

**THE EFFECT OF IMPRISONMENT OF PARENTS ON CHILDREN'S UPBRINGING
IN KAMPALA CAPITAL CITY AUTHORITY,
CASE STUDY: NAKAWA DIVISION**



UGANDA MARTYRS UNIVERSITY

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**THE EFFECT OF IMPRISONMENT OF PARENTS ON CHILDREN'S UPBRINGING
IN UGANDA,**

CASE STUDY: NAKAWA DIVISION

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DEDICATION

I dedicate this research work to my family most especially my wife Ms. Sonia Kobutungi who always gave me courage to work hard and has been there for me all the way, may the Lord bless you abundantly.

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LIST OF ACROYNMS

ACE:	Adverse childhood experience
ACERWC:	African Committee of Experts on the Rights and Welfare of the Child
CLP:	Child Labour Policy
DHS:	Demographic and Health Survey
FGDs	Focused group discussions
FHRI:	Foundation for Human Rights Initiative
:KCCA:	Kampala Capital City Authority
PRI:	Penal Reform International
U.S.A:	United States of America
UN:	United Nations
ICPR:	Institute for Criminal Policy Research

ABSTRACT

This study aimed at assessing the effect of imprisonment of parents on children's upbringing in Uganda using a case of Nakawa Division. The study was guided by the following objectives; To assess how children whose parents are in prison meet their needs in Nakawa Division, To examine the nature of crimes committed by parents in Nakawa Division and To suggest ways how the rights of children with parents in prison can be protected to meet their needs in Nakawa division.

The researcher employed an exploratory research design which employed qualitative research approaches in the collection, presentation and analysis of the findings. The sample size was 80 respondents. Purposive sampling techniques were employed in selecting the respondents that constituted the sample size of the research. The researcher used focus group discussions and interview guides.

The research findings confirmed that when parents are inmates, children are faced with financial circumstances and lack the guidance and support needed for positive child development. It was also concluded that children's needs are met through very supportive and nurturing caregivers, family member's brothers and sisters, help from NGOs and government, Foster care and Second parent (father/mother), prison service, visitors and that children get help from family of Africa and some people who come visit them and bring them books, eats and some clothes.

The study analysed the nature of crimes committed by parents. These included, murder, theft, domestic violence, drugging trafficking, human trafficking, child abuse. The study identified that most crimes committed by parents are crimes of passion but attract longer sentences which makes parents serve longer durations in prisons.

Lastly the study proposed several recommendations to different stakeholders that can be considered in order to safe guard the rights of children with parents in prison. The Uganda prison services was asked to maintaining a strong bond formed between parent and a child by ensuring regular visitation and extending time for visitations. Human Rights Organisations should unite as one voice for joint advocacy if they are to achieve tangible results. Government should increase the budget allocation to the Uganda Prison Services and ensure that more homes are built to take care of these children. The community should know that it is the responsibility of every citizen to look after children they should stop discrimination and naming children after crimes committed by their parents.

CHAPTER ONE:

GENERAL INTRODUCTION

1.0 Introduction

Children whose parents are in prison in Africa are an invisible and often highly vulnerable group whose rights and welfare can be gravely affected at every stage of their parent's criminal proceedings. The impact of parental imprisonment on children goes far beyond affecting the relationship between the child and imprisoned parent, to affecting the whole process of the child's upbringing due to numerous child abuses they are exposed to when the parent is absent and facing the criminal justice system.

Parent's imprisonment affects all aspects of a child's life, from where and with whom they live, to how they cope at school, their relationships with their relatives, and their survival within the community. (Special Rapporteur on Independence of the Judges and Lawyers, 2015, p 74)

The rights of children of imprisoned parents remain largely unacknowledged within the criminal justice systems. 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. (Arditti, & Few 2006).

Hence this makes them vulnerable to abuses like, no access to education, poor medical care, no access to food, absence of family to belong and discrimination in the community. Important to note is the fact that it is the role of a parent to provide those basic entitlements to their children (Ug Cons 1995 article 34, sec.1). Imprisonment however takes away the parent and leaves the child without a ready alternative. This research hence assessed the effect of imprisonment of parents on children's upbringing and what remedies need to be put in place to help them.

This chapter presents the background of the study, the statement of the problem, objectives, research questions and the scope of the study; it also discusses the significance and justification of the study

1.1 Background to the study

1.1.1 Conceptual Background

Imprisonment of Parents: this involves any kind of custodial confinement of a parent by the criminal justice system, except being held overnight in police cells. Imprisonment can refer to confinement in jails or prisons. We do not know with any precision how many children in Africa are affected by their parents or primary caregivers coming into conflict with the law. However, the International Centre for Prison Studies estimates that there were just over one million prisoners in Africa (excluding Eritrea and Somalia) in October 2013.(ICPR Report, 2014) In about half of these countries, very large proportions of prisoners – more than 40 per cent – were in pre-trial detention. It is reasonable to assume that the rights of a large number of children are affected by the imprisonment of over a million adults in Africa, the vast majority of whom are likely to be parents/primary caregivers of at least one child and most likely more.

However, very little attention is given to assess the impact a parents imprisonment has on the children's upbringing. How they attain their basic entitlements for the dignified growth as normal human beings. Children should be protected from harmful effects of parental imprisonment by using family-friendly prison practices, financial assistance, parenting programs, and sentences that are less stigmatizing for offenders and their families (Beckmeyer, & Arditti, 2014). To create a levelled ground for them to ably compete with other children in all aspects of life as it is emphasized by the Sustainable Development Goals (SDGS) to leave no one behind.

Children's Upbringing; this is the early training; especially: a particular way of bringing up a child. Children's Upbringing involves the process of promoting and supporting the physical, emotional, social, and intellectual development of a child from infancy to adulthood. Parenting refers to the intricacies of raising a child aside from the biological relationship. Raising a child is the hardest, most responsible and satisfying task a human being can face. It's also the job for which people receive the least formal training (Felitti, and Anda, 2009)

Each person's knowledge of how to bring up a child usually comes from their surroundings and their own upbringing. This may result in patterns from the parent's own social experiences being repeated and passed on to their children. Research by the UN Development Programme and Open Society Justice Initiative conducted in East Africa 2013.p24 and p34 found that 80 per cent of the detainees in pre-trial detention, had children and half had four or more children of dependent age. Furthermore, this research found that for every four detainees in pre-trial detention, there were five families who no longer had the support of a breadwinner and that families of pre-trial detainees experienced social stigmatisation as well as serious economic consequences, including falling into debt and having to sell household goods, because of the imprisonment of their family member.

More often than not, children of prisoners fall through the cracks created by lack of clarity in law, policy and procedure as to how to respond to them, inadequate social welfare provision, and low levels of care for children living in prisons with their mothers. Efforts to compensate for these failings have primarily been small-scale and localised rather than much needed substantive and comprehensive changes in governmental procedures and structures which put children's best interests at the centre.

1.1.3 Theoretical Background

So the study considered the Attachment theory by John Bowlby. Attachment theory is a concept in developmental psychology that concerns the importance of "attachment" in regards to personal development. Specifically, it makes the claim that the ability for an individual to form an emotional and physical "attachment" to another person gives a sense of stability and security necessary to take risks, branch out, and grow and develop as a personality. Naturally, attachment theory is a broad idea with many expressions, and the best understanding of it can be understood by looking at several of those expressions in turn.

Attachment theory states that a child develops into a healthy, functioning adult in the context of a continuous relationship with and emotional attachment to a parent figure. Achieving and maintaining proximity to that parent figure provide the child with a feeling of safety; separation

from a nurturing parent, on the other hand, produces stress for the child. A child's response to separation from his or her parent depends on several factors, including the child's age and the nature of the relationship between the child and parents. Therefore parental imprisonment compromises the healthy, functioning adult in the context of a continuous relationship with and emotional attachment to a parent figure and the children.

The Attachment theory by John Bowlby rhymes properly with Article 30 of the African Charter on the Rights and Welfare of the Child (ACRWC) it directly highlights within the canon of regional and international human rights law how the rights of children affected when their parents/primary caregivers are in prison can be protected to ensure constant attachment of children to their parents. It lays out a number of provisions ensuring 'special treatment' for mothers who are accused or convicted of criminal offences. It requires that non-custodial sentences always be considered first and that alternatives to detention be established and promoted to parents with caregiving responsibility to children. Article 30(1)(f) states: 'that the essential aim of the prison system is to reformation, reintegration of the parents to their children and social rehabilitation to ensure proper family ties.

Under normal circumstances, young children form strong mutual attachments with their parents or primary caregivers. These relationships offer children physical and emotional security, as well as consistent care and attention. Through these relationships children construct a personal identity and acquire culturally valued skills, knowledge and behaviours. In these ways, parents (and other caregivers) are normally the major conduit through which young children are able to realize their rights. Policy concern focused on the effects of marked and prolonged separation of young children from their parents, described as 'maternal deprivation' by Khan, (2010). More recently, research has also come to understand the vital importance of the quality of care before and during separations from parental figures (Eddy, & Poehlmann, 2010). These concerns should be paramount when children are separated from their parents by death, illness, violence or migration. Institutional care needs to make adequate provision for children to form positive attachments to their substitute caregivers. When satisfactory substitute care is provided, separation from parents may be something that a child copes with well. In the case of

maltreatment by parent(s), then a separation is mandated by law and, unless care by kin can be found, foster care or adoption is called for.

1.1.4 Historical Background

(Khan, 2010) goes ahead to point out that the imprisonment is a tricky situation to children and the family as it removes an individual from a society which creates a communication and bonding gap, it is expected that ties between offenders and members of their networks will be weakened. The heavy use of imprisonment affects individuals, families, and communities most especially children across prison walls (Clear, 2010). It is estimated that there are over a million people in Africa currently in prison and Uganda has 54,059 (World Prison Brief data, 2017). Most of whom are likely to be parents.

According to the (Uganda Prisons service, 2015), it is estimated that there were over 45,700 prisoners in Uganda's prisons; 97.5% of the prisoners were male while women prisoners constitute 2.5%. 60% of people in Uganda's prison is on remand (Pre-trial detention). A survey conducted by the Foundation for Human Rights Initiative (FHRI) and Penal Reform International (PRI) in 2014-15, that of 194 women prisoners in Uganda, (10 percent of the total women prisoner population), an overwhelming 92 percent of surveyed women had children and over 86 percent of these children were under 18 years old. 5% of the women surveyed were pregnant.

The children of prisoners across Africa face many violations of their rights when their parents or primary caregiver are arrested and detained. They are confronted with a lot of human rights abuses like separation from parents, also have to contend with subtle stigma and discrimination because of their parent's involvement with the criminal justice system (Mumola, 2010). Upon imprisonment of their parents, the children whose lives had depended on them solely for all the basic needs like food, clothes, housing, Education, grooming and protection, the children become vulnerable in the community in every sense one can think of and this results in their rights, needs, and best interests being overlooked or actively damaged (Khan, 2010).

There are a number of relevant international standards put in place to govern the treatment of this group of children. The Convention on the Rights of the Child sets out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. It reflects a new vision of the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child without discriminating those affected by imprisonment of their parents. (Special Rapporteur on Independence of the Judges and Lawyers, 2015, p 70)

The UN Committee on the Rights of the Child held a Day of General Discussion on children of imprisoned parents in 2011 and has considered this issue many times during States' reporting processes. For example, they have considered the inadequacy of conditions for babies living in prisons and have recommended that where the defendant has child-caring responsibilities, the principle of the best interests of the child should be 'carefully and independently considered by independent professionals and taken into account in all decisions related to detention, including pre-trial detention and sentencing, and decisions concerning the placement of the child (Genty, 2012).

The Committee has also made it clear that alternative care for children who are separated from their imprisoned mother should allow the child to 'maintain personal and direct contact with the mother who remains in prison'. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), also recommends that children who leave with their parents in prison are provided with an environment for their upbringing as close as possible to that of a child outside prison (Eddy, & Poehlmann, 2010).

1.1.5 Contextual Background

At regional level, Article 30 of the African Charter on the Rights and Welfare of the Child is unique within the canon of regional and international human rights law highlights directly how the rights of children affected when their parents or primary caregivers are caught up in the

criminal justice system should be protected. In November 2013, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) adopted General Comment No. 1, entitled 'Children of Imprisoned Parents and Primary Caregivers', which elaborated further on the obligations of States to respect, protect and fulfil the rights of these Children.

The Constitution of Uganda, 1995 article 34 comprehensively provides a framework for the Protection of all children in Uganda. It defines fundamental child rights, obliges parents to care for and bring up their children, and accord special protection to orphans and other vulnerable children. Many acts for the protection of children have been enacted like : The Children's Act, The Children's Statute,1996, The Penal Code, 1950, The prison's Act 2006, The Local Government Act, 1997, The National Council for Children Act, 1996, The Child Labour Policy (CLP), and The Orphans and Vulnerable Children Policy.

The Children's Act Cap. 59 has in place full safeguards for the rights of all children in the country including those with parents in prison. The adoption of the Children's Act was a giant stride in harmonising the national laws with international treaties which Uganda has signed and ratified. The Act was also meant to shield children from all forms of abuse. Child abuse consists of any act of commission or omission that endangers or impairs a child's physical or emotional health and development.

Kampala Capital City Authority (KCCA) including, Nakawa Division is infested with high numbers of street children, high crime rates and too much drug abuse among young people. These social problems can be attributed to a number of factors but we also need not to disregard the absence of parents to offer guidance.

Nakawa Davison also hosts the biggest prison in Uganda that is Luzira Prison. This made it very critical for this research. The presence of this prison attracts a number of individuals and organizations working with prisoners. The researcher had a task to assess how these actors take into account issues affecting children of imprisoned parents.

1.2 Problem Statement

The Uganda Prisons Act of 2006 states that children under the age of eighteen months should join their parents in prison. When an infant reaches the age of eighteen months, the law requires that the infant is placed with a relative or family friend willing and able to provide support. When this option is not available, the infant is to be placed under the care of a child welfare institution. The law permits the provision of “special facilities needed for their condition.” In addition, it mandates that the state provide clothing and other “necessities of life” to infants living with their mothers in prison until they reach the age when they are to be removed from the prison.

But the research conducted by Foundation for Human Rights Initiative and Penal Reform International in 2015 indicated that there was no budget allocation for parents and their children in the Uganda Prison Services annual budget. It also noted that there was no follow up mechanism put in place by the government to know the way about of children left behind during imprisonment.

When parents are arrested and sent to prison in Uganda, little to nothing is known or recorded about what becomes of their children if they don't accompany their parents in prison. Those who accompany their parents, there are no conducive standards set by the prison system to ensure a conducive growth of these children. Children stay with parents in cells, yet these cells are a congested. Children are exposed to poor diet, poor medical care and poor hygiene which put their life at risk.

This continued abuse of the rights of children with parents in prison raises a number of questions like how do children of imprisoned parents cope with their situation in Nakawa Division. How are the needs of children of imprisoned parents met in Nakawa Division? How long do they normally stay without their parents due to the nature of crimes committed by their parents in Nakawa Division? And what could be done to safe guard the rights of these children so that they can meet their needs in Nakawa Division? Therefore, this study seeks to address these questions so as to cover the knowledge gaps regarding parent's imprisonment and protect the rights of children for proper upbringing.

1.3 Objectives

1.3.1 Main objective

To assess the effect of Imprisonment of parents on the upbringing of their Children in Nakawa Division, Kampala Capital City Authority

1.3.2 Specific objectives

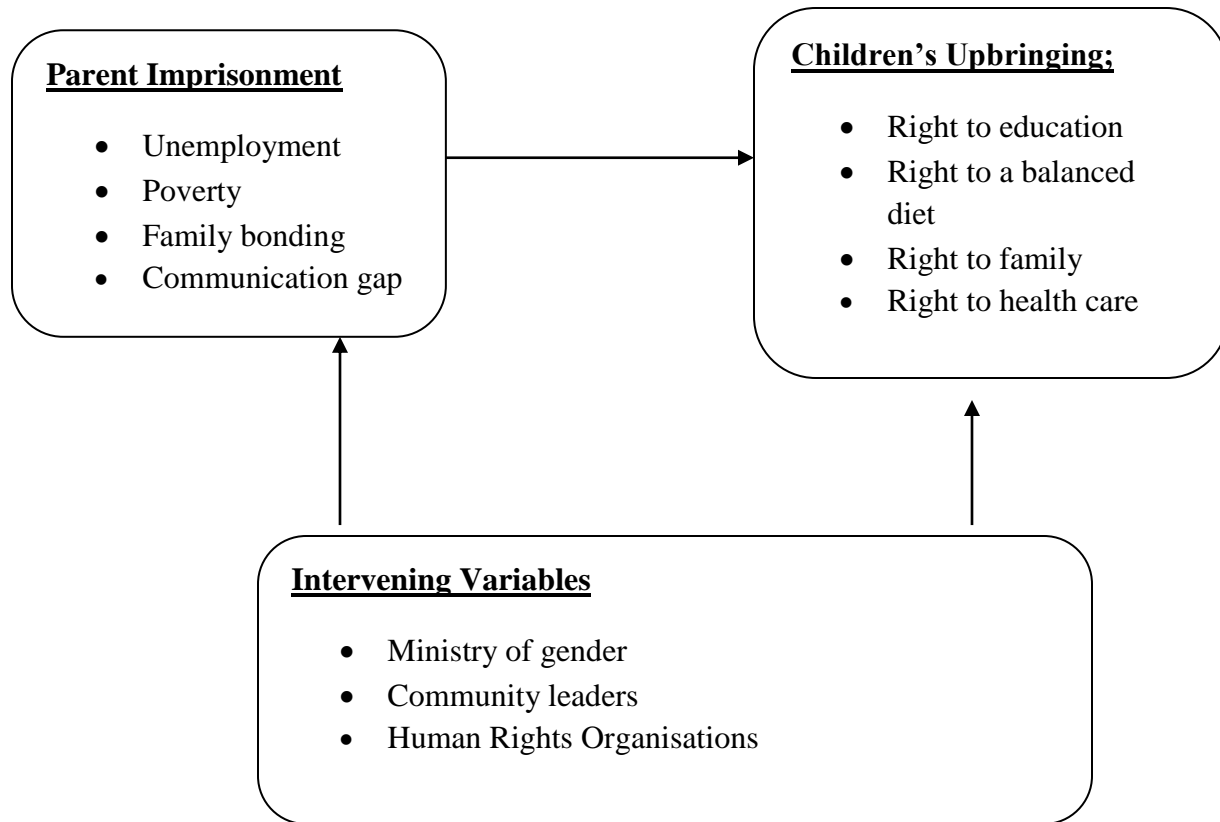
- i. To assess how children whose parents are in prison meet their needs in Nakawa Division
- ii. To examine the nature of crimes committed by parents in Nakawa Division
- iii. To suggest strategies how the rights of children of imprisoned parents can be safe guarded in order to meet their needs in Nakawa division.

1.4 Research Questions

- i. How does parents' imprisonment affect access to basic needs of their children in Nakawa Division?
- ii. What crimes are normally committed by parents?
- iii. What can be done to protect the rights of children whose parents are in prison in order to meet their needs in Nakawa division?

1.5 Conceptual Framework

Figure 1 Conceptual Framework



Source: Modified by the Researcher (2017)

From the conceptual framework above, the independent variable; Parent Imprisonment whose dimensions are Unemployment while imprisoned, poverty due to unemployment, Breaking family bonding due to imprisonment and communication gap between parents and children as a result of that separation. These have been noted to have a direct effect on the dependent variable; Children's Upbringing; which leads to abuse of these rights children, right to education, right to a balanced diet, right to belong to a family, right to proper healthcare. The intervening variables are, Ministry of gender labour culture social and economic development has been identified due

to the role it plays in assisting children through child protection mechanism and basic care. Community leaders have also been identified because when children are left behind after the arrest of their parents. They are the immediate contact persons and Human Rights Organisations because of the role they play in protecting and enhancing the attainment of children's rights.

1.6 Scope of the Study

Scope of the study was Nakawa Division, Nakawa Division is one of the five administrative divisions of Kampala, the capital and largest city of Uganda. The town of Nakawa is the site of the division headquarters. Nakawa Division lies in the eastern part of the city, bordering Kira Town to the east, Wakiso District to the north, Kawempe Division to the north-west, Kampala Central Division to the west, Makindye Division across Murchison Bay to the south-west and Lake Victoria to the south. The coordinates of the division are 0°20'00.0"N, 32°37'00.0"E.

Nakawa Division covers Luzira maximum security prisons which hosts the biggest number of prisoners. The division also has a number of Non- Government Organizations working with prisoners. We hope these were resourceful for our study because the study intends to interview persons who interface with imprisoned parents and their children.

1.6.1 Content Scope

The study focused on the effect of parent's imprisonment on the children's upbringing. It then refocused on the needs and coping mechanisms of the children whose parents are imprisoned. It examined the nature of crimes normally committed by parents. The ways how these children can be helped to meet their needs were also generated in this study in Nakawa Division.

1.6.2 Geographical Scope

The geographical scope of the study was Nakawa Division located in Kampala Capital City Authority. Nakawa division is located in the eastern part of Kampala Capital City Authority. It lies 1133.8 meters above sea level; it covers a total area of 47,450square kilometres with a land area of 39.4 square kilometres. It is located on about 22 hills of altitudes of 1120m above sea level, with flat summits, steeper upper sages, merging into undulating slopes ending into broad valleys dissected by perennial streams. The division has pleasant climate characterized by

breezes from Lake Victoria. The research area is affected by slums, street children and has a high crime rate this puts it in better condition for the study maybe it can be linked to absence of parents as they are absorbed by the criminal justice system.

1.5.3 Time Scope

This study focused on the period of 2010 -2016. This period has witnessed an increase in the rate of crime thereby increasing the number of imprisonment and numerous children left to fend for themselves. In 2014, the inmate population stood at 40,526 but has since increased to over 15,000 inmates in the last three years. For example at least 8,500 inmates are being held at Luzira Prison, a jail that was constructed to house 3,000 detainees (Agencies 2017). Therefore, this period had enough quality data regarding the effect of children of incarcerated parents on their need.

1.6 Justification of the study

This investigates whether the community and the criminal justice system has taken into consideration the challenges faced by children whose parents are in prison to cope up with society and acquire their needs. Less data is available to show the number of children whose parents have been imprisoned and no efforts taken regarding the needs of the children. This study is justified in the sense that it examines the situation of children of imprisoned parents, the nature of crimes their parents commit and how they are coping in acquiring these needs which contributed to covering the knowledge gap. The needs of children of imprisoned parents are complex and highly individualized. Therefore, it brought attention to the prisons, judiciary, police, (duty bearers) and community on the needs of the children of incarcerated parents.

1.8 Significance of the study

The study findings provided practical solutions to the following stakeholders.

The study findings, conclusions, and recommendations added to the existing body of knowledge about the effect of parent's imprisonment to the children's upbringing.

The study also provided recommendations to government, Civil Society Organisations and the Community on how these children can be helped meet their needs for proper upbringing. It also informed people about the nature of crimes committed by parents.

1.9 Conclusion

Today, many children are affected by imprisonment of their parents. These young children (are already at high risk along several dimensions and tend to live in conditions characterized by poverty instability and diminished access to their needs. Still, the criminal justice system and human and health services have paid less attention to how the children cope up with accessing their needs. Their rights are being abused day and night due to the absence of the clear legal frame work that protects them.

This chapter has endeavoured to introduce various issues concerning the background to the study, statement of the problem, objectives of the study, research question and the scope of the study. The Chapter has also presented the significance and the justification of the study. Chapter Two reviews the literature that has been published by different author and writers about the topic under investigation. This gives the grounded understanding of the global perspective of the subject.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

Chapter two presents a review of literature in accordance to the research objectives which are to assess how children whose parents are in prison meet their needs, to examine the nature of crimes committed by parents and to suggest ways how the rights of children of imprisoned parents can be safe guarded to meet their needs.

Theoretical view

The study considered the Attachment theory by John Bowlby. Attachment theory which is a concept in developmental psychology that concerns the importance of "attachment" in regards to personal development. Specifically, it makes the claim that the ability for an individual to form an emotional and physical "attachment" to another person gives a sense of stability and security necessary to take risks, branch out, and grow and develop as a personality. The small body of literature found on children of incarcerated parents suggests that children of incarcerated parents are more likely to have poorer emotional, behavior, and psychological development than children whose parents have not been incarcerated. Problems such as aggressive behavior, withdrawal, criminal involvement, depression, and concentration have been observed among children of incarcerated parents. However, the most important issue research literature agrees on is that disruption of the attachment process has important consequences on the rights of these children (Pattiol, Weiman, & Western).

“Attachment is the strong, emotional tie we feel for special people in our lives that leads us to feel pleasure and joy when we interact with them and to be comforted by their nearness during times of stress” (Papalia & Wendkos-Olds, 1996 p. 272). Bowlby’s attachment theory is the most widely accepted view of the infant’s emotional tie to the caregiver. Bowlby suggests, that by the time an infant is one year of age, he or she will have developed some form of attachment to familiar people who have cared for the infant and responded to his or her needs for survival

(physical care and emotional needs). Over time, a true emotional bond develops between the infant and the parent(s). The development of attachment takes place in four phases (Papalia & Wendkos-Olds, 1996 p. 272): The pre-attachment phase (birth to 6 weeks). A variety of built-in signals---grasping, smiling, crying, and gazing into the adult’s eyes—help bring newborn babies into close contact with other humans. Once an adult responds, infants encourage her or him to remain nearby, since they are comforted when picked up, stroked, and talked to softly.

Babies of this age can recognize their own mother’s smell and voice. The “attachment in the making” phase (6 weeks to 6-8 months). During this phase, infants start to respond differently to a familiar caregiver than to a stranger. For example, at four months, they begin to develop a sense of trust—the expectation that the care giver will respond when signaled. But babies still do not protest when separated from the parent, despite the fact that they can recognize and distinguish her from unfamiliar people.

The phase of “clear-cut” attachment (6-8 months to 18 months-2 years). Attachment to the familiar caregivers is evident. Babies of this phase display separation anxiety, in that they become upset when the adult whom they have come to rely on leaves.

Formation of a reciprocal relationship (18 months-2 years and on). By the end of the second year, rapid growth in representation and language permits toddlers to understand some of the factors that influence the parent’s coming and going and to predict her return. As a result, separation protest declines. Parents are the first people that infants know and thus create their first emotional bonds with. Parents provide, with a few exceptions, shelter, security, love, and nourishment. However society is forever changing and there is an “increasing probability that children will live without adequate adult supervision and in a home that is unstable and violent” (Papalia & Wendkos-Olds, 1996). Furthermore, children are more likely to be disconnected from other family members and often have little contact with their grandparents or other extended family. Also, parents could have fewer social supports within the community. Children learn how to build and foster relationships by observing how their parents and family interact with each other and society. In addition, children who are securely attached are observed as being

more socially competent with their peers and parents, and better able to control their impulses and feelings.

Belonging to a family helps develop a sense of identity and self-esteem. “Family cohesion and harmony have been determined to be significant variables in the development of positive self-esteem in children” (Papalia & Wendkos-Olds, 1996 p. 272)

Given that attachment is important in a child’s life there is no greater danger than the interference of a parent-child relationship (Dozier & Bick, 2007). According to Dozier and Bick, children experience disruptions in their bonding when a parent is incarcerated and the child subsequently enters foster care. These disruptions could cause different reactions in their behavior and their emotional development depending on their age (Dozier& Beck). Infants who are 12 months or younger seem to be able to trust new caregivers fairly quickly and are able to seek out these new caregivers when they are distressed. This process can take longer for infants and toddlers who enter into foster care after a year of age. Even two months after placement, the study found that toddlers still reject and turn away from their new caregivers or are hard to console when distressed (Dozier & Beck). The transition into foster care can have long term effects for children on a behavioral and emotional level

When children turn away from new caregivers who feel that they cannot soothe them, the caregivers may react as if children do not need any nurturance from them. Another reason that some caregivers fail to act in a nurturing way was with foster care children is because nurturance may not come easily or naturally to them. However, “without nurturing care, foster children are at greatly increased risk for developing what are known as ‘disorganized attachments’ (Dozier & Beck, 2007). Children who develop disorganized attachments are at risk for some long term troublesome outcomes, which include internalizing and externalizing disorders, and dissociation from society.

Bowlby’s attachment theory (1973) describes parental loss as a type of departing or rejection, which causes short- and long-term difficulties in the children’s lives. Additionally, the children

of incarcerated parents can experience worse effects especially regarding antisocial behaviour, as the children may see the parents' behaviour as a model to follow.

2.2 The situation of children whose parents are in prison

When separated from their parents, children have the right to maintain regular contact with them. This right is not absolute and may conflict with other concerns but, in any case, the best interests of the child must be the primary concern when making decisions that concern the child. The United Nations Convention on the Rights of the Child (CRC) from 1989 is the most ratified human rights instrument in the world. This can be seen as the measure of the high level of consensus among states on the necessity to protect the specific needs and rights of children. However, in practice, the fate of children is usually linked to the fate of their parents. This reality is acknowledged by various human rights instruments – general and specific, which protect the family and the right to respect for family life of both parents and children, even when separated from each other by divorce, migration or detention. Children of incarcerated parents, like children in general, are all individuals. Each will have a different response to parental imprisonment, and the unique situation of each child should be considered in all interactions with them and decisions that affect them. But regardless of individual circumstances, each child also has rights, including the right not to be discriminated against based on the status or activities of their parents (Convention on the Rights of the Child Article 2(2)), to the opportunity to be heard in any judicial and administrative proceedings affecting them (Article 12(2)) and the right to have their best interests be a primary consideration in all actions concerning them.

Parental incarceration is a strong risk factor and indicator for a range of adverse outcomes for children and caregivers (Arditti, 2006). Carlson, & Shafer, (2010) agreed that the International human rights advocates have called parental incarceration "the greatest threat to child well-being in the U.S." These children and families are among the most complex cases service systems encounter. The absence of specialized attention and data collection to provide a voice for this population has allowed them to remain invisible and marginalized across multiple systems

(including the Department of Corrections, the Department for Children and Families, the Agency of Education, Departments of Health and Mental Health, and the Judiciary.

Murray, et al., (2012) cited that while many of the risk factors children of incarcerated parents experience may be related to parental substance abuse, mental health, inadequate education, or other challenges, parental incarceration increases the risk of children living in poverty or experiencing household instability independent of these other problems. For children whose mothers are incarcerated, there is an increased likelihood of instability and that the children are in, or may enter, foster care

Unfortunately, children of incarcerated parents are too easily ignored in the criminal justice system, which deals with identifying and responding to individual guilt or innocence (Casey-Acevedo & Karle 2009). Children interacting with the criminal justice system (for example when visiting incarcerated parents) are ‘reduced to a security risk assessment, while within the broader community they are silent and silenced’. Only rarely do ministries responsible for children see them as a group of children exposed to particular challenges, meaning children of incarcerated parents often fall into the gaps between government agencies

While many children would like to visit their parents and many incarcerated parents would like visits from their children, this is not always possible. Poehlmann et al. (2010) list child welfare policies and legal issues, correctional visitation policies, and concerns about visitation policies and procedures are common barriers to contact. Because prisons are usually far away from inmates’ families, it takes many hours and a lot of money to visit. Many visitors are deterred from visiting because of the “waiting, no contact/privacy, short visits, and logistics”. Visitors looking to visit are often deterred by the treatment they receive when visiting. Arditti, (2003) described one barrier to family visitation in prisons as “harsh, disrespectful treatment by jail staff.

Having a parent in prison can have an impact on a child’s mental health, social behavior, and educational prospects (Felitti, 2009). The emotional trauma that may occur and the practical difficulties of a disrupted family life can be compounded by the social stigma that children may

face as a result of having a parent in prison or jail. Children who have an incarcerated parent may experience financial hardship that results from the loss of that parent's income. Further, some incarcerated parents face termination of parental rights because their children have been in the foster care system beyond the time allowed by law.

Programs promoting family contact are difficult to implement, however. Not only do they require evidence of efficiency and success, they also require much compliance with the correctional and criminal justice system and a cultural sensitivity (Genty, 2012). It is for these reasons and much more that there is little research, consensus, and institution regarding the best practices for family connection programs for incarcerated individuals.

The goal of most prison programming is to improve outcomes for both inmates and their families in the long run. According to Cecil, et al., (2008.), programs designed strictly for improving inmates' parenting skills are differently designed with their effectiveness measured only indirectly. These measures include increased self-esteem, parenting attitudes before and after the program, adjustment to institutional life, and qualitative relational measures. However, evaluations have shown many of these programs to have a significant effect on recidivism.

Despite the documented benefits of contact between inmates and their families, availability of programs that facilitate this contact varies greatly among facilities. Some programs are as simple as The Mothers Making Memories Program which allows inmates to record themselves reading a book and send it to their child (South Dakota Department of Corrections (DOC)) while others like the 4-H Living Interactive Education Program provides parenting classes and an opportunity for inmates to plan curriculum for their child's visit (Lawson, 2010). Of the programs that do exist, there is a wide range in quality due to a lack of evaluation and research on the subject. Still, the programs that have demonstrated positive results can provide invaluable support for both families and inmates.

Christian, (2005) cited that one of the most important factors that affect whether and how often a child has contact with an incarcerated parent is the relationship between the parent and the children's current caregiver. For various reasons, a caregiver-be it the other parent or a relative

may have a strained relationship with the incarcerated parent or may have severed all ties with him or her. The caregiver may feel that further contact with the imprisoned parent could harm the child and therefore might prevent or discourage such contact.

The parent-child bond is a crucial factor in determining the adjustment of the child once the parent is incarcerated (Miller 475-76). Ensuring the strength of this bond can make a significant difference in the social, psychological, and emotional issues the child will face. Consistent communication is one way the bond between parent and child can remain intact during incarceration. However, when a parent is incarcerated consistent communication becomes difficult. The cost of communication for families can be overwhelming when these costs include phone calls and transportation for visitation (e.g., gas and food). The more families communicate with the incarcerated parent the higher the financial cost will be. It is common for families and incarcerated individuals to be separated by a large distance. Studies have shown that in 2004 nearly half of inmates lived 100-500 miles away from their families (Schirmers, Nellis, and Mauer 8). This distance can be an issue because of the financial cost and a large amount of time it would take for the families to travel and visit the incarcerated parent. Furthermore, although inmates are provided the basic necessities in prison, there are times when they need money to pay for miscellaneous items (e.g., snacks), and their families may be the only ones willing to contribute to these needs. Therefore, the culmination of all of these expenses can take a toll on a family's socioeconomic status. There is a difference between the quality and the number of visitations between parent and child. Previous studies have shown that when offenders have better quality visitations, the relationship between the parent and child seemed to be stronger than when they have high quantity visitations (Beckmeyer & Arditti 144). A good quality visitation would mean the parent and child have a feeling of closeness. This closeness does not necessarily mean the parent-child had a positive or pleasant visitation. The visitation could have been argumentative. The important thing is for both parent and child to be able to express their feelings with one another. Although quality visitation is of higher importance, this does not mean frequent visitations are not important for the parent-child relationship. If children only communicate with their parent(s) once a month it will be difficult to have a good quality relationship

Comment: the goals of reviewing literature are two, 1) to show that the researcher is familiar with the works related to his area of concern, and 2) to identify gaps in knowledge in the existing literature. So far, you have done 1) but not 2), and yet 2) is very important because a project becomes researchable when there are gaps in knowledge to be bridged. So far you have not identified gaps in knowledge in the accessed literature, meaning the review of literature is incomplete. The question then is, how will you develop research instruments under methodology if you do not identify gaps in knowledge in the accessed literature? Where will the questions that you will need your respondents to answer come from? I hope these questions raise your consciousness on the importance of reviewing the literature and what exactly you do when reviewing literature.

2.3 How children whose parents are in prison meet their needs.

Parental incarceration affects many aspects of a child's life, including emotional and behavioral well-being, family stability and financial circumstances which make it hard for them to meet their needs. when dealing with children of imprisoned parents: the child has a right to be informed about what is going on; the child has the right to see his/her imprisoned parent(s) on a regular basis and in a manner that respects his/her physical and moral integrity; the child has a right to be assisted by public authorities that have the obligation to facilitate his/her contact with the imprisoned parent(s).

The main challenge is therefore that children, in their own capacity, are very seldom in a position to claim their rights either because they do not know they have such rights or because they have nowhere to address their claim. The question of the access of children to remedies is therefore quite central to the rights of children of imprisoned parents. However, the rights of children can also be implemented through other means than redress mechanisms: hence, the perspective of the child is slowly emerging in its own right in the international human rights forum and opens for a greater awareness to the specificity of the situation of children of imprisoned parents.

Parental incarceration is now recognized as an “adverse childhood experience” (ACE); it is distinguished from other adverse childhood experiences by the unique combination of trauma, shame, and stigma (Dettbarn, 2012). The trauma of losing a parent to incarceration and the instability that follows severely jeopardizes a child’s social and emotional health and well-being. Some assume that the removal of a “bad” (“criminal”) parent will improve the situation for the child. However, parental incarceration more often intensifies and compounds, rather than alleviates, the challenges children face.

In November 2013, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)¹² adopted General Comment No. 1 on Article 30 of the African Charter entitled ‘Children of Incarcerated and Imprisoned Parents and Primary Caregivers’. Although not legally binding, the General Comment is a very persuasive, authoritative and practical tool which defines States Parties’ obligations to respect, protect and fulfil the rights of this overlooked group of children. The Committee asserts that the provisions of Article 30 do not just apply to mothers but also to fathers and sole or primary caregivers who may be a foster parent or another family member such as a grandparent. This is because large numbers of children in Africa are orphaned or living separately from their parents but may still require the protections guaranteed in Article 30. The General Comment sets out the following summarised obligations for State Parties.

- Review sentencing procedure so that a non-custodial sentence is always considered when parents/primary caregivers are being sentenced.
- If a parent/primary caregiver is imprisoned then a child must be placed in appropriate alternative care.
- Set up alternative measures to pre-trial detention such as bail and written notices to appear at court.
- In the very exceptional circumstances when noncustodial measures cannot be considered and it is in a child’s best interests to live with their parent/primary caregiver in prison,

then special institutions should be established to house them and their treatment must be in line with the Bangkok Rules.

- A death sentence may not be imposed on pregnant women or mothers of young children.
- Parents/primary caregivers must have regular contact with their children provided it is in a child's best interest. This means that at the point of sentencing to imprisonment, judges should make efforts to place parents/primary caregivers in facilities that are easy for their children to visit.

Also (Geller, et al., 2012) cited that children with incarcerated parents are also at increased risk for insecure attachment – experiencing relationships with primary caregivers who are inconsistent, insensitive, or unresponsive to children's social and emotional needs. The associations between parental incarceration and poor developmental outcomes are complicated because incarcerated parents and their children often experience many additional challenges that place them at risk for less optimal outcomes, even before the imprisonment occurs. Parental incarceration is now recognized as an “adverse childhood experience” (ACE); it is distinguished from other adverse childhood experiences by the unique combination of trauma, shame, and stigma as well as the ambiguity, and lack of social support and compassion that accompanies other forms of parental separation (e.g. military deployment, death).

Children of incarcerated parents are at increased risk for both internalizing (e.g., depression, anxiety, withdrawal) and externalizing (e.g., delinquency, substance use) behavior problems, cognitive delays, and difficulties in school (e.g., school failure) (Eddy & Poehlmann, 2010). Children with incarcerated parents are also at increased risk for insecure attachment experiencing relationships with primary caregivers who are inconsistent, insensitive, or unresponsive to children's social and emotional needs.

Imprisonment not only affects the inmate but anyone in the inmate's life. Families of inmates are at risk for much greater levels of stress and distress due to the disruption incarceration causes. Caregivers of children must arrange transportation to the prison, deal with complicated policies

and regulations regarding visitation, pay for phone calls to and from the corrections facility, and cope with children's behaviors related to their parent's incarceration (Dallaire, 2010). Families provide financial, social, and emotional support to the inmates, which can be highly taxing (Cecil, 2011). Inmates and their families are greatly stigmatized, which causes stress from the outside community.

Not only are family systems damaged, but they are also put at a logistical disadvantage. Families who were already at financial risk are likely to be more so than before (Arditti, 2006). Families are put at a financial disadvantage when a member is incarcerated as they have lost the opportunity to work and make money (Langan, & Levin, 2005). Myers et al. (1999) states that families of inmates generally have higher risk factors for problems such as community violence, poverty, drugs and alcohol problems.

Some studies suggest that parental imprisonment affects a child's behavior, academic performance and mental health (Glaze, & Muraschak, 2010). A causal relationship between a parent's incarceration and children's problems has not been established. There is, however, consensus in the field that these children are exposed to many risk factors and that the effects of parental incarceration on children are subject to a host of variables, including pre-incarceration living arrangements; the quality of the parent-child relationship; the degree to which inmate parents participated in daily care and financial support of their children prior to confinement; children's current living arrangements; the amount of contact children have with their incarcerated parents; and children's age, temperament, gender and coping skills, among other factors which limit their socialization and access to services.

Children whose parents are in prison are at an increased risk for traumatic events, behavioural problems, academic failure, and substance abuse (Poehlmann et al., 2010). Research (Carlson & Shafer, 2010) shows that there is a much higher rate of childhood trauma among inmates than there is in the general population. According to Murray, (2009), children of incarcerated parents have twice the risk of antisocial behavior and damaged mental health than children without incarcerated parents. Poehlmann *et al.* explain that there are many systems within a child's

environment that affect the child's behaviour and development and incarceration have effects on every system. These children need extra attention to help them develop without great consequences from their parent's incarceration. Children with incarcerated parents need very supportive and nurturing caregivers, preferably an alliance of caregivers, honesty regarding the situation their parents are in, consistency in any programs they part of, and contact with parents when possible.

Incarceration has significant effects on the children, relatives, and other important people of inmates because the inmate is still connected to a family unit even while incarcerated. Research suggests that programs should look at the family unit as a whole and not just the inmate alone. Shlafer, et al., (2010) states that it is important for these family units to have stable caregiving arrangements, social and economic support, and a more sympathetic attitude from the public. Children of incarcerated parents are also greatly benefited by contact with incarcerated parents. One experiment (Landreth & Lobaugh, 1998) found lower parenting stress among incarcerated fathers and greater self-esteem in children who participated in a filial therapy program than did those in a control group.

The associations between parental incarceration