prisons around the world these special facilities for children are often not provided owing to inadequate funding of many prisons. It is therefore, imperative that governments worldwide pay particular attention to promoting the development of children living in prison, given their obvious vulnerability. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) opines that "The goal should be to produce a child-centred environment, free from the visible trappings of incarceration." Arrangements should also be made to ensure that the movement and cognitive skills of babies held in prison develop normally (Bastick and Towhead, 2008). In particular, they should have adequate play and exercise facilities within the prison and, wherever possible, have the opportunity to leave the establishment and experience ordinary life outside its walls.

It is for this reason that in the recent past, efforts have escalated at the international, regional and national level to create policies specifically geared towards addressing the situation of the children residing with their incarcerated mothers in prison (The law library congress, 2014). Some measures seek to ameliorate the treatment of pregnant women, nursing mothers, and mothers with children; others seek to encourage the provision of better conditions, such as nurseries and kindergartens and specially trained staff, for the children; still others try to promote better hygiene and a better environment in general. Whichever direction a country chooses to take, the most important and urgent thing to do is for governments to domesticate the international policies into their national laws and implement them so that the plight of the vulnerable children residing in prison with their incarcerated mothers can be addressed.

Looking at the Zambian situation, the Zambia Prisons Act of 1966 article (56) permits an infant child under the age of four of a woman prisoner to live with the mother inside prison (Zambia Prisons Act, 1966). Once the child reaches four years old, the Zambia Correctional Service (ZCS) is required to place the child with relatives or family friends able and willing to provide support. In the event that there are no relatives or family friends to take care of the child/children, the ZCS is required to hand the child over to the Department of Social Welfare who will in turn find a suitable home for the child or Children.

It is an undeniable fact that children have special requirements or needs in each developmental stage of their lives and the fulfilment of these needs is crucial for the formulation of good values, attitudes and behaviour as productive adults (Javeed, 2014). The researcher did not find any clearly documented study that investigated the welfare of children living with incarcerated mothers in Zambian prisons. It seems there is very little known whether children residing in prison with their incarcerated mothers in Zambia have their special requirements needed for their development being met. Children need special food which meets their dietary needs to be provided. They need to eat a balanced diet which includes carbohydrates, protein and vitamins. Children also need to access early childhood education while living in prison. Special accommodation such as MCUs is also another need that children have. Therefore, this study was conducted to find out whether the children's needs shown above are being met in Lusaka Central (commonly known as *chimbwakaila*) and Kabwe Female Prisons of Zambia.

1.2 Statement of the Problem

Literature by Javeed (2014) shows that many prisons around the world are in a deplorable state. Therefore, the innocent children who are allowed to live in prison with their mothers also suffer from the same harsh prisons conditions in which their convicted mothers live in. Hence, the children are punished for crimes they never committed. Living in these bad conditions in prison may negatively affect children's survival, health, development, psychological and emotional wellbeing (Alejos, 2005). It is for this reason that international human rights instruments such as the United Nation Convention on the Rights of the Child (UNCRC, 1989) encourages its member states of which Zambia is part, to consider the best interest of the child when making decisions that concern children and ensure that children's needs are met at all times.

There is a very limited body of knowledge which has examined the welfare of children living in prison with incarcerated mothers worldwide and Zambia is not an exception. Moreover, it appears very little is known about whether the children living in Zambian prisons with their incarcerated mothers are enjoying special considerations stipulated in the UNCRC of 1989. Some of these special considerations include eating enough food in accordance to their dietary needs, having access to early childhood education and accessing special accommodation separate from other prisoners among others. It is an undeniable fact that when children's right to education is denied, then they may lose chances of becoming useful citizens who may contribute positively to national development in future. It is also important for children to be given food that meets their dietary needs because failure to do so may lead to malnutrition which triggers other diseases kwashiorkor and death in some cases. Moreover, children living in prison with incarcerated mothers also need special mother and child units (MCUs) among other things such as good recreational facilities and good sanitation. Children living in prison may easily get exposed to bad vices such as fighting, insulting and may easily contract communicable diseases like cholera and Tuberculosis which are common in prison (Javeed, 2014).

Since, there seems to be very little known about the welfare of children living in prison with their incarcerated mothers in selected prisons of Zambia, this may lead to children suffering, without any hope of their needs being met. In turn, the children's physical, emotional, social and intellectual development may be damaged by living in prison .Therefore, it was imperative to conduct this study to fill the information gap mentioned above.

1.3 Research Objectives

1.3.1 Main Objective

To ascertain the welfare of children living with incarcerated mothers in selected prisons of Zambia.

1.3.2 Specific Objective

- (i) To ascertain whether the kind of food given to children living in prison with their incarcerated mothers is in accordance to their dietary needs
- (ii) To assess whether children living in prison with their incarcerated mothers have their right to early childhood education respected and fulfilled
- (iii) To establish whether incarcerated mothers living with their children in prison are given separate accommodation from other inmates which is conducive to raise children
- (iv) To identify the challenges faced by the prison and social welfare authorities in the implementation of policies and laws concerning children living in prison with their incarcerated mothers

1.3.3 General Research Questions

What is the welfare of children living with incarcerated mothers in selected prisons of Zambia?

1.3.4 Specific Research Questions

- (i) What kind of food are children living in prison with their mothers given?
- (ii) Do the children living in prison with their incarcerated mothers have access to early childhood education?
- (iii) What kind of accommodation is given to mothers living with their children in prison?

- (iv) What are the challenges faced by the prison and social welfare authorities in the implementation of policy and laws concerning children living in prison with their incarcerated mothers?

1.4 Purpose of the Study

The purpose of this study was to investigate the welfare of children living with incarcerated mothers in selected prisons of Zambia in relation to access to food, education, accommodation and establish the challenges faced by the prison and social welfare authorities in the implementation of laws and policies concerning circumstantial children. Children have the right to food, education and accommodation, therefore, this study sought to find out if these rights are respected. Unlike other studies which focus on the impact of incarcerating a mother on the children living outside prison, this study focused on finding out the welfare of children living inside prison with their incarcerated mothers.

1.5 Significance of the Study

The findings of this study may be useful to Civic Education researchers as well as researchers from the school of law as it may provide them with valuable information concerning the rights of children, specifically those residing in prison with their incarcerated mothers. It may also equip them with information about the welfare of children living in prison with their mothers which prior to this study remains unknown. This study may be a voice for the voiceless and vulnerable children living in prison with their incarcerated mothers. Furthermore, the findings of this study may add to the body of knowledge on the rights of children living in prison with their mothers and the conditions in which they are living in prison. This study may also be useful to policy makers as it will provide information on the welfare of children living with incarcerated mothers in selected prisons of Zambia. The information provided in this study may in turn lead to the formulation of new and progressive policies concerning circumstantial children.

1.6 Delimitation of the Study

This study was conducted in the Lusaka Central Prison which is also commonly known as *Chimbwakaila* and the Kabwe Female Prisons of Zambia. This is because these two prisons were easily accessible to the researcher. The respondents in this study involved the female prisoners who have children living with them in prison, the prison wardens, officers in charge

of the two prisons and the director of social welfare department. These respondents were chosen because they are directly involved in the welfare of children living in prison with incarcerated mothers. Another delimitation to this study is that the welfare of children living in prison with their incarcerated mothers encompasses many aspects such as recreation, sanitation and health among others. However, this study only focused on four key areas which are access to food, education, accommodation and the challenges faced by the prison and social welfare authorities in the implementation of policies and laws concerning children living in prison with their incarcerated mothers. The researcher focused on the four aspects of the welfare of children because these were her areas of interest.

1.7 Limitations and Challenges

The study was confined to two prisons in Zambia namely Lusaka Central and Kabwe female Prisons hence, the findings are not representative of all prisons in the country. Moreover, the study focused on only four aspects of the welfare of children living with incarcerated mothers among other issues. Hence it does not give a full picture of the welfare of children living with incarcerated mothers in prison.

1.8 Theoretical Framework

Swanson (2013) asserts that theories are formulated to explain, predict and understand phenomena and in many cases to challenge and extend existing knowledge within the limits of critical binding assumptions. Therefore, theoretical framework is the structure that can hold or support a theory of a research study. The theoretical framework introduces and describes the theory that explains why the research problem under study exists (ibid). This study used Piaget's theory of cognitive development and Bowlby's Attachment theory.

1.8.1 Piaget's Theory of Cognitive Development

Piaget's theory of cognitive development is a comprehensive theory about the nature and development of human intelligence. Piaget believes that one's childhood plays a vital and active role in a person's development (Piaget, 1936). To Piaget, cognitive development is a progressive reorganization of mental processes resulting from biological maturation and environmental experience. He believes that children construct an understanding of the world around them, experience discrepancies between what they already know and what they discover in their environment, and then adjust their ideas accordingly (ibid).

This theory is important to this study because it shows that a child's cognitive development is greatly influenced by the environment in which the child lives in. Thus, the children living in prison with their incarcerated mothers need to be raised in a stimulating environment that can encourage their cognitive development. Access to early childhood education can be that stimulating environment for the children living in prison to enhance their cognitive development. Hence, this shows that establishing pre-schools inside prison where children can learn and play with other children is of great importance for their cognitive developments. Piaget argues that one's childhood plays a vital and active role in a person's development therefore, this theory is very important to this study because children living in prison with their incarcerated mothers need special food, access to early childhood education and special accommodation which is vital for them to develop normally while in prison.

1.8.2 Bowlby's Attachment Theory

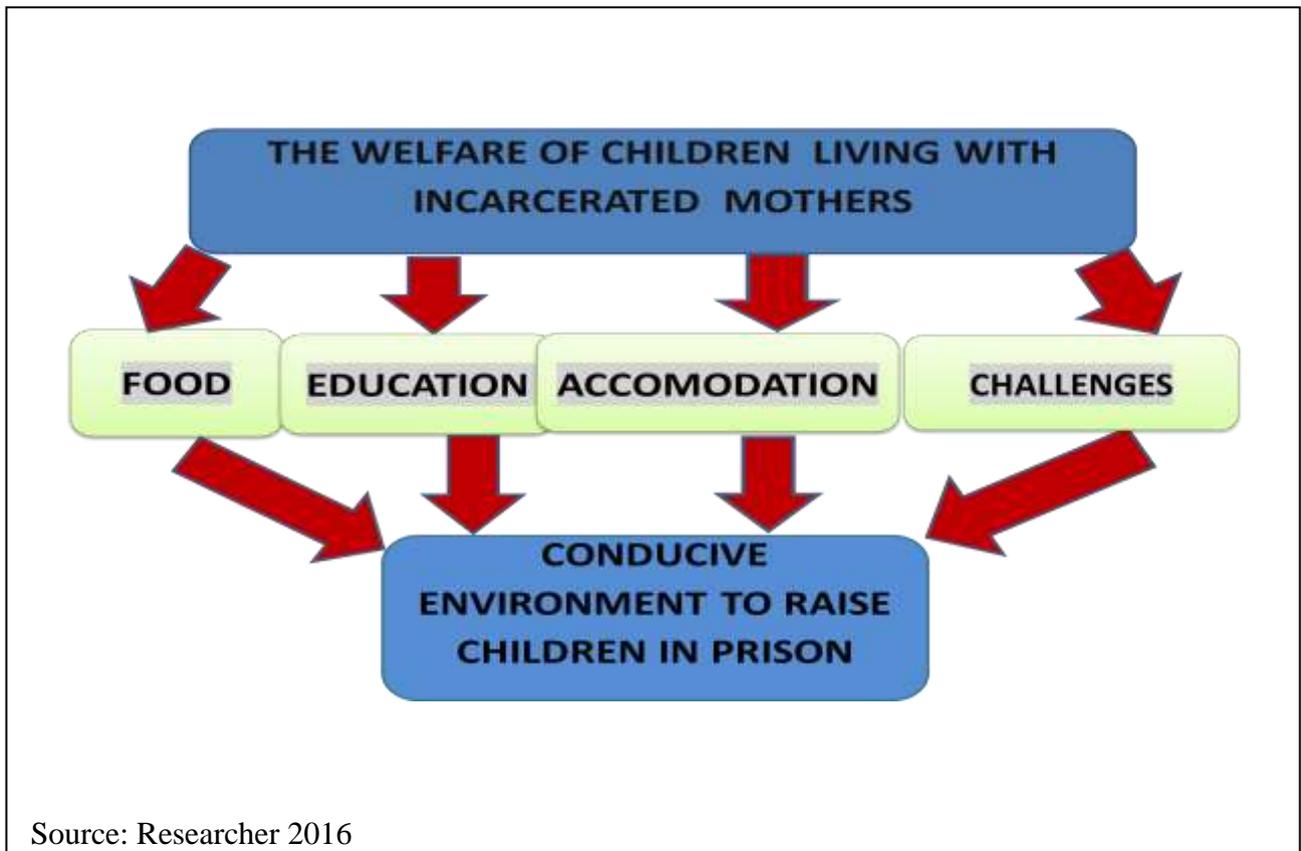
According to Bowlby (1969) mother-child bonding is very important in the early stages of life for the infant child to develop properly. Bowlby further argued that children experience intense distress when separated from their mothers and the central aspects of human behaviour are created in infancy through early primary care giving relationships." Thus, the experience children have as infants will colour their behaviour as adults.

This theory is important to this study because one of the aspects of this study was to investigate if the prisons have special mother and child units where incarcerated mothers with children are separated from other female inmates in order for them to bond. Bowlby's theory is connected to this study because it supports having separate accommodation for the mothers living with their children in prison in order for them to bond.

1.9 Conceptual Framework

According to Miles and Huberman (1994:18) a conceptual framework may be defined as "a visual or written product that explains either graphically or in narrative form, the main things to be studied, the key factors, concepts or variables and the presumed relationships among them." Furthermore, Orodho (2009) opines that a conceptual framework is defined as a model of presentation where a researcher represents the relationship between variables in the study and shows the relationship diagrammatically. In other words, a conceptual framework shows the way ideas are organized to achieve a research purpose. Below is a diagram illustrating a conceptual framework for this study.

Figure 1.9.1. Conceptual Framework



The diagram above shows the welfare of children living in prison with their incarcerated mothers with special focus on four aspects and that is food, early childhood education, special accommodation and the challenges faced in the implementation of laws and policies concerning circumstantial children. The provision of these services such as food that meets the dietary needs of children, access to early childhood education and separate accommodation for incarcerated mothers living with children in prison leads to achieving a conducive environment for children to live in prison which is as close as possible to that of a home.

1.10 Operational Definitions of Key Terms

This section explains the meanings of the main concepts and terms used in this study namely children, incarcerated, welfare, prison and circumstantial children.

Children: Anyone below the age of 18 years (UNCRC, 1989)

Incarcerated: to be imprisoned or confined

Welfare: The conditions under which children live in prison in terms of the food they eat, access to education and accommodation.

Prison: A place for the confinement and punishment of persons convicted of crimes.

Circumstantial children: children who have not committed any crime but living in prison with their incarcerated mothers because there is no one to take care of them outside prison (ZLHR, 2013).

1.11 Summary of Chapter One

This chapter introduced the study on the welfare of children living with their incarcerated mothers in selected prisons of Zambia. The chapter also presented the background to the problem, the problem statement, research objectives and questions, purpose of the study, significance of the study, the theoretical perspectives applied to the study and lastly, the conceptual framework. The next chapter provides a review of literature relevant to this study.

CHAPTER TWO

LITERATURE REVIEW

2.0 Overview

The previous chapter presented the background to the study, statement of the problem, research objectives and questions, purpose of the study, significance of the study and the conceptual as well as theoretical framework. This chapter will review literature relevant to this study.

According to Galvan (2006) literature review goes beyond summarizing materials written by other scholars. He argues that literature review focuses on a specific topic of interest and includes a critical analysis of the relationship among different works and relating them to your work. Therefore, this chapter provides literature on the international and regional human rights instruments as well as the domestic legislations and policies that deal with the rights of children living in prison with their incarcerated mothers. Thereafter, a few studies from different parts of the world concerning children living in prison with their mothers are reviewed. These studies will be grouped in three categories namely global perspective, African perspective and lastly the Zambian perspective. A review of these studies and human rights instruments helps to give an insight of practical information that would answer the research questions and provide the kind of information that other stakeholders may use.

2.1 International Human Rights Instruments for Circumstantial Children

2.1.1 International Covenant on Civil and Political Rights (ICCPR)

The ICCPR is a multilateral treaty which was adopted by the United Nations General Assembly on 16th December 1966, and came into force on 23rd March 1976 (United Nations, 2012). The ICCPR is part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR). The ICCPR commits its state parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial among others. As of April 2014, the Covenant had 74 signatories and 168 parties

including Zambia. Zambia ratified the ICCPR on 18th April, 1984 and it came into force on 10th July, 1984.

The ICCPR clearly stipulates and reaffirms that persons deprived of their liberty retain their fundamental rights, except for those limitations directly linked to the fact of the deprivation of liberty (Alejos, 2005). The ICCPR (1966) stresses that States have an obligation towards persons who are particularly vulnerable because of their status as persons deprived of their liberty, by noting that “persons deprived of their liberty ... should not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty. Respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons.”

Regarding the special provisions for imprisoned pregnant women and imprisoned mothers, the ICCPR (1966) states that “Pregnant women who are deprived of their liberty should receive humane treatment and respect at all times, and in particular during the birth and while caring for their new born children; States parties should report on facilities to ensure this and on medical and healthcare for such mothers and their babies.”

The right of children to special measures of protection due to their vulnerable status as children is also recognized in article 24 of the ICCPR. The ICCPR stipulates that States should assess and determine the measures to be adopted to ensure that children can fully enjoy the rights contained in the Covenant without discrimination. It has also emphasized the main role and responsibility of the family, society and the State to guarantee the necessary protection of children, as well as the role of the State to ensure special protection of children who are deprived of their family environment (ICCPR 1966).

In spite of the fact that the strength of the ICCPR lies in it being a legally binding treaty meaning once a nation ratifies it, it is bound by law to follow it, the researcher noted some shortcomings. For instance, The ICCPR does not directly address the civil and political rights of children let alone those living in prison with incarcerated mothers. It fails to address issues that children living in prison with their mothers constantly face such as lack of a proper diet, lack of education, lack of special mother and child units, poor sanitation etc. It is for this reason that the researcher highly recommends that this important covenant be revised to directly address the needs of children.

2.1.2 United Nation Convention on the Rights of the Child (UNCRC) 1989.

The UNCRC is a legally-binding international human rights agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities. The UNCRC consists of 54 articles that set out children's rights and it stipulates how governments should work together to make these rights available to all children. Since it was adopted by the United Nations in November 1989, 194 countries have signed up to the UNCRC, with only two countries in the world still to ratify. All countries that sign up to the UNCRC are bound by international law to ensure it is implemented. This is monitored by the Committee on the Rights of the Child. Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential. Zambia ratified the UNCRC in 1991 and how this may have influenced practice on the ground is an issue under investigation in this study.

The UNCRC does not contain specific provisions regarding children living in prison with their mothers but it contains provisions that are directly relevant to the protection, assistance and care of children in special situations therefore, these provisions are applicable to children living in prisons with their mothers (Alejos, 2005). However, protection frameworks for children are frequently challenged by reality, and this is the case of children living in prison with an incarcerated mother in many countries. This is why this study sought to investigate the welfare of children living with incarcerated mothers in selected prisons of Zambia so that there is a clear understanding of the conditions in which children live in.

Article 5 of the UNCRC recognizes the role and responsibilities, rights and duties of parents, the extended family, and the community as provided for by local custom, to provide appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention. Article 18 stipulates that States "shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child" and that "the best interests of the child will be their basic concern". These provisions are relevant to the situation of children residing in prisons with their incarcerated mothers since often children reside in prisons because they do not have anyone else to take care of them outside the prison. Frequently for children in these circumstances, their primary and often only caregiver has and continues to be the imprisoned mother who, given the deprivation of liberty, is not able to fully ensure the exercise by the child of his/her rights unless the necessary support is provided by the state, specifically the prison authorities.

This is the reason why this study investigates the welfare of children living with incarcerated mothers in selected prisons of Zambia. This study establishes whether the children who live in prison with their incarcerated mothers have access to food that meets their dietary needs, access to mother and child units as well as access to early childhood education. Furthermore, the challenges faced by the prison and social welfare department in the implementation of policies concerning circumstantial children are also under investigation in this study.

It is therefore, important to highlight the obligation of States towards children living in prisons. State Parties to the UNCRC like Zambia, have assumed obligations under international law to take action to ensure the realization of all rights in the UNCRC for all children within their jurisdiction, independently of the child's or parent's legal guardian's status, as stipulated in article 2(1) that reads: "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race ... or other status." Therefore this study investigates how far the Zambian government has gone as far as respecting and fulfilment of circumstantial children's rights are concerned.

Article 3(1) of the UNCRC refers to the principle of the best interests of the child in all actions undertaken concerning children. Due to the principle above, the UNCRC Committee which is charged with the responsibility of ensuring that the provisions in the UNCRC are followed has stressed that every legislative, administrative and judicial body or institution is required to apply the principle of the best interests of the child by systematically considering how children's rights and interests are or will be affected by their decisions and actions. The Convention stipulates in article 3(2) that "States parties shall undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents."

A child whose primary caregiver is deprived of his/her liberty has his/her life, protection and environment directly affected. Therefore, the exercise and fulfilment of the fundamental rights of such children are certainly challenged. The exercise of the parental responsibilities or primary care-givers deprived of their liberty is certainly not easy either. However, the fact that a child is accompanying a parent in prison cannot be a justification or an excuse for a state not to assume its obligations towards these children and their imprisoned parent. The obligation of states towards these children becomes in fact more relevant, as these children are more vulnerable and in need of special protection and assistance (Taylor, 2004). This

study therefore investigated the welfare of children living with incarcerated mothers in selected prisons of Zambia.

Taylor (2004) further argues that children living in prison with incarcerated parents often see the exercise and fulfilment of all their basic rights affected. Their right to survival and development (article 6), their right not to be separated from their parents against their will, unless such separation is necessary for the best interests of the child(article 9), their right to be protected from all forms of violence (article 19), their right to special protection and assistance by the State when temporarily or permanently deprived of their family environment (article 20), their right to enjoy the highest attainable standard of health, the right to access health care services and the right to appropriate pre-natal and post-natal health care for mothers (article 24), their right to benefit from social security(article 26), their right to a standard of living adequate for their physical, mental, spiritual, moral and social development and the right to conditions of living necessary for their development (article 27), their right to education (article 28), their right to engage in play and recreational activities appropriate to their age (article 31), and their right to be treated with humanity and respect if deprived of liberty (article 37).

2.1.3 The United Nation Standard Minimum Rules for the Treatment of Prisoners

The SMRs were first adopted in 1957 at the United Nations general assembly, and in 2015 were revised and adopted as the Nelson Mandela Rules in honour of the former South African political prisoner and later president, Nelson Mandela. The revision process was initiated in 2010 when it was recognised that while the rules were a key standard for the treatment of prisoners globally and were widely used, there had been major developments in human rights and criminal justice systems since 1957 hence the need to revise them. The SMRs are often regarded by states as the primary source of standards relating to treatment in detention, and are the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners. The SMRs are a very important international human rights instrument to this study in that it helps to establish whether the welfare of children living in prison with incarcerated mothers in selected prisons of Zambia is in line with the provisions therein. The following are some of the rules contained in the SMR that relate to children living in prison with their incarcerated mothers.

Rule 28

In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment....

Rule 29

1. A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for:

- a) Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;
- b) Child-specific health-care services, including health screenings upon admission and on-going monitoring of their development by specialists.

2. Children in prison with a parent shall never be treated as prisoners.

With regard to provisions contained in the SMR, it is interesting to note the statement made in the preliminary observations of the SMR: "the rules ... set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions" It is stressed that these rules reflect what is generally accepted as being good principle and practice in the treatment of prisoners. But the reality in many prisons around the world is unfortunately far from reflecting these principles and practices.

Some of the shortcomings of the SMRs noted are that they do not refer to the responsibility of the state to ensure the child's special protection and provide care and assistance as is necessary for his/her wellbeing (UNCRC articles 3(2); 2(1); 20(1)). The SMRs also failed to refer to the States' obligation to assist the imprisoned parent in his/her child-rearing. All these issues raised show weaknesses in the SMR hence the researcher recommends that the SMRs must be further revised in order to close up the gaps noted.

Despite some provisions for special care and accommodation for women and girls, including pregnant women and mothers of small children, being provided for in the SMRs, it is important to highlight that there are many gaps in the rules when it comes to addressing their special needs. For instance, other than the basic pre- and post-natal medical services for pregnant women, the SMRs fail to set specific standards and make more specific

recommendations with regard to the special needs of pregnant women, mothers with children and the children, in particular regarding adequate accommodation (special mother and child units), sufficient food and safe drinking water. Some other needs neglected by the SMRs are the treatment and safety of children; health and specialized medical care and assistance for pregnant mothers and unborn children and small children; special hygiene and sanitation needs; provision of essential materials for pregnant women and for small children; preservation of family links by imprisoned mothers but also by the children; educational and recreational programmes for the enjoyment of their basic human rights and freedoms.

2.1.4 The United Nations Rules for the Treatment of Women Prisoners

The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders also commonly referred to as the ‘the Bangkok Rules’ were adopted by the UN general assembly in December 2010 to fill up a long-standing lack of standards providing for the specific characteristics and needs of women offenders and prisoners. The 70 Bangkok Rules give guidance to policy makers, legislators, sentencing authorities and prison staff to reduce the imprisonment of women, and to meet the specific needs of women in case of imprisonment. This is why the Bangkok rules are important to this study as they are one of the critical measures which this study uses to investigate the welfare of children living in prison with incarcerated mothers in selected prisons of Zambia. In the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders the following rules deal with children living with incarcerated mothers in prison:

Rule 33

3. Where children are allowed to stay with their mothers in prison, awareness raising on child development and basic training on the healthcare of children, shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

Rule 48

1. Pregnant and breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by qualified health practitioners. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.

Rule 49

Decisions to allow children to stay with their mothers in prison shall be based on the best interest of the children.

Rule 50

Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51

1. Children living with their mothers in prison shall be provided with on-going health care services and their development shall be monitored by specialist in collaboration with community health services.

2. The environment provided for such children shall be as close as possible to that of a child outside prison.

A critical analysis of the Bangkok rules shows that it has shortcomings in that it fails to cater for children's need for early childhood education while living in prison. How is the child's environment supposed to be as close as possible to that of a child outside prison as article 51(2) stipulates if the need for education is not met? Children living in prison with their incarcerated mothers also need to enjoy their right to education just like those outside prison and this is one important issue under investigation in this study.

Moreover, other than the Bangkok rules stipulating in rule 50 that women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children, the Bangkok rules are silent on the need of having special mother-child units where mothers with children can live separate from other female inmates. Mother-child units are vital for bonding between the mother and the child. This is in line with Bowlby's attachment theory used in this study (see page 9) which argues that mother and child bonding in the early years of life is vital for the child to develop properly (Bowlby, 1969). Additionally, incarcerated mothers living with their children in prison need to be separated from other female inmates because the overcrowding that is common in many

prisons around the world may lead to easy spreading of communicable diseases such as cholera and Tuberculosis hence, children need to be protected. How protected the children living with incarcerated mothers in selected prisons of Zambia is what this study wanted to establish.

Rule 64

Women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.'

Article3(1) which states that 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.'(UNCRC, 1989). The Committee on the Rights of the Child has made it clear that this includes when sentencing or considering pre-trial measures for a parent or primary caregiver, including cases involving capital punishment. This study therefore, wanted to establish whether the best interest of the child is considered in the welfare of children living with incarcerated mothers in selected prisons of Zambia.

These provisions and recommendations reflect the general understanding that prisons are not a healthy and appropriate environment for pregnant women, babies and children, and that separating babies and children from their mothers should be avoided, unless such separation is in the child's best interests. In order to reconcile these understandings with the requirements of justice and public safety leads to the conclusion of giving priority to non-custodial measures. The Commentary to the Bangkok Rules echoes this by stating that, 'By keeping women out of prison, where imprisonment is not necessary or justified, their children may be saved from enduring adverse effects of their mothers' imprisonment, including their possible institutionalization and own future incarceration (Bangkok rules, 2010). Since the Zambia prisons Act article 56 justifies children to live in prison with their mothers, this study wanted to establish how these children live in prison in terms of access to food, education and accommodation.

2.2 African Human Rights Instruments for Circumstantial Children.

In Africa, the member states of the African Union (AU) have established regional human rights protection system and adopted key regional human rights instruments. Africa has two key regional human rights instruments and these are the African Charter on Human and Peoples' Rights (ACHPR) and The African Charter on the Rights and Welfare of the Child (ACRWC). However, this study concentrated only on The African Charter on the Rights and Welfare of the Child because it deals with the welfare of children living in prison with their mothers.

2.2.1 The African Charter on the Rights and Welfare of the Child (ACRWC)

Africa is the only continent with a region-specific child rights instrument which is the African Charter on the Right and Welfare of the Child (ACRWC). The ACRWC was adopted by the Organisation of African Unity (OAU) in 1990 (in 2001, the OAU legally became the African Union or AU) and was entered into force in 1999. The ACRWC is also known as the Children's Charter and the reason behind its existence is that the member states of the AU believed that the UNCRC missed important socio-cultural and economic realities particular to Africa. It emphasises the need to include African cultural values and experiences when dealing with the rights of the child. It also emphasizes among other things, the paramount aim of incarceration of children as reform, reintegration into family and social rehabilitation (ACRWC, 1999). It makes elaborative provisions on safeguards on the rights of children including prohibition of torture and degrading treatment, separation from adults, provision of prompt legal aid and the welfare of children of imprisoned mothers.

The ACRWC reaffirms adherence of African States to international human rights norms, making particular reference to the Convention on the Rights of the Child. It stipulates that the child occupies a 'unique and privileged position in the African society. It also stipulates that the child should grow up in a family environment with particular care with regard to health, physical, mental, moral, social development and legal protection and stresses that the promotion and protection of the rights and welfare of the child implies duties on everyone.' The ACRWC also recognizes the principle of the best interests of the child to be a primary consideration in all judicial and administrative actions concerning the child, with the child's views to be heard and considered.

Furthermore, the children's charter stipulates that states will support parents or other persons responsible for the care of children in their responsibilities and assist them in case of need of material assistance with regard to nutrition, health, education, clothing and housing; assist them in their child-rearing responsibilities and ensure the development of institutions responsible for providing care for children. Hence this study endeavours to investigate whether Zambia, being a state party to the AU, supports female prisoners living with their children in prison in terms of nutrition, education and special accommodation.

The ACRWC has specific provisions on the issue of children of imprisoned mothers contained in article 30 and it reads as follows;

1. States Parties to the present Charter shall undertake to provide special treatment to expectant mothers and to mothers of infants and young children who have been accused or found guilty of infringing the penal law and shall in particular:

a. Ensure that a non-custodial sentence will always be first considered when sentencing such mothers;

b. Establish and promote measures alternative to institutional confinement for the treatment of such mothers;

c. Establish special alternative institutions for holding such mothers

It is abundantly clear from the foregoing that the ACRWR is concerned about the welfare of children living in prison with their mothers. However, it neglected to cater for children's special needs of access to early childhood education and access to adequate food that meets their dietary needs and these are components under investigation in this study.

2.3 Zambian Legal Framework Concerning Circumstantial Children

2.3.1 The Zambian Constitution (Chapter 1 of the Laws of Zambia) 1996

The constitution is the supreme law of the land therefore any other law that is contrary to it shall be rendered null and void. Zambia has many subsidiary legislations but the constitution is above them all. Part III of the Zambian constitution contains the bill of rights and these are rights and freedoms of all people including children living in prison with their incarcerated mothers. For instance article (13) provides for the protection of persons deprived of their personal liberty and explains circumstances under which personal liberty may be suspended. . Additionally, article (15) guarantees respect for human dignity and protection from inhuman

treatment to all including the accused person. As to whether or not this is followed in the Zambian prisons is an aspect under investigation in this study.

2.3.2 The Zambia Prisons Act (Chapter 97 of the Laws of Zambia) 1966

The Zambia Prisons Act is the law that governs the running of prisons in Zambia. It contains human rights guarantees for detainees along with provisions of the management, treatment and care of inmates in places of detention. The Zambia prisons Act also contains duties of all officers in the Zambia Correctional Service among other things. However, for the purpose of this study, only the human rights guarantees that deal with circumstantial children shall be discussed and these are as follows;

Article 56- Admission of infant child with woman prisoner

Article 56 states that subject to such conditions as may be specified by the Commissioner, the infant child of a woman prisoner may be received into the prison with its mother and may be supplied with clothing and necessaries at the public expense: Provided that, when the child has attained the age of four years, the officer in charge, on being satisfied that there are relatives or friends of the child able and willing to support it, shall cause the child to be handed over to the relatives or friends, or, if he is not satisfied, shall, subject to any other written law, hand the child over to the care of such welfare authority as may be approved for the purpose by the Commissioner.

A critical look at the ZPA's article 56 shows that the government pledges to provide children's needs of clothing and other necessaries. However, it is shocking that the same document does not include children in the dietary scale. Hence, there is urgent need to revise it.

Article 60-Classification, Custody and Removal of Prisoners

(1) Male and female prisoners shall be kept apart and confined in separate prisons or in separate parts of the same prison in such manner as to prevent, as far as is practicable, any form of contact.

(2) Subject to the provisions of sub-section (1), convicted and unconvicted prisoners of each sex shall be divided into the following classes;

(a) Young prisoners;

- (b) Adults;
- (c) First offenders;
- (d) Prisoners with previous convictions;
- (e) Prisoners suspected or certified as being of unsound mind;

Looking at article 60 of the ZPA, one sees how the different classes of inmates must be separated from each other. However, it is cardinal to note that the ZPA is silent on circumstantial children as if they are not present in the prisons. The ZPA fails to categorise mothers living with children in prison as people who need to be separated from other prisoners. This is against the SMR rule 28 which calls for separation of mothers living with children in prison from other female inmates. Moreover, the ZPA is also silent on the provision of early childhood education thus one wonders how is it supposed to provide these necessities at public expense if they are not mentioned in the document.

2.4 Studies on the Welfare of Circumstantial Children

2.4.1 Global Perspective

A survey conducted in Brazil by Melhus (2013) showed that some Brazilian prisons for women have nurseries (special mother and child units) where convicted women can care for their children, including nursing them until they reach at least six months of age. For the purpose of assisting the child whose guardian is in prison, the women's section have a child care facility to house children older than six months and younger than seven years. According to Melhus (2013: 17) "The nursery and the child care facility are equipped with qualified personnel in accordance with the guidelines adopted by educational legislation, and have opening hours that guarantee the best care for the children and their guardian." Melhus further reports that children were given three meals a day and were also offered early childhood education inside most Brazilian prisons.

A critical look at the survey by Melhus shows that it is similar to this study in that it talks about children's access to special accommodation, access to early childhood education and access to food which are components under investigation in my study. However, some differences have been noted as well. For instance, this study goes beyond the three key issues mentioned above by melhus. This study goes further to investigate one component which Melhus did not cover which is identifying the challenges faced by the prison and social

welfare authorities in the implementation of policies and laws concerning circumstantial children. Therefore, this justifies the need to conduct this study on the welfare of children living with incarcerated mothers in selected prisons of Zambia.

Another study conducted by Towhead (2006) in the Netherlands showed that children up to the age of four were accommodated at Ter Peel prison set in 25 acres of wooded land with no high wall and minimal security. Due to this, most of the 102 mothers who used the unit in its first two years were convinced that their children did not realise they were staying in a prison. A great deal of effort has been made to provide the children with a home-like environment (ibid). At Ter Peel, ten rooms were converted to provide a purpose built, self-contained unit suitable for babies and toddlers. Mothers and babies were accommodated in two adjoining rooms, one for the mother, and one for the child. There is also a communal dining room and living area with kitchen and well equipped indoor and outdoor play areas (Towhead, 2006).

The researcher observed that in Towhead's study primary data is missing hence this denies the reader a chance to know or understand the actual views of the mothers about the facilities at Ter peel prison. However, this study on the welfare of children living with incarcerated mothers in selected prisons of Zambia brings out the primary data by showing the actual views of the mothers on the food children eat in prison, access to early childhood education and special accommodation.

Ford (2010) conducted a study to show the importance of having a mother-child unit within United States of America prisons. She found that women involved in the mother and child units had much lower recidivism rates than the general female inmate population. She also argues that these units are beneficial for healthy child development because children separated from their mothers due to maternal incarceration are likely to be school drop outs, criminals and may also develop emotional disorders (Ford, 2010). In 1994, the state of Nebraska in the United States of America implemented the nursery program with the hopes of eliminating or minimizing the negative effects of maternal deprivation and separation. The goals of the nursery program are primarily to provide the opportunity for mother and child bonding from the time of birth to approximately 18 months old. This allows the inmate mother to learn and develop parenting skills, access prenatal and medical services, and allows intervention to help break the cycle of abuse and incarceration (Ford, 2010). The study shows a decrease in misconduct reports of women who changed from the general prison population

to the nursery. The recidivism rate also dropped from 33.3% to 9% which is a clear reduction from being in the general prison population (Ford, 2010).

Looking at the study above, one can deduce that having special mother and child units in prison is important as seen from the benefits of lowering recidivism rates of female inmates who lived in them. In line with the foregoing, one of the components to be investigated in this study is whether mothers are given special accommodation separate from other inmates. The main focus of this study is to investigate the welfare of children living with incarcerated mothers in selected prisons of Zambia.

Another study conducted by Clark (2013) in Preungesheim, a maximum-security women's prison in Frankfurt, Germany, showed that it has one of the best-known programs for incarcerated mothers and their children. Mothers who are on high-security and must stay on prison grounds are able to keep their children until they are 3 years old. They live in a "closed mother-child house" that is a separate enclosed building on the prison grounds. Those mothers who are not a high-security risk live in an "open mother-child house" with their children. An open mother-child house opens to the nearby neighbourhood, instead of opening to the prison - distinctly setting an open mother-child house apart from a closed mother-child house. Children are allowed to play in the nearby playground during the day while their mothers are at work.

If a mother is permitted work release, and has a school-aged child living in Frankfurt, she spends the day at home taking care of her family but sleeps at the prison at night. A work-release mother is allowed to take her children to school and doctor appointments and grocery shop during the day. After she prepares dinner, she tucks her child into bed and departs back to the prison to sleep, leaving her child in the hands of a caretaker (Clark, 2013).

The study above dwells much on the facilities in preungesheim prison. It fails to give a clear picture on issues to do with the food children eat in prison or if they access early childhood education in prison. The researcher also observed that this study neither clearly states the methodology used to collect the data nor does it show which research design was used in this study. This leaves one with many questions than answers. This study made attempts to answer the aforementioned questions.

2.4.2 The African Perspective

A case study by the Zimbabwe Lawyers for Human Rights (ZLHR) on pre-trial detention in Zimbabwe reports that Mlondolozhi, Shurugwi and Chikurubi are the only fully fledged female prisons in Zimbabwe. All the other prisons have a section that has been set aside for women and the conditions are not favourable to female inmates. In particular, pregnant inmates are treated like any other female prisoner, without due recognition of their needs. After giving birth at public health facilities, they are returned to jail with their newly born babies sometimes as young as a day or two old (ZLHR, 2013). Unfortunately, prison facilities are not designed to support the postnatal care of either the mothers or the babies. The ZLHR reports that one respondent said that “The plight of older children incarcerated alongside their mothers is also serious since there are no proper facilities to cater for their early childhood development needs because the ZPS does not have a budget line for such support”. Fortunately, support from charitable organisations was helping to alleviate the problems with lack of food, clothing and other items, such as toys being donated to the children. For example, an organisation called Miracle Missions established an early childhood development facility (Kindergarten) at Chikurubi prison so that the children of incarcerated female inmates could have a place to play instead of being in the cells with their mothers the whole day. (ZLHR, 2013).

The study above is closely related to this study however, this study focuses on the welfare of children living with incarcerated mothers in selected prisons of Zambia while the study above focused on pre-trial detention in three prisons of Zimbabwe. Therefore, it was imperative that this study was conducted so that the welfare of children living with incarcerated mothers in selected prisons of Zambia is investigated.

Furthermore, another study by Matsika et al (2013) showed that in Zimbabwe, as elsewhere across the world, convicted nursing mothers are often incarcerated jointly with their young children. This joint incarceration is justified on the grounds that it ensures social protection of the children who are inadvertently caught up in the incarceration process. However, Matsika et al (2013) further argues that whether joint incarceration of this nature really facilitates the social protection of the child is a matter that has not been adequately interrogated by researchers. This study was conducted at Zimbabwe’s Chikurubi Female Prison. At the time the research was conducted, 15 of the prison inmates were nursing their babies, and all 15 of them agreed to participate in the study. The study utilised the qualitative research design.

The findings of the study revealed that the physical and social environment in the prison settings constituted a major challenge in regard to the realisation of the goal of social protection of such children. This was because the conditions at Chikurubi prisons were bad and food was in short supply. A prison official who declined to be identified lamented that diseases such as kwashiorkor, which affects mainly children and is caused by severe protein malnutrition, and pellagra, a vitamin deficiency disease, were prevalent. One of the "longest serving" child inmates is a four-year-old, born within days of the mother being remanded. The prison officer said she was awaiting trial in the overcrowded prison for murder. The prison tries as much as possible to provide baby food to the children living with their mothers, and some well-wishers have stepped in to supply the food, but it quickly runs out and there is a general shortage. In some cases, the mothers feed on their babies' food because they are also starving, the official said. Matsika et al (2013) reports that one prison official said they had worked at several prisons in the last seven years and the situation was pretty much the same in all jails. Children living with their imprisoned mothers were in a sorry state because they were serving sentences for crimes they never committed.

The study concluded that the deleterious effects of joint incarceration of young children with their mothers far outweighed the benefits as perceived by the state and other proponents of the policy. The paper recommends a reconceptualization of the contemporary structure of prisons and indeed a revisit of the philosophy informing the joint incarceration of young children and their mothers. Zimbabwean jails have not escaped the country's decade-long economic malaise and food is in short supply.

A critical look at this study shows that the researcher did not explain the research design used but merely mentioned that this study was a qualitative one. However, the study is commended for including primary data which gives a clear picture of what the respondents said.

A South African study by Luyt (2008) explains that according to the correctional services Amendment Act of 2008, incarcerated mothers in South Africa may keep their children in prison with them until the child reaches two years of age. The Act also maintains that a special unit should exist where these mothers and children can live. On August 18, 2011, the department of correctional services opened the first model of mother and child units attached to the Pollsmoor prison in Cape Town. The new unit addressed the issues of deprivation for children imprisoned with their mothers and attempt to mitigate the negative effects of prison

life. Luyt (2008) opines that the main goal of the MCUs is to create and maintain child focused and friendly units. The MCUs contains a medical facility, a kitchen so that mothers can prepare baby friendly meals, a nursery and an outdoor play area. The role that these MCUs play is critical to the development of children. Eloff and Moen (2003) are in agreement with this as shown in their study of the Pretoria female prison. They argue that inmates who are allowed to keep their children with them in prison had a much lower recidivism which was 9% compared with the 18% of women who return to prison from outside the mother-child units (Eloff and Moen 2003: 712). These results show that mother – child units within prison are a valid and helpful solution to the issue of inmates with infants. This study focused on the welfare of children living in prison with incarcerated mothers in selected prisons of Zambia and the existence of MCUs is one of the key issues that was being investigated.

2.4.3 The Zambian Perspective

Mumba (2012) conducted a study on the juvenile criminal justice system in Zambia vis a vis the international protection of children's rights. This study examines and analyses the existing laws and ascertains the extent to which Zambian laws are compliant with the international standards set out in UNCRC, Beijing rules and other relevant international legal instruments in terms of the appropriate infrastructural facilities, the best practices and procedures for dealing with children in conflict with the law. The research is premised on the notion that children in conflict with the law are a special group of people with their own special needs and as such they require special treatment (Mumba, 2012). The findings of the study show that laws that govern the administration of the juvenile justice system in Zambia are adequate and in most instances do conform to acceptable international standards. What is lacking is the compliance with the relevant provisions of the Juveniles Act, the UNCRC and the Beijing rules in dealing with the Juvenile offenders. This has resulted in the unfair and ill treatment of the children in conflict with the law. Mumba's study focuses on Juvenile offenders who come in conflict with the law while this study focuses on children who live in prison not because of their offences but those of their mothers. Therefore, this study is important as it will give insight on the welfare of children living with incarcerated mothers in selected prisons of Zambia.

Concerning prison conditions in Zambia, Mumba (2012) reported that the prison population has increased immensely since 1964 and this growth has not been matched by an extension of

the physical structures and capacity of the prison to accommodate the increased numbers. The consequence has been the endemic overcrowding leading to shortage of food, out breaks of infectious diseases, grossly inadequate medical care and routine violence and abuses committed among inmates including sexual immorality such as sodomy. Due to congestion, some inmates are forced to sleep while seated or sleep in shifts. This is why this study investigated the welfare of children who live in prison with incarcerated mothers so that there is a clear understanding of how these children are kept in prison. Since these children are not criminals, but are in prison because of their mothers, one expects that their treatment should be different from their mothers who are offenders. Hence, this study investigates whether these children have access to enough food that also meets their dietary needs, access to early childhood education and access to mothers-child units. Furthermore, this study also investigates the challenges faced by the prison and social welfare authorities in the implementation of laws and policies concerning circumstantial children.

Mumba's study has revealed that although there are adequate local and international laws that govern the juvenile justice system, compliance to these laws has been difficult and this had led to violations of children's rights. Mumba's study is different from this study in that it focuses on juvenile criminal justice system in Zambia vis a vis the international protection of children's rights. This study focuses on the welfare of children living with incarcerated mothers in selected prisons of Zambia. Therefore, this means that though both studies are on the rights of children, their focus is different.

Another study was conducted by Banda (2010) and it is a critical evaluation of juvenile access to justice in Zambia. The study showed that the situation relating to juveniles was very poor in that many children are arrested for petty offences that could have been dealt with outside the criminal justice system. The study also revealed that few children appear with legal representation and little effort is being made to obtain such. Banda further reports that when detained children are not separated from adults and this is against the provisions in the UNCRC, Juvenile Act and Beijing rules. When children are not separated from adults they are exposed to high risk of contracting HIV/AIDS, STIs and TB among other transmittable diseases. Hence for Juveniles to access justice there is need to put mechanisms in place to help realise their rights. This study is on the welfare of children living with incarcerated mothers in selected prisons of Zambia.

Furthermore a study by Choongo (2004) on prisons conditions in Zambia Vis a Vis community service scheme revealed that accommodation was inadequate particularly at the Lusaka Central prison where the study was conducted. The original capacity of the Lusaka central prison is 160 inmates but by 9th September 2004 it had 1,445 inmates. A cell meant for 10 inmates was now accommodating 100 inmates (Choongo, 2004). The research further revealed that it was very difficult to remove those who have diseases like TB, dysentery and cholera from healthy ones. Choongo reveals that one cell had 65 TB patients mixed with healthy ones. Another cell had 87 TB patients mixed with healthy ones. Moreover, yet another cell had 11 mentally ill patients must be separated according to their different categories. The study also reveals that food is in short supply that sometimes prisoners are fed once a day on nshima and beans. Poor diet made it difficult for sick inmates to recover.

The study by Choongo is related to this study in that it was conducted in the Lusaka central prison which is also one of the prisons under investigation in this study. However, the point of contrast lies in their focus. Choongo's study focused on prisons conditions in Zambia Vis a Vis community service scheme. This study focuses on the welfare of children living with incarcerated mothers in selected prisons of Zambia with particular interest to access to food, early childhood education, accommodation and challenges faced by the prison and social welfare authorities in the implementation of polices and laws concerning circumstantial children.

Choongo's study revealed that food and accommodation were in short supply and these were issues under investigation in this study as well among others. Therefore, one would conclude that there is no need to investigate the two issues again in this study. However, the researcher is of the view that it is necessary to investigate on the two key issues in questions because of the following reasons. Choongo's study does not specify which category of people was affected by the shortage of food and accommodation in the Lusaka central prison. This is because the prison generally has three (3) categories of inmates who are adults, Juveniles and circumstantial children. Since circumstantial children are not criminals, are they also affected by shortage of food and accommodation or are they treated differently? All these are questions that arise from Choongo's study because it is not clear as to whether circumstantial children are also affected by the aforementioned shortage. Hence, this study is important because it gives a clear picture concerning access to food and accommodation for circumstantial children in the Lusaka central prison. Another reason to justify why the access to food and accommodation was investigated in this study was that Choongo's study was

conducted in 2004 which is 12 years ago. Due to this time gap, it is possible that access to food and accommodation could have improved or worsened in the Lusaka central prison. Therefore, this study is vital because it gives the current situation on food and accommodation in the Lusaka central prison among other key issues.

Another study by Baker (2015) on the conditions for women in detention in Zambia is important to this study. The primary aim of this research was to identify the major needs and risks that are common to imprisoned women in Zambia and the way this had an impact on them. The study employed a mixed method approach and the data collection tools were observational visits to the prison, semi structured in depth interviews with detainees, meetings and structured interviews with prison staff and desk review. The study revealed that the prisons in Zambia were not designed with women in mind therefore; the conditions for women are unacceptable because they do not meet women's needs. The female sections of prisons in Zambia are usually substandard makeshift annexes built as an afterthought rather than formal facilities.

The study further revealed that when it comes to hygiene and sanitation both the prison staff and inmates shared concern about very poor health and hygiene conditions, particularly for pregnant women and mothers with children living in prison. Inmates said that there were few cleaning materials and that case of diarrhoea were common. Flooding can happen in the rainy season causing illnesses. Baker (2015) report that in one prison the only flushing toilet was located in the cell occupied by mothers with infants and one mattress was located less than two meters from the toilet which sometimes gets blocked. Inmates were deeply affected by this and found it to be particularly degrading. Furthermore, the study also revealed that the prisons service fails to meet particular needs and protect human rights of women with gender sensitive measures. For instance women are not provided with sanitary pads during menstruation hence they have to depend on their relatives to provide these. The study also reports that most of the detainees interviewed were mothers and of all the issues raised, concern for children inside and outside prison stood out as the greatest source of anxiety, depression and despair (Baker, 2015). The study revealed that there was intense worry among detained mothers about their children's education and health as well as the children being stigmatised due to their mother's incarceration. A few of them also revealed deep fears about sexual abuse of their children living outside prison particularly at the hands of male relatives.

The study above is similar to this study in some ways in that it sheds some light on the condition women live in prison with their circumstantial children. However, the focus of the study is on conditions for women in detention while this study focuses on the welfare of children living with incarcerated mothers. Hence, the need to conduct this study so that we have a full understanding of the welfare of circumstantial children. The study above is commended for clearly stipulating the methodology used of a mixed design and data collection tools were observational visit, in depth interviews and desk review. This study also used observations, interviews and desk review to collect data. However, the point of contrast is that this study also used focus group discussions to collect data and it is a purely qualitative study with a case study research design.

The Zambia prisons Act of 1966 article 56 provides for children to be allowed to live in prison with their mothers until they are four years old. However, the researcher did not find information as to whether these circumstantial children are provided with special food to meet the dietary requirements, have access to early childhood education and special accommodation (mother-child unit) hence the need to conduct this study to fill the information gap.

2.5 Summary of Literature Review

This chapter looked at the international human rights instruments such as the ICCPR, CRC and SMR. The chapter also reviewed the African Charter on the Rights and Welfare of Children. All these human rights instruments stress the point that children are a vulnerable group of human beings due to their age hence their needs and interests have to be safeguarded. The chapter also looked at other studies done by other researchers in Brazil and the United States of America. The studies showed that these countries are making significant effort to as far as the welfare of children is concerned in terms of providing early childhood education, adequate food as well as providing nurseries for nursing mothers. The next chapter presents the methodology used in the study.

CHAPTER THREE

METHODOLOGY

3.0 Overview

The preceding chapter reviewed literature relevant to this study. This chapter gives the research design used in the study; target population of the topic under study, sampling design; sample size; sampling process; methods and tools of data collection; data analysis and ethical considerations to the study.

3.1 Research Design

The research approach used in this study is a qualitative one, which according to Denzin and Lincoln (2005), is a situated activity that locates the observer in the world consisting of a set of interpretive, material practices that make the world visible and turn it into a series of representations, including field notes, interviews, conversations, photographs, recording and memos. The qualitative approach has various designs such as the narrative design, grounded theory, ethnographic and case studies. This study adopted the case study design. Creswell (2001: 73) defines a case study design as “a qualitative approach in which the investigator explores a bounded system...through detailed, in-depth data collection involving multiple sources of information...” According to Bromley (1990: 302), a case study is a “systematic inquiry into an event or a set of related events which aims to describe and explain the phenomenon of interest.” Therefore a case study design was the best suited research design to use in this study because it will help the researcher to collect data through interviews, observations and documents.

3.2 Target population

The target population in this research study were all the mothers residing with their children in prison, all the prison wardens found in the female wing of the prison, the prison officers in charge at Lusaka central and Kabwe female prisons, the Director of the Social Welfare Department who directly deals with children in prison.

3.3 Sampling Design

Sidhu (2012:253) defines sampling as “the process of selecting a sample from the population...” Specifically homogenous purposive sampling was used. According to Jupp (2006) purposive sampling is a form of non-probability sampling in which decisions

concerning the individuals to be included in the sample are taken by the researcher, based upon a variety of criteria which may include specialist knowledge of the research issue, or capacity and willingness to participate in the research. Homogeneous purposive sampling is used when a researcher is studying a sample whose people or cases share the same or very similar characteristics or traits (ibid). The researcher therefore, purposively selected all the mothers living with their children in Lusaka central and Kabwe female prisons, all the prison wardens found in the female wing of both prisons, the prison officers in charge at both Lusaka central and Kabwe female prison as well as the Director of Social Welfare Department.

Furthermore, the study used convenience sampling design to sample the two prisons out of the 54 that exist in Zambia. Convenience sampling is a non-probability sampling technique where subjects are selected because of their convenient accessibility and proximity to the researcher (Bromley, 1990). Therefore, convenient sampling was used to sample the Lusaka central and Kabwe female prisons because they were easily accessible and closer to the researcher in terms of distance.

3.4 Sample Size

A sample size of 25 respondents was selected comprising 8 mothers from the Kabwe female prison and 4 mothers from the Lusaka Central Prison respectively. The following respondents were also selected; 5 prison wardens from each of the two prison, making a total of 10 altogether, 2 prison officers in charge, one from Lusaka central and the other from Kabwe female prisons and the Director of Social Welfare Department.

3.5 Sampling procedure

The Lusaka Central Prison and Kabwe female Prisons were selected because they both have female inmates who have their children living with them. The Mothers were selected because they are the care givers to these children living in prison hence they have first-hand information on the feeding, education and accommodation of the children. The children are too young to give any meaningful information. Furthermore, the prison wardens were sampled because they are the ones who work directly with the inmates on a daily basis and are fully aware of the services offered by the Zambia correctional service (ZCS). The Director of the Social Welfare Department is fit to be sampled because his department has the responsibility of ensuring that the needs of children especially vulnerable ones are catered

for. The officer in charge of prison oversees the day to day activities in the prison hence they had information that was helpful to this study. This sample gave the required knowledge as they fit the purpose of the research.

3.6 Methods and Tools of Data Collection

According to Weimer (1995), data collection is the process of gathering and measuring information on themes, in an established systematic fashion that enables one to answer stated research questions and evaluate outcomes. This study used qualitative methods of collecting data which include reviewing books and documents; individual interviews with the officer in charge of both the Lusaka Central and Kabwe female Prisons and the Director of The Social Welfare Department. Focus Group Discussions were used on a group of prison wardens as well as a group of mothers living with their children in prison. The methodological tools used to collect data were both primary and secondary.

3.6.1 Primary Data

According to Beck (2000) primary data is the type of information that is obtained directly from first-hand sources by means of surveys, observation, focus groups, in-depth interviews or experimentation. In other words, primary data is a set of raw information that is collected by the investigator conducting the research. In this study, collection of primary data was through observations, interviews, focus groups discussions and audio materials.

3.6.2 Secondary Data

Sleeper (2001) asserts that secondary data is information that has already been collected and is usually available in published or electronic form. Secondary data collection also refers to a set of second hand information initially collected and compiled by someone else apart from the current user. In the case of this study, secondary data collection was derived from reviewing existing literature in form of published journal articles, books, newspaper articles and human rights policy documents.

3.7 Data Analysis

According to LeCompte and Schensul (1999) data analysis is the process a researcher uses to reduce data to a story and its interpretation. In this study, data was analysed qualitatively using thematic approach. This approach as noted by Bernard (2000) is performed through the process of coding data in six phases to create established meaningful patterns. These phases

are: familiarization with data, generating initial codes, searching for themes among codes, reviewing themes, defining and naming themes, and producing the final report. The following is a description of the six stages involved in the thematic approach:

1. **Familiarisation with the data:** This phase involves reading and re-reading the data, to become immersed and intimately familiar with its content.
2. **Coding:** This phase involves generating succinct labels (codes) that identify important features of the data that might be relevant to answering the research question. It involves coding the entire dataset, and after that, collating all the codes and all relevant data extracts, together for later stages of analysis.
3. **Searching for themes:** This phase involves examining the codes and collated data to identify significant broader patterns of meaning (potential themes). It then involves collating data relevant to each candidate theme, so that you can work with the data and review the viability of each candidate theme.
4. **Reviewing themes:** This phase involves checking the candidate themes against the dataset, to determine that they tell a convincing story of the data, and one that answers the research question. In this phase, themes are typically refined, which sometimes involves them being split, combined, or discarded.
5. **Defining and naming themes:** This phase involves developing a detailed analysis of each theme, working out the scope and focus of each theme, determining the ‘story’ of each. It also involves deciding on an informative name for each theme.
6. **Writing up final Report:** This final phase involves putting together the analytic, narrative and data extracts, and contextualising the analysis in relation to existing literature.

3.8 Data Validation and Trustworthiness

According to Leedy and Ormrod (2001) the validity of a research refers to whether the findings of a study are true and certain. “True” in the sense that research findings accurately reflect the situation, and “certain” in the sense that research findings are supported by the evidence. Triangulation is one method that can be used in data validation. According to Olsen (2004:12) triangulation is the “application and combination of several research methods in the study of the same phenomenon.” Triangulation helps the researcher to capture different dimensions of the same phenomenon or topic. It offers the prospect of enhanced confidence, which is the use of more than one approach to the investigation of a research. Denzin (2000)

identified four basic types of triangulation which are data, investigator, theory and methodological triangulation. Data triangulation involves time, space, and persons. Investigator triangulation involves multiple researchers in an investigation. Theory triangulation involves using more than one theoretical scheme in the interpretation of the phenomenon and Methodological triangulation involves using more than one method to gather data, such as interviews, observations, questionnaires, and documents to enhance confidence of the data. Therefore, the researcher used methodological triangulation because the study used interviews, observations and focus group discussions to collect data and ensure internal validity of the study.

Additionally, the researcher used member checking as a way of ensuring data validity. According to Creswell (1994:158) a member check, also known as informant feedback or respondent validation, is a “technique used by researchers to help improve the accuracy, credibility, validity, and transferability also known as applicability or internal validity of a study.” There are many subcategories of member checks, including; narrative accuracy checks, interpretive validity, descriptive validity, theoretical validity, and evaluative validity (Doyle, 2007). In many member checks, the interpretation and report is given to members of the sample (informants) in order to check the authenticity of the work. Their comments serve as a check on the validity of the interpretation. For this study the researcher gave chance to some respondents to read through the document and confirm if the information therein reflected what they said. This was done to ensure validity of data.

3.9 Ethical Considerations

Furrow (2004: 43) defines ethics as “a morality or a position of doing what is right both morally and legally.” Therefore, ethical considerations are a set of principles about how researchers and research organizations should conduct themselves when dealing with research participants, other researchers and colleagues, the users of their research and society in general. Ethical considerations are relevant in research for a number of reasons. They ensure respect and make sure no harm is caused to the participants (ibid). Ethical considerations also show a sign of respect for other researchers and those who will use the research. It is important to protect participants who willingly present themselves for the purpose of advancing our understanding in research; therefore, a strict set of guidelines were adopted and adhered to in this study.

Firstly, before conducting this study, the researcher got clearance from the University of Zambia ethics committee. This is because this study is of a sensitive nature.

Other than seeking permission to conduct a research in the prisons from the Ministry of Home Affairs, the researcher also ensured that participant's consent to participate in the research was voluntary, free of any coercion or promises of benefits likely to result from participation. Since the study was to investigate the welfare of children living with their incarcerated mothers, the researcher ensured that the participants received a full disclosure of the nature of the study, expected benefits to the participants and society with an extended opportunity to ask questions, including the fact that they could choose to withdraw their participation even in the middle of the research.

The researcher also made sure that confidentiality and anonymity of the participants was ensured by not asking the participants' names and personal details. The researcher avoided getting personal details especially from incarcerated mothers such as the type of crime they had committed because this could have made them to close up and not answer the questions. The collected data was held in strict confidence and was only used for the purpose of this study.

3.10 Summary of Methodology

This chapter has presented the main methodological aspects of this study; detailing the research methodology, design, procedures and techniques that were adopted. This study was conducted in the Lusaka central and Kabwe female prisons. The study was purely qualitative with a case study research design and this yielded a complete understanding of the welfare of children living with their incarcerated mothers in selected prisons of Zambia. The next chapter presents the findings of the study.

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.0 Overview

The previous chapter discussed the main methodological aspects of this study; showing details of the research methodology, design, procedures and techniques that were adopted. This chapter presents the findings on the welfare of children living with their incarcerated mothers in selected prisons of Zambia. According to Patton (1990), massive qualitative data collected from interviews and focus group discussions need to be organised into patterns if the essence of that data is to be revealed. This chapter is exclusively devoted to the presentation and analysis of data collected through interviews, observations, focus group discussions and document analysis. Sub-titles will be used to discuss findings of the interviews, observations, focus group discussions and document analysis to avoid repetition. Not all the issues reflected in the interview guide have been included in the presentation. Only those issues that strongly relate to the welfare of children living with their incarcerated mothers employed.

This chapter starts by giving the social demographic background of the participants in the study. Thereafter, the social demographic background of children living in prison with their incarcerated mothers is also given. This is important because the study is focused on these children. The demographic background is in terms of the children's age, sex and how long they had lived in prison. This will give an enhanced understanding of the welfare of children living in prison with their incarcerated mothers. Thereafter, the findings will be presented using the thematic approach in line with the four research questions set out in chapter one of this study.

4.1 Social Demographic Background

The following were the respondents from whom data was collected in order to understand the welfare of children living in prison with their incarcerated mothers. The director of the social welfare department, officers in charge of prison, prison wardens and incarcerated mothers. The figure below shows the social demographic background of the respondent in terms the number of respondents and positions they hold.

Figure 4.1.1: Social Demographics

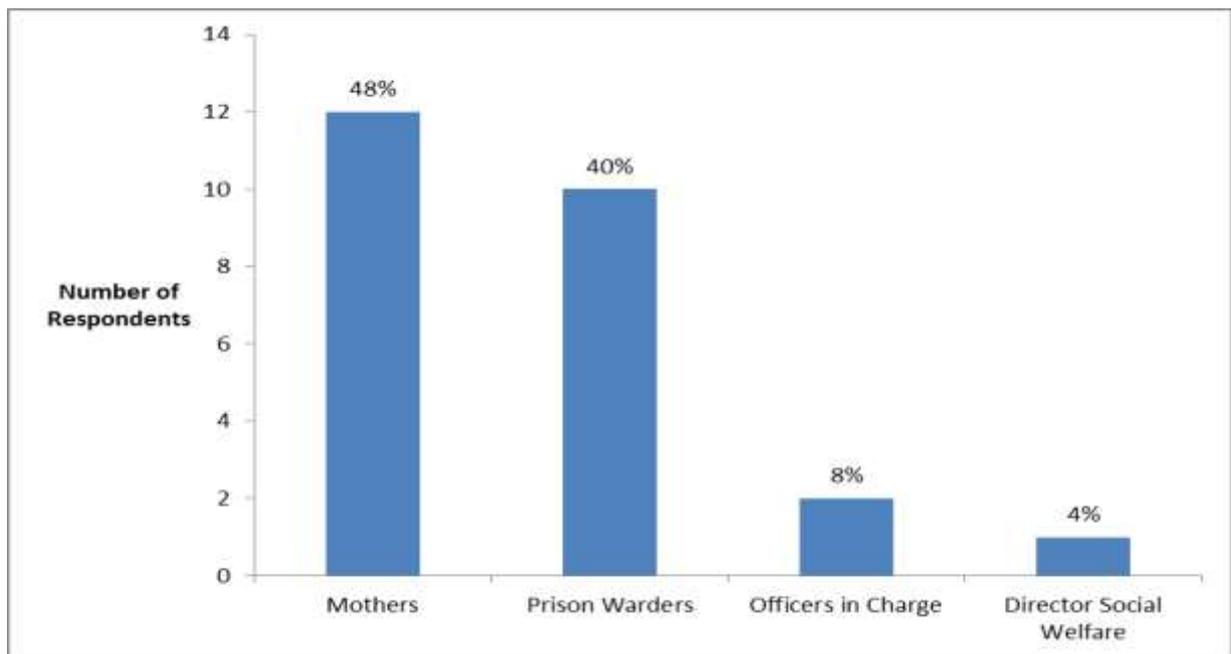


Figure 4.1.1 shows that the following people were interviewed, 12 mothers represents 48%, 10 prison wardens representing 40%, 2 officers in charge representing 8% and finally 1 director of social welfare representing 4%.

This study revealed that there were eight (8) children living in the Kabwe female prison while there were four (4) children living in the Lusaka central prison. The table below shows their age at the time of data collection, sex and how long they have been living in the prison.

Table 4.1.2 Children Found in the Kabwe Female Prison

AGE	SEX	DURATION IN PRISON
1 year	boy	6 months
2 years	girl	2 months
4 years	girl	3 years
1 year 6 months	boy	1 year 6 months
1 year 7 months	girl	8 months
4 months	girl	4 months
1 month 3 weeks	boy	1 month 3 weeks
5 days old	girl	5 days

Table **4.1.2** above shows that four (4) out of eight (8) which represents 50% of the children found living in the kabwe female prison were actually born in the prison. This is evident

when one compares their age and the duration in prison. The study revealed that the prison life is the only life they had been exposed to so far. They have never interacted with children outside the prison because they do not have access to the “outside world.” One 1 year old boy representing 12.5% has lived in the prison for 6 months while a 2 years old girl also representing 12.5% has lived in prison for 2 months. 4 year old boy representing 12.5% has been in prison for 3 years while a 1year 7 months old girl (12.5%) has lived in prison for 8 months.

Table 4.1.3 Children Found in the Lusaka Central Prison

AGE	SEX	DURATION
3 Months	girl	3 months
3 years	girl	6 months
4 months	boy	2 months
5 months	boy	5 months

The table **4.1.3** shows that two (2) children, that is one girl and one boy, which represent 50%, were born in the prison while one girl and one boy have lived there for 6 months and 2 months respectively and this represents another 50%. The study revealed that the 3 year old girl’s mother who had lived in prison with her child for 6 months had not yet been sentenced but was still on trial. This means that she was not yet found guilty but her child was already being subjected to the harsh prison conditions.

The four research objectives and questions set out in Chapter One of this study which guided this study are as follows:

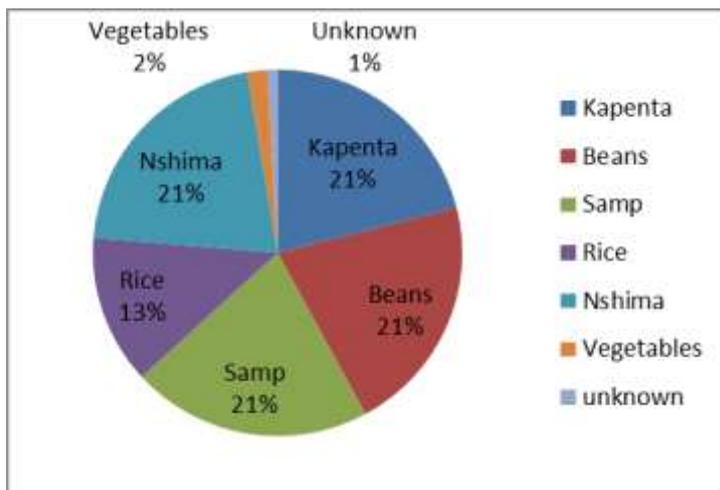
- (i) What type of food are children living in prison with their mothers given?
- (ii) Do the children living in prison with their incarcerated mothers have access to education?
- (iii) What kind of accommodation is given to mothers living with their children in prison?

- (iv) What are the challenges faced by the prison and social welfare authorities in the implementation of policy and laws concerning children living in prison with their incarcerated mothers.

4.2 Findings on provision of food for children living in prison with their mothers

When the question was asked regarding the type of food given to children living in prison with their incarcerated mothers, 24 respondents out of 25 said that children were not given food in prison. They just eat whatever the mother eats and that is samp or rice for breakfast, beans, kapenta and nshima for lunch or supper. In other words, the prison authorities do not provide food for the children but instead only gives the mother. This is because the Zambia prisons Act of 1966 does not include children in the dietary scale. The diagram below shows the types of food given to female inmates in both the Lusaka Central and Kabwe Female Prisons.

Figure 4.2.1: Types of Food Given in Prison



Food	Frequency
Kapenta	24
Beans	24
Samp	24
Rice	15
Nshima	24
Vegetables	2
Unknown	1
Out of a total of 25 respondents	

Figure 4.2.1 above is in line with how many respondents gave a response on the types of food given in prison. 24 respondents out of 25 said Kapenta, 24 said beans, 24 said Samp, 15 said rice, 24 said Nshima, 2 said vegetables and one said they did not know what kinds of food are given in prison.

In response to this question above, concerning food, one of the key informants explained that:

Yes, we do not provide food for children but the mother shares her portion with the child. For breakfast they eat samp, at lunch time sometimes they eat beans or kapenta with shima but right now there is

only beans, kapenta finished a long time ago and we don't know when they will bring again. It is Well-wishers like the YWCA who bring food like delight porridge, groundnuts, milk and eggs at least once a month or whenever they can for the children. (Interviewee 1, february 2016)

To further stress this point one prison warden in a focus group discussion stated that:

It is sad that in the Prisons Act, the dietary Scale is only for mothers only and not their children. There is no funding for circumstantial children. All we do is provide for the mother then the mother can share with her child. When the prisons were built, children were not catered for. (Interviewee 2, february, 2016).

The research findings also revealed that the prison authorities at both the Kabwe female prison and Lusaka central prison do not cook food for the female inmates but give them raw food such as rice, samp, kapenta, mealie meal and beans to cook on their own. The study further revealed that important ingredients needed for cooking such as salt and cooking oil were not provided. Therefore, the inmates depended on their relatives or well-wishers to provide these items. A key informant further narrated that there was need for the social welfare department to visit the prison often so that they look into the needs of the circumstantial children.

Moreover, the researcher observed that there were some vegetables grown inside the Kabwe female prison and when an inquiry was made as to who eats those vegetables, one of the prison wardens responded that the inmates who had stayed in prison longer were given the first priority to grow vegetables in order to supplement their diet.

However, one of the key informants expressed complete ignorance concerning the type of food which was given to children living in prison with their mothers. To illustrate this, when asked to explain the type of food given to children living in prison with their incarcerated mothers, the key informant gave the following statement:

I don't know what the children in prison eat because I don't know the situation on the ground. Those children are under the total care of the prisons authorities so our hands are tied. They are in their hands, so they are the ones who are directly responsible for those children not us. (Interviewee 3, march 2016)

Two (2) respondents from the focus group discussion for incarcerated mothers further stressed that the foods given in prison clearly do not meet the dietary needs of children. These mothers were of the view that children need to eat a balanced diet in order to grow healthily.

The researcher observed that during the time of conducting the research at both the Kabwe female prison and Lusaka Central prison, some well-wishers came to donate some items. At Kabwe Female prison a white woman donated nappies to the children while at Lusaka Central prison a non-governmental organisation (NGO) known as Prisons Care and Counselling Association (PRISCCA) donated items such as sugar, vaseline, baby powder and delight cereal porridge to the children. Each mother was given a plastic bag with the items above and they were very happy.

The study further probed to find out if breastfeeding mothers were given larger food portions compared to other female inmates who were not breastfeeding. This is because a breastfeeding mother needs to eat a well-balanced diet and enough food in order to produce enough milk for the baby. Respondents gave divergent views on this question. For instance, all the mothers from Kabwe female prison said they were given same portions of food as non-breastfeeding mothers despite the fact that they needed more because a breastfeeding mother "eats for two", that is, the mother and the baby. However, a different view concerning food portions was given by one prison warder from Lusaka Central prison who said breastfeeding mothers were given more food portions. Her exact words were as follows;

Yes for breastfeeding mothers we do give them more food. Say for example we give 5kg rice to all inmates, for mothers we will give them 2kgs extra for them and the child. Even those mothers who are on ARVs (anti retro viral treatment) we do give them a little bit more food because of their condition. (Interviewee 5, march 2016)

In order to confirm that this information above was true, the researcher inquired from the breastfeeding mothers living in the Lusaka central prison if they were given more food portions compared to other female inmates, their response was no. All the mothers said there was no special treatment in terms of food portions, all were given equal shares.

In summary, the research findings revealed that children living in prison with their mothers are not catered for when it comes to food but they merely depend on the food donated by well-wishers and what is given to their mothers which is also highly inadequate in

comparison to their dietary requirements. The subsequent segment presents finding on the second objective.

4.3 Findings on access to early childhood education for circumstantial children

The findings revealed that the children living with their incarcerated mothers in Lusaka Central prison have access to early childhood education services which are provided by a non-governmental organisation called Mother of Millions. However, when the study further inquired about the quality of education being offered at the nursery school inside the Lusaka Central Prison two prison wardens lamented that there was nothing much happening. The exact words of one of the prison wardens were as follows;

...I think there is no quality education here; I would say this is more of a day care centre where children just come to play with toys. There is a lot of noise from the female inmates and I think all this hinders proper learning.

The researcher also observed that the school did not seem to have enough teaching and learning materials hence the quality of education may be questionable. However, two (2) incarcerated mothers in the Lusaka Central prison (8%) had divergent views concerning the quality of education offered. They said that there was high quality of education being offered because the teacher only has one pupil to teach who is aged 3 years old because other children are too small to learn. This means that the teacher can concentrate very well on teaching one learner. The smaller children spent much of their time playing at the learning centre.

Four (4) prison wardens (16%) further lamented in the focus group discussion that the children need to mingle with other children from outside the prison so that they can develop normally. He further said that all that children see in the prison is “fighting and insulting” hence they may end up learning the bad behaviour.

The research findings concerning access to early childhood education in the Kabwe female prison were that there was no learning centre for children in the prison. In other words children did not have access to early childhood education. When asked whether the children had access to early childhood education, one of the key informants had this to say:

No, when a child is four years old they are taken to orphanages where they stay and also get education as for us as prison service we don't have a school. As you can see there is nothing here at the moment.

However, the research findings revealed that one girl aged four (4) was still living in prison with her mother, which is contrary to what the key informant said above, that children are taken out of prison at the age of four years to be educated at orphanages.

In line with lack of access to education by children living in the Kabwe female prison, one of the mothers lamented about the situation. To illustrate this, the female inmate made the following remarks:

Bwana bana batu bavutika kuno kulibe ma sukulu. Aba bana sibo lakwa iyayi koma bavutikilamo pa milandu zatu. Tipempa kuli ba government kuti ba titandizeko pali nkaniyi, bati mangileko ma sikulu ya bana bakayele aba. Sikulu ni chintu chofunika maningi pa umoyo wamuntu ali onse. (interviewee 6, february 2016)

When the above statement is translated in English, this is what one of the mothers said;

Boss, our children are suffering. Here there are no schools. These children did not commit any crime, but they are being punished because of our crimes. We are asking the government to help us on this matter by building schools for these innocent children. Education is something that is very important in every person's life.

The study inquired whether there were any plans to build a school for children in the Kabwe female prison. A key informant said they did not know any plans to build a school by the Zambia correctional service but they were aware of a well-wisher who promised to build a school and a play area for the circumstantial children. The researcher further probed what should be done to address the lack of education in the Kabwe female prison, and in response, one of the prison wardens (4%) commented that;

Since the government sends teachers here to teach the inmates, they can either send some teachers to teach the children or take us to school to study early childhood teaching so that we come and teach the children right here in prison. I think that can work very well, since we work right here in prison. (interviewee 7, February 2016)

In summary, the findings on access to education by children living in prison with their incarcerated mothers revealed that in the Lusaka central prison children accessed education. However, the research revealed that in the Kabwe female prison, children did not have access to education but a well-wisher promised to build a school. The next segment presents findings on the third objective

4.4 Findings on access to separate accommodation from other female inmates

The research findings were that at both the Lusaka central and Kabwe female prisons, incarcerated mothers living with their children were mixed in the same cells as other female inmates which is contrary to the United Nation standard minimum rules for the treatment of prisoners rule number 8. Rule number 8 says that mothers living with their children in prison must be given special separate accommodation from other inmates. The researcher further investigated why mothers with children were mixed with other female inmates. One key informant from the Kabwe female prison cited lack of accommodation as the reason why incarcerated mothers were mixed with other female inmates. She made the following remarks below;

.... we just have two cells, so all those with babies they are just together with other inmates in cell two (2).Yes they are mixed due to lack of accommodation

The key informant further explained that though there is no separate accommodation (special mother and child units), the mothers were at least given some special treatment in that they shared a single mattress with their child as opposed to sharing with another female inmates as was the case for those who were not pregnant.

When the same question concerning accommodation was asked to the incarcerated mothers in a focused group discussion at the Kabwe female prison they all said that they were mixed with other female inmates and expressed sadness concerning the prevailing situation because they were being insulted by other female inmates when a child sits on someone's bed or cries at nights. One of the mothers made a lamentation that;

Bwana ise tivutika pali nkani yogona ndaba banzatu balibe bana bama titukana usiku ngati mwana alila ati atipangila chongo.olo muzuba ngati mwana ankalako che pa bed pabo ninshi nikuponta. so chingawame che

ngati bati pasako room yatu teka babana yogonamo. (Interviewee 8, February 2016)

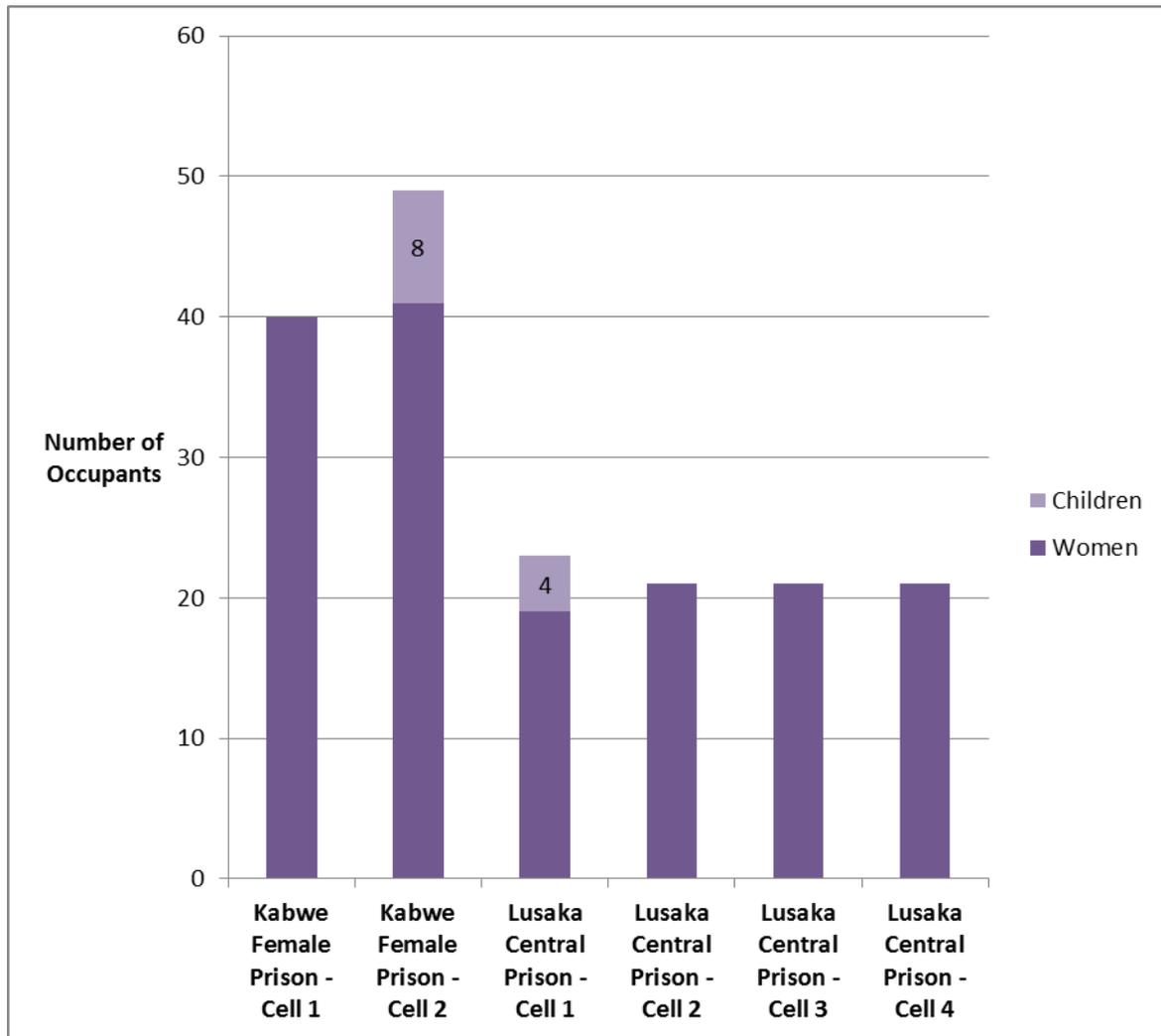
The English translation of the above statement is as follows;

Boss us we are suffering concerning the issue of accommodation because our friends who do not have children insult us at night when our children cry because they make noise for them. In the afternoon when the baby sits on their bed they shout at us. So we would be happy if they give us a separate room as mothers with children where we can sleep.

In the Lusaka central prison the situation was quite different. The incarcerated mothers with children were still mixed with other inmates except here; they were only mixed with pregnant women. The research findings also revealed that inmates slept on bunker a bed which is different from what is happening at the Kabwe female prison where the female inmates sleep on a mattress on the floor without a bed.

The Lusaka central prison female section had a total of 82 inmates at the time the research was conducted. There are four (4) cells of which one is exclusively shared among 4 mothers with children and 15 pregnant women. The diagram below shows the accommodation situation for both the Kabwe female prison and the Lusaka central prison.

Figure 4.4.1 Accommodation in both the Kabwe Female and Lusaka Central Prisons



The researcher inquired from the incarcerated mothers in a focus group discussion at the Lusaka central prison, their views about sharing accommodation with pregnant women and two (2) of them out of 4 expressed contentment with the prevailing situation. To illustrate this, one mother expressed herself that:

... Accommodation yeve ili chabe bwino. At least mu room tilimo che 19 so muliko space. Elo ise ba bana bama tipasako nama mosquito net.

When translated in English, this is what the incarcerated mother quoted above was saying:

...Accommodation is just ok. At least we are only 19 in the room so there is space in the room. Additionally, mothers with children in prison are given mosquito nets.

Contrary to the foregoing, 2 mothers representing 8% expressed complete displeasure with sharing accommodation with pregnant women because they felt that their children could

easily catch communicable diseases like cholera or dysentery due to sharing the cell with many women. This complaint was emanating from the fact that during the time of conducting this study, there was one pregnant woman who had diarrhoea while another pregnant woman had a terrible cough of which some mothers suspected to be Tuberculosis.

In summary, the findings concerning accommodation were that in both prisons mothers with children were mixed with other inmates due to shortage of accommodation. However, there were some variations in that mothers in Lusaka central prison were only mixed with pregnant women and slept on bunk beds. Meanwhile, their counterparts in the Kabwe female prison were mixed with other inmates and they slept on mattresses on the floor. The following segment presents findings on the fourth objective.

4.5 Findings on Challenges in the Implementation of Laws Concerning Children.

4.5.1 Challenges Regarding Laws

The fourth objective of this study was to identify the challenges faced by the prison and social welfare authorities in the implementation of policies and laws concerning children living in prison with their incarcerated mothers. The research question which guided this objective is, what are the challenges faced by the prison and social welfare authorities in the implementation of policies and laws concerning children living in prison with their incarcerated mothers? Key informants from the social welfare department and correctional service were targeted in order to answer this question thoroughly.

When the question concerning the challenges faced by prison and social welfare authorities in the implementation of policies and laws concerning food for children who live in prison with their incarcerated mothers was asked, divergent views were given. For instance, one key informant said that the laws that govern circumstantial children such as those found in the Zambia Prisons Act are contradictory in nature. For instance the prisons Act allows children to live in prison with their mothers while at the same time the same document does not include children in the dietary scale. This makes implementation difficult. The key informant lamented that:

...The problem is there is a contradiction in these laws because one law allows children to come and live here in prison with the mother and yet another law does not provide food for the circumstantial children.

The researcher further asked the key informant what they were doing to change these contradicting laws and they said since they were not the ones making these policies in the first place all they can do is recommend to the relevant authorities that the laws be revised.

Moreover, another key informant was of the view that allowing children to live in prison was a violation of a child's right to a home which is provided for in the both the UNCRC and the ACRWC. The following were her exact words:

...In the first place allowing children to live in prison is a violation of children's rights which are in both the UNCRC and the African charter, which says a child has the right to a home and live in a good environment..

The key informant further stressed that these children be taken into orphanages or foster care where they can live normal lives as they wait for their mothers to finish their sentences. However, the key informant complained that they were not involved when children were being admitted into prison. There was no communication whatsoever between the social welfare department and the ZCS and children are suffering in prison when the social welfare department are able to find better alternative places for them to live in than prison.

4.5.2 Challenges in the Implementation of Policies Regarding Education

The national policy on education in Zambia of 1996 called educating our future gave increased emphasis on the need for early childhood education. The policy states that early childhood education plays an important role in the multi-dimensional development of young children. Additionally, the revised sixth national development plan of 2011- 2016 (RSNDP) has one of the objectives focusing on increasing access to early childhood education among other things. As earlier mentioned, this study revealed that the circumstantial children living in the kabwe female prison do not have access to early childhood education. When asked why this was the case, a key informant lamented that there was no funding to build a school for the children. The following is what they said;

The challenge we have to implement that law of access to early childhood education is that we do not have the money. If we had money, am sure we could have built a small nursery right in the prison.

4.5.3 Challenges in the Implementation of Policies Regarding Accommodation

The United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) rule number eight (8) stipulates that prisoners must be separated according to their sex, age, crime committed etc. This means that the female inmates living with their children in prison must be given separate accommodation from other female inmates because it is their right. Moreover, rule 3 of the SMR states that “in women’s institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment.” However, as stated already previously, the research revealed that this right was not being enjoyed or fulfilled due to limited accommodation in both the Lusaka central and kabwe female prisons. One key informant from the Kabwe female prison cited lack of space as a challenge to implement the SMR rule number 8. She remarked as follows:

...If there was space they could have even built something for the mothers and the children to be separated from the other inmates.

In summary, the research findings on the fourth objective revealed that it is difficult for the social welfare authorities and the ZCS to implement some policies and laws concerning children accessing food because of their contradictory nature and they called for the need to change them so that they can work effectively and efficiently. The study also revealed that there is no rapport between the social welfare and prisons authorities concerning circumstantial children therefore, this has led to difficulties in the implementation of certain policies. Furthermore, lack of funding and space were highlighted as a major hindrance to build a school and a special mother-child unit for circumstantial children.

4.6 Summary of Findings

This chapter presented the findings of the study on the welfare of children living with their incarcerated mothers in selected prisons of Zambia. The findings of this study have been presented in line with the four objectives set out in Chapter One. The researcher used the thematic approach to present the findings. The findings mainly focused on the type of food given to children living in prison; access to education and accommodation for circumstantial

children as well as the challenges faced in the implementation of laws and policies concerning circumstantial children. The next chapter will discuss the findings of the study.

CHAPTER FIVE

DISCUSSION OF FINDINGS

5.0 Overview

The preceding chapter presented the findings of the study using a thematic approach. This chapter discusses the findings presented in chapter four. This chapter is arranged based on subtitles arising from the major findings of each objective in chapter four. The subtitles in this chapter are arranged as follows; Lack of provision of food for children living with incarcerated mothers in prison, unequal access to early childhood education for children living with incarcerated mothers in prison, Lack of special accommodation children living in prison with incarcerated mothers in prison and finally the challenges faced in the implementation of policies and laws concerning circumstantial children.

5.1 Lack of Provision of Food for Circumstantial Children

This study established that children living in the Lusaka Central and Kabwe female prisons are not provided with food. The study revealed that the ZCS does not give food to children living in prison with their mothers but instead give the mother only. This is because children are not included in the dietary scale provided for in the Zambia Prisons Act of 1966 which is the current guiding law when it comes to prisons in Zambia. This means that no funding is given by the government to buy food for children. Mothers share their food portions with their child which means that they both end up not having enough food. This situation is contrary to what is happening in prisons in Brazil as shown from the study conducted by Melhus in the literature review section of this study. Melhus (2013) reports that children living with incarcerated mothers in Brazil prisons are given three meals per day. One would wonder why the Zambia prisons Act allows female inmates with children to live in prison when they cannot provide food for the children. It is shocking that these circumstantial children who are innocent citizens of Zambia are being treated worse than criminals by being denied food while the actual criminals (their mothers) are given food.

The foregoing clearly shows that there is a total violation of children's right to food provided for in article 24 (2, c) of the UNCRC, to which Zambia ratified on 6th December, 1991. Article 24 (2, c) stipulates that state parties shall pursue full implementation of this right and

in particular, shall take appropriate measure to “combat disease and malnutrition including within the framework of primary health care, through inter alia, the application of readily available technology and through the provision of adequate nutritious food and clean drinking water...” This weakness noted in the Zambia Prison’s Act makes one wonder whether the ZCS care about the welfare of children living with incarcerated mothers, because if they did, they would have found a solution to the food problem.

Furthermore, this study also revealed that the type of food given to mothers which they share with their children is not in accordance to the dietary needs of children. It is a well-known fact that children need to eat a balanced meal comprising of proteins, carbohydrates and vitamins. However, this study established that a larger portion of what children eat in prison is mostly carbohydrates such as Nshima, Samp, Rice and a little bit of proteins such as beans and Kapenta. However, by the time of data collection the respondents said that Kapenta had been out of stock for a long time and they did not know when it would be restored back to the prison diet. This state of affairs is in line with a study conducted in some Zimbabwean prisons by the Zimbabwean Lawyers for Human Rights (2014) which showed that children living in prison with incarcerated mothers were not being fed enough food as was seen from the diseases they were suffering from such as malnutrition and Kwashiorkor.

The foregoing situation, has forced Children living in prison with incarcerated mothers to largely depend on food coming from their relatives outside prison and well-wishers. The study revealed that churches such as the Roman Catholic Church and NGOs such as Prisons Counselling and Care Association (PRISCCA) play a vital role in the provision of food, clothing and toys for children. The researcher observed that at the time of data collection one white woman (a well-wisher) donated nappies to the children in the Kabwe Female Prison. Moreover, while conducting the research in the Lusaka Central Prisons, a group of people from PRISCCA donated items such as sugar, Vaseline, powder, delight porridge and soap to the children. The researcher established that this NGO comes to donate items once every month. This situation is similar to a study conducted by Matsika et al (2013) in Zimbabwean prisons where it was reported that well-wishers were the ones helping to feed and provide other needs that children had because the Zimbabweans Prisons Service failed to do so due to budgetary constraints.

Concerning the issue of provision of extra food portions to breastfeeding mothers for them to produce enough milk for the baby, the study established that breastfeeding mothers are not

given extra food portion. There is no special treatment of breastfeeding mothers. They are given equal food portions as non-breastfeeding mothers inspite of their need. This is contrary to the provisions of the Bangkok rule number 48 which says that Pregnant and breastfeeding mothers shall be given adequate and timely food among other things. Additionally, rule 48 (2) states that “Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.” Breastfeeding mothers need to be encouraged to breastfeed by giving them adequate and timely food every day. This finding is at variance with Bolwby’s attachment theory used in this study which encourages mother to child bonding in the early years of an infant’s life. Breastfeeding is a huge part of mother to child bonding because it is a source of nutrition for the baby and comfort among other things. Therefore, the lack of proper nutrition for the mother does not support breastfeeding hence justifying the researcher’s argument that it is at variance with Bowlby’s attachment theory.

From the findings revealed in this study, the research objective number one which is to ascertain whether the kind of food given to children living in prison with their incarcerated mothers is in accordance to their dietary needs was answered.

5.2 Unequal Access to Early Childhood Education for Circumstantial Children

The study established that there was early childhood education being offered in the Lusaka Central Prison. A learning centre was established by an NGO called Mother of Millions. The NGO employed a teacher who teaches the children. This is similar to a study conducted in Zimbabwe by the ZLHR (2013) where an NGO called Miracle Missions established an early childhood development facility (Kindergarten) at Chikurubi prison so that the children of incarcerated female inmates could have a place to play instead of being in the cells with their mothers the whole day.

Sadly, despite early childhood education being offered, the findings revealed that the quality of education was questionable owing to the fact the researcher could not see proper teaching and learning materials in the classroom. The other reasons advanced for the doubt in the quality of education were that most of the children in the Lusaka central prison that is 3 out of 4 representing 75% were too young to undergo any serious learning. Therefore, the children spent most of the time playing with toys. One three (3) year old girl was the one who had meaningful learning owing to her age. Moreover, the findings also showed that the doubt in the quality of education being offered was due to the fact that the prison was a noisy place therefore quality education was being hindered.

Looking at the situation in the Kabwe Female Prison, the study established that there was no early childhood education being offered. The reason advanced for this lack of access to early childhood education was lack of funding from the government. The study further revealed an ironic phenomenon in that the Ministry of Education endeavours to respect the right to education of all female inmates by sending teachers to teach them inside the prison. However, the Ministry of Education has failed to do the same for the innocent children who live in prison with incarcerated mothers. These children are being treated worse than criminals because their convicted mothers serving different sentences in prison are having their rights to education respected while the children's right to early childhood education is being denied.

A critical reflection of the situation described above raises a number of questions. Is the Ministry of Education aware that there are children living in prison with their mothers or have they just decided to turn a blind eye to the prevailing situation? What is the ZCS doing about the lack of early childhood education for circumstantial children? What is the Ministry of Community Development doing about the welfare of circumstantial children since it is the ministry directly responsible for these vulnerable children? All these unanswered questions call for the need of all stakeholders to find a lasting solution to this lack of early childhood education in the Kabwe Female prison.

Additionally, the findings on lack of access to education in the Kabwe female prison are not in line with piaget's theory of cognitive development used in this study. Piaget argues that the environment one grows up in affects their cognitive development. This study has established that the prison is not a conducive place to raise a child due to the bad conditions therefore; early childhood education becomes that stimulating agent to positively affect a child's cognitive development hence it must be accessed at all costs for the benefit of the child.

The findings show that the second research objective was answered. The research objective was to assess whether children living in prison with their incarcerated mothers have their right to education respected and fulfilled.

5.3 Inadequate Accommodation for Circumstantial Children

The study established that children living in prison with incarcerated mothers had no separate accommodation. Instead they were mixed with other female inmates. The reason given for children being mixed with other female inmates was due to shortage of accommodation. The findings were that the Kabwe female prison had two cells shared among 81 inmates and 8 children. In the Lusaka Central prison there were 82 female inmates sharing four cells and the number of children in the prison was 4. In the Kabwe female prison mothers shared a single mattress with their child in the same cell as other female inmates while at Lusaka Central prison mothers shared a bunk bed with their child and shared the cell with other mothers and pregnant women. It therefore follows that both prisons have a lack of accommodation problem though the study revealed that the situation in the Lusaka central prison is much better because mothers are placed in the same cell with pregnant women only and altogether made a total of 19 inmates. The cell was spacious too.

A study conducted in Zimbabwean prisons by Matsika et al (2013) revealed similar findings of shortage of accommodation. Children were mixed in the same cells as other female inmates due to lack of accommodation. However, a variation was noted in that in the Zimbabwean prison once children reached four years old, they were transferred to the juvenile section but could visit their mothers regularly. This situation is even worse than sharing an overcrowded cell with the child's mother and other inmates. A four year old is still very young and therefore needs a mother's care. Living with Juveniles in this case who are criminals can be dangerous for the four year old child because the child may not only be traumatised emotionally by the separation from its mother, but may risk being physically and sexually abused.

The findings revealed in this study on shortage of accommodation are contrary to the first part of rule 28 of the SMR which states that "in women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment." Moreover, the Bangkok rule number 49 stipulates that "decisions to allow women to stay with their children in prison shall be based on the best interest of the children." Additionally the Bangkok rule 50 stipulates that "Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children." Rule 50 clearly supports the existence of special mother and child units where mothers can be separated from other inmates in order for them to spend maximum time with

their children. The SMRs and the Bangkok rules are internationally recognised human rights instrument that many nations have pledged to follow including Zambia. It is therefore, unfortunate that this study has revealed that Zambia follows these rules only on paper and not in reality. It is abundantly clear that the ‘best interest of the child is not considered when allowing children to live in prison with their incarcerated mothers as shown by the lack of special accommodation necessary for children to be raised in.

Contrary to what this study revealed about lack of special accommodation for children living with incarcerated mothers in prison, a study by Luyt (2008) in South Africa’s pollsmoor prison showed that a special mother –child unit was built with a kitchen where mothers can prepare special baby food and a play area for children. Such an environment is necessary for mother-child bonding and also it is a safer place to raise children, away from the vulgar language, fights and insults that are common in many prisons around the world. In this way children may be protected from learning bad behaviour from the female inmates. Having special mother and child units is in line with Bowlby’s attachment theory used in the study. This study has answered objective number three which is to establish whether mothers living in prison with their children are given separate accommodation from other inmates which is conducive to raise children.

5.4 Challenges in the Implementation of Laws Concerning Children

5.4.1 Contradictions in Laws

The study established that one of the challenges faced was the contradictions in the laws found in the Zambia Prisons Act (ZPA). The contradiction is that the ZPA allows a female inmate with an infant child to live in prison with her up to the age of four years. However, the same Act does not include children in the dietary scale and this is why the prisons do not provide food to children because they are not catered for by the law (ZPA). Consequently, no funding is released from the government to provide food for the children. One would wonder why the ZPA would allow children to live in prison when they know that they cannot provide food for them.

Furthermore, the study revealed that another challenge was lack of communication between the social welfare department and the ZPS concerning the admission of children into prison or the provision of food, clothing, accommodation and early childhood education. This lack of communication and rapport between the two institutions has led to a situation where by

circumstantial children are suffering in prison when the social welfare department is capable of finding alternative and suitable homes or orphanages where children can live as they wait for their mothers to finish their sentence. It is therefore, imperative that these two institutions involved in the welfare of children living with incarcerated mothers join forces and work together to solve the problems of children.

5.4.2 Lack of Funding for Education

It was established through this study that the RSNDP which advocates for early childhood education could not be implemented in prison due to lack of funding. However, the researcher is not in agreement with the excuse given above owing to the fact the ZPS can lobby the Ministry of education to send teachers to teach the children just like they are able to send teachers to teach the inmates. The researcher is of the view that lack of political will may be the real reason why the ZPS and the Ministry of education have failed to provide education for the circumstantial children.

5.4.3 Lack of Funding and Space for Accommodation for Children

The study established that there was no separate accommodation (mother and child unit) being given to mothers with children in prison because there is no space to build a mother and child unit and also lack of funding was another reason. The researcher is not in agreement with the issue of lack of space particularly for the Kabwe female prison. This is because the researcher observed that there was a lot of space outside the kabwe female prison such that a bigger prison with a mother and child unit can be built.

5.5 Summary of Discussion of Findings

This chapter discussed the findings on lack of food that meets the dietary needs of children, unequal access to early childhood education, inadequate accommodation and the challenges faced by the prison and social welfare department in the implementation of policies and laws concerning circumstantial children. The following chapter presents the conclusions and recommendations of the study.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.0 Overview

The preceding chapters have so far presented the following; chapter one presented the background to the problem, statement of the problem and purpose of the study among others; chapter two presented the literature reviewed; chapter three presented the methodology used; chapter four presented the findings of the study and chapter five presented the discussion of the findings. This chapter presents the overall conclusion of the findings in this study. It must be emphasised that the aim of this study was to investigate the welfare of children living with incarcerated mothers in selected prisons of Zambia. This chapter ends with recommendations and implications for further research.

6.1 Conclusion

This study has shed light on the welfare of children living with their incarcerated mothers in selected prisons of Zambia. The specific prisons where the study was conducted were the Lusaka Central and the Kabwe Female Prisons. The following are the four objectives set in Chapter One that this study was anchored on: to ascertain whether the kind of food given to children living in prison with their incarcerated mother is in accordance to their dietary needs; to assess whether children living in prison with their incarcerated mothers have their right to education respected; to establish whether mothers living in prison with their children are given separate accommodation from other inmates which is conducive to raise children; to identify the challenges faced by prison and social welfare authorities in the implementation of policy and laws concerning children living in prison with their incarcerated mothers.

The study established that children living in prison with their incarcerated mothers are not catered for when it comes to food in prison. The ZCS only give food to the mother and then the mother shares her portion with the child. The reasons given for this are that children are not included in the dietary scale provided for in the ZPA. Therefore children entirely depend on food donated by the churches, NGOs and well-wishers. The kind of food given to the female inmates in both the Kabwe female prison and Lusaka Central prisons are Nshima with either beans or kapenta for lunch and super. For breakfast, rice or samp is given. These are the foods which mothers share with their children. Looking at the food that is given to mothers in prison which they eventually share with their children, it is evident that it fails to

meet the dietary needs of children. Children need to eat a well-balanced diet with the right proportions of carbohydrates, proteins and vitamins in order for them to develop healthily. It is unfair that the innocent children's right to food is denied while their convicted mothers have their right to food respected.

Additionally, the study also established that incarcerated mothers who are breastfeeding are not given extra food or larger food portions than their incarcerated counter parts despite their need. Breastfeeding mothers need to eat enough food which is well balanced in order to produce sufficient milk for the baby. This lack of provision of sufficient food to breastfeeding mothers is contrary to the Bangkok rule 48 which stipulates that Pregnant and breastfeeding mothers shall be given adequate and timely food. Therefore, when a mother is denied of adequate and timely food, the breastfeeding circumstantial children are the ones who suffer the most because they desperately need milk to grow healthily especially that the prisons do not provide food for them.

Concerning access to education, the study established that children in the Lusaka Central Prison have access to education while those in the Kabwe Female Prison do not have access to education hence their right to education is being violated. In the Lusaka Central Prison an organisation called Mother of Millions was the one providing education for circumstantial children. However, the study established that the quality of education being provided was of poor standard. This is because there were very few teaching and learning materials in the classroom. Additionally, the prison is said to be noisy hence hindering any meaningful learning. The study established that the early learning centre is more of a crèche or day care because children go there to just play with toys as their incarcerated mothers are working in prison. There is no serious learning taking place.

The lack of provision of early childhood education in the Kabwe female prison is a serious violation of children's right to education stipulated in the UNCRC. The sad part is that the study also showed that there were no plans whatsoever by the ZCS to build a school for children in future. This means that this situation may remain unchanged forever unless something is done to address the situation. The study also revealed that the Ministry of Education sends teachers to teach inmates and they are even able to write final national examinations right in prison. However, the ministry of education has failed to send teachers to teach children. Looking at this situation one can conclude that there is no political will to provide early childhood education to children. It seems the ministry of education has simply

turned a blind eye to the plight of circumstantial children and this must be addressed promptly.

Regarding accommodation, the study established that children living with their incarcerated mothers in both the Lusaka Central and Kabwe female prisons are mixed with other female inmates due to inadequate accommodation. This is against what SMR rule 28 states that “in women’s prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment.” A lot of problems may arise when children are mixed with a lot of inmates in a cell. One of the problems that may arise is children may easily learn the vulgar language and bad behaviour such as fighting that is common in prison. Children may also easily contract communicable diseases such as cholera, TB or typhoid among others. This study further revealed that mothers were not happy with the prevailing situation of lack of special accommodation where they can live with their children because they were often insulted by other female inmates when their children cry in the night.

Furthermore, the study also revealed that the Kabwe female prison was overcrowded because it only had two cells shared among 81 inmates and 8 children. In order to accommodate as many inmates as possible in a cell, two inmates share one mattress. The incarcerated mothers share a mattress with their child. The study revealed that the accommodation situation in the Lusaka Central prison was slightly better than the Kabwe Female prison. The Lusaka Central prison had four (4) cells shared among 82 inmates. Incarcerated mothers with children were put in the same cell as pregnant women and together there were 19 inmates in the cell and 4 children. The rest of the cells were shared among other female inmates. Additionally, in the Lusaka central prison all inmates slept on bunk beds which is better as compared to the Kabwe female prison where inmates slept on mattresses. Sleeping on the mattress becomes a problem in the cold season because the cold floor also makes the mattress to be cold. Therefore, extreme exposure to the cold can lead to pneumonia and in some cases death.

When it comes to the challenges faced by the social welfare and prison authorities in the implementation of policies and laws concerning children living in prison, the study established that some laws in the ZPA concerning children are contradicting each other. For instance, the ZPA allows children to live in prison with their mothers while in the same document children’s dietary scale is not provided.

Concerning the provision of early childhood education the study established that though the RSNDP advocates for the provision of early childhood education to all children, it could not be implemented in prison due to lack of funding. It is hard to believe the excuse of lack of funding because the Ministry of Education is able to send teachers to teach the inmates so why would they fail to do the same for children? Perhaps lack of political will would be the real reason why implementation of the RSNDP has failed.

Finally, coming to the issue of special accommodation (mother and child units) the study established that lack of funds is a major problem hindering the provision of these services even though the law requires that they should be provided.

6.2 Recommendations

On the basis of the findings of this study, recommendations are hereby suggested to the Ministry of Home Affairs and Ministry of Community Development Mother and Child.

- (i) The contradicting laws concerning children living in prison with their incarcerated mothers contained in the ZPA must be harmonised so that children can be provided with food that meets their dietary needs.
- (ii) The ZCS should involve the social welfare department in the welfare of children living in prison with their mothers so that together they create a conducive environment for children in prison.
- (iii) The ZCS must lobby civil society organisations to build schools for children in prison and also build special mother and child units since there is inadequate funding by the government.
- (iv) Non-custodial (community service) sentences must be applied on women with children who have committed minor offences because prisons are not a conducive place to raise children. Only those women with serious cases should be imprisoned.

6.3 Suggestion for Further Research

Since this was a small-scale academic research dealing with only four aspects of the welfare of children among many and focusing on two prisons, a similar study could be conducted in all prisons of Zambia, preferably investigating all aspects of the welfare of children living in prison with their mothers. Another suggestion for further research would be to conduct a study investigating the psychological impact of staying in prison on children. Furthermore,

another study could be conducted to increase understanding about the unique needs of mothers in conflict with the law and children. Lastly, a study could be conducted to investigate the impact of incarcerating a mother on children who remain outside prison.

REFERENCES

- Alejos, M. (2005). *Babies and Small Children in Prisons*. Geneva: United Nations.
- Baker, J. (2015) *Conditions for Women in Detention in Zambia- Needs, Vulnerabilities and good practices*. Oslo: Danish Institute Against Torture.
- Banda, D. (2010). 'A Critical Evaluation of Juvenile Access to Justice in Zambia.' Dissertation, The University of Zambia.
- Bastick, M and Townhead, L. (2008). *Women in Prison: A Commentary on the UN Standard Minimum Rules for the Treatment of Prisoners*. Geneva: United Nation.
- Bernard, H. R. (2000). *Social Research Methods: Qualitative and Quantitative Approaches*. California: Sage Publications.
- Bowlby, J. (1973). *Attachment and Loss*. New york: Basic Books Press.
- Bromley, D.B. (1990). *Academic Contribution to Psychological Counselling: Philosophy of Science for the study of individual cases*. Counselling Psychology Quaterly 3(3), pp 299-307.
- Chirwa, V. (2001). *Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa: Prisons in Malawi*. Vol 2 pp 17- 28.
- Choongo, R. (2004). 'Prison Conditions in Zambia vis a vis Community Service Scheme.' Dissertation, The University of Zambia.
- Clark, J. (2013). *The Impact of the Prison Environment on a Mothers*. The Prison Journal. Vol.75 pp 306-330.
- Creswell, J.W. (1994). *Research Designs Qualitative and Quantitative Approaches*. California: Sage Publications.
- Creswell, J. W. (2001). *Research Design-Qualitative,Quantitative and Mixed Methods Approaches*. (2nd ed) London: Sage Publications.
- Denzin, N. K. (2000). *The Research Act in Sociology*. Chicago: Aldine.

- Denzin, N. K. & Lincoln, Y.S. (eds.) (2000). *Handbook of Qualitative Research* (2nd ed.). London: Sage Publications.
- Doyle, S. (2007). *Member checking with older women: A framework for negotiating meaning*. *Healthcare for Women International*. Vol 28 pp 888-908.
- Eloff, I. and Moen, M. (2003). *An Analysis of Mother and Child Interaction Patterns in Prison*. *Early Child Development Care*. Vol 8 pp 711-720.
- Ford, A. (2010). *“Bonding Behind Bars” Do Prison Nurseries Help or Hinder Parenting?* California: Sage publications.
- Furrow, B. and Greaney, T. (2004). *Bioethics, Healthcare Law and Ethics* (6th ed.). Minnesota: Westkent publishers.
- Galvan, J. (2006). *Writing Literature Reviews. A Guide for Students of Behavioural Sciences*. (3rd ed) California: Pyczak publishing.
- Javeed, S. (2014). *Children Accompanying Mothers in Jail*. : Stockholm: Save the Children.
- Jupp, V. (2006). *The Sage Dictionary of Social Research Methods*. New Delhi: Sage Publications.
- LeCompte, M. D, and Schensul, J. J. (1999). *Analysing and Interpreting Ethnographic Data*. California: AltaMira Press.
- Leedy, P. D. and Ormrod, J. E. (1989). *Practical Research: Planning and Design (Seventh Edition)*. New Jersey: Merrill Prentice Hall.
- Luyt, W.F.M. (2008) *Imprisoned mothers in South African prisons with children of the institution*. *European journal of crime, criminal law and criminal justice*. Vol 14 pp 299-323.
- Matsika et al. (2013). *The Case of Children Living with Incarcerated Mothers in Zimbabwe’s Chikurubi prison*. *Journal of Social Development in Africa*. Vol 28 pp 2 -8.
- Melhus, L. (2013). ‘How are Pregnant Prisoners and their Babies Treated in the American Correctional System?’ Dissertation: University of Oslo.

Miles, B.M. and Huberman, A.M. (1994). *Qualitative Data Analysis: An Expanded Sourcebook*. New York: Sage Publications.

Mumba, C.D. (2012). 'The Juvenile Criminal Justice System in Zambia vis a vis the International Protection of Children's Rights.' Dissertation: The University of Zambia.

Orodho, J.A. (2009). *Elements of Education and Social Science Research Method*. Journal of Education. Vol 3 pp 126-133.

Paddick, S.(2011). 'Women and Children in Prison: Accommodation Study'. Dissertation: University of Oslo.

Robertson, O. (2008). *Children Imprisoned by Circumstance*. Geneva: United Nation.

Shields, P. and Ragarjan, S. (2013). *A Playbook for Research Methods: Integrating Conceptual Frameworks and Management*. Stillwater: New Forums Press.

Sidhu. K. S. (2012). *Methodology of Research in Education*. New Delhi: Sterling Publishers Ltd.

Sleeper, R.W.(2001). *The Necessity of Pragmatism*. John Dewey's conception of philosophy. Urbana,I: University of Illinois Press.

Swanson, A.R. (2013). *Theory Building in Applied Disciplines*. San-Francisco: Berretkoehler Publishers.

The African Union (1999). *The African Charter on the Rights and Welfare of the Child*. Addis Ababa: The African Union.

The Government of the Republic of Zambia (1996). *The Constitution of Zambia*. Lusaka: Government Printers

The Government of the Republic of Zambia (1966). *The Zambia Prisons Act*. Lusaka: Government Printers.

The Law Library Congress (2014). *Laws on Children Residing with Parents in Prison*. New York: Library Congress press.

The United Nations (1966). *The International Covenant on Civil and Political Rights*. Geneva: United Nations.

The United Nations (1948). *The Universal Declaration of Human Rights*. Geneva: United Nations.

The United Nation (1989). *The United Nation Convention on the Rights of the Child*. Geneva: United Nations.

The United Nations (2015). *The Revised United Nations Standard Minimum Rules for the Treatment of Prisoners*. Geneva: United Nations.

The United Nations (2010). *The United Nation Rules for the Treatment of Female Prisoners and Non-Custodial measures for Women Offenders*. Bangkok: United Nations.

The Zimbabwe Lawyers for Human Rights (2013). *Pre-trial Detention in Zimbabwe: Analysis of the Criminal Justice System and Conditions of Pre-trial Detention..* Western Cape: University of Western Cape.

Taylor, R. (2004). *Women in Prison and Children of Imprisoned Mothers*. Geneva: United Nation.

Townhead, L. (2006). *Women in Prison and Children of Imprisoned Mothers*. Geneva: United Nation.

Wolleswinkel, R. (ed.), (2002). *Developmental and Autonomy Rights of Children: Empowering Children, Caregivers and Communities*. New york: Oxford University Press.

Appendix 1: Interview Guide for Zambia Prisons Service and Social Welfare Department

THE UNIVERSITY OF ZAMBIA: SCHOOL OF EDUCATION

DEPARTMENT OF LANGUAGE AND SOCIAL SCIENCES EDUCATION

1. Introduction of the researcher (The researcher gives information about the study and its aims)

TOPIC: THE WELFARE OF CHILDREN RESIDING WITH INCARCERATED MOTHERS IN LUSAKA CENTRAL AND KABWE MAXIMUM PRISONS OF ZAMBIA

1. Briefly explain your position in this institution and the roles you carry out.
2. Are you in any way involved in the welfare of children living in prison with their mothers?
3. If the answer in question 2 is yes, what are your specific roles in relation to the feeding, education and accommodation of the circumstantial children?
4. Do the circumstantial children have access to special food to meet the standards of their dietary needs?
5. If the answer to question 4 is no, what are the challenges that have hindered children to access special food?
6. Do the circumstantial children have access to early childhood education inside prison?
7. If the answer to question 6 is no, why is there no access to education?
8. Is there special accommodation given to nursing mothers and their infant children separate from other inmates?
9. If the answer to question 8 is no, what are the challenges that have hindered nursing mothers from accessing special accommodation?
10. What are the measures that have been put in place to address the problem of lack of access to special food, education and special accommodation for circumstantial children?
11. To what extent are these measures being implemented?
12. What solutions would you recommend to the challenges above?

Appendix 2: Respondent Consent Form

**The University of Zambia
Directorate of research and**

CONSENT FORM

Dear Sir/Madam,

REF: REQUEST FOR CONSENT TO BE A RESEARCH RESPONDENT

I am a student at the University of Zambia doing a Master of Education in Civic Education Degree. I am here to request for your consent to be one of my respondents to my research on the “Welfare of Children living with incarcerated mothers in selected prisons of Zambia”. This will help me come up with information regarding the progress which the social cash transfer scheme is making.

Be assured that the information you will share with me will be confidential and will only be used for academic purposes.

Your consent to this request will greatly be appreciated.

Yours Faithfully,

Olivia Malambo – Researcher/Student

Consent by respondent

Having read or heard the information concerning this research, I hereby voluntarily consent to be one of the respondents. In this regard, I reserve the right to end the interview at any time and choose not to answer particular questions if necessary.

Name: Signature:

Date:

Appendix 3: Letter of Permission into Prison

TEL: LUSAKA +260 211 254261/2
TELEGRAPH: MINHOME, RIDGEWAY
TELEFAX: +260 211 254336
E-mail: homeaffairs@zamtel.zm
Website: www.homeaffairs.gov.zm

In reply please quote

No:.....



REPUBLIC OF ZAMBIA

MINISTRY OF HOME AFFAIRS

MHA/101/3/15

22nd December, 2015

Ms Olivia Malambo
University of Zambia
School of Education
LUSAKA

**INDEPENDENCE AVENUE
P.O. BOX 50997
LUSAKA**

RE: FIELD WORK FOR MASTERS /PhD STUDENTS.

Reference is made to your letter dated 14th December, 2015 in relation to the above subject matter.

Permission is hereby granted for you to conduct a research on "**On the Welfare of Children Living with their incarcerated mothers in relation to feeding , early childhood education and accommodation**".

The data collected is strictly for your academic purposes only.

You are further requested to avail us with the findings in relation to your study.

By copy of this minute, Prisons Authorities are hereby requested to assist the researcher in relation to his study.

Michael Sakala
Chief Superintendent
Prisons Secretary
FOR/ PERMANENT SECRETARY

- CC: The Commissioner General of Prisons, Prisons Headquarters, **KABWE**
- CC: The Regional Commanding Officer, Lusaka Region, **LUSAKA**
- CC: The Officer in Charge, Lusaka Central Prison, **LUSAKA**

Appendix 4: Ethical Clearance



**THE UNIVERSITY OF ZAMBIA
DIRECTORATE OF RESEARCH AND GRADUATE STUDIES**

Telephone: +260 -1- 290258/291777 Ext. 2208
Fax: +260-1-290258/253952
E-mail: drgs@unza.zm

P O Box 32379
Lusaka, Zambia

12th February, 2016

Ms. Malambo Olivia
Chelstone Secondary School
P.O Box 310200
LUSAKA

Dear Ms. Malambo,

RE: EXEMPTION FROM FULL ETHICAL CLEARANCE

With reference to your research proposal entitled:

"The Welfare of Children living with Incarcerated Mothers in selected Prisons of Zambia."

As your research project does not contain any ethical concerns, you are hereby given an exemption from full clearance to proceed with your research.

ACTION: APPROVED
DECISION: 12th February, 2016
EXPIRATION DATE: 11th February, 2017

Please note that you are expected to submit to the Secretariat a Progress Report and a copy of the full report on completion of the project.

Finally, and more importantly, take note that notwithstanding ethical clearance given by the HSSREC, you must also obtain authority from the Permanent Secretary, Ministry of Education, before conducting your research. The address is: Permanent Secretary, Ministry of Education, Science, Vocational Training and Early Education, P.O Box 50095, Lusaka. Tel: +260 211 253594.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. Simwinga'.

Dr. J. Simwinga
**ASSISTANT DIRECTOR (RESEARCH),
DIRECTORATE OF RESEARCH AND GRADUATE STUDIES**

- cc: Director, Directorate of Research and Graduate Studies
Assistant Registrar (Research), Directorate of Research and Graduate Studies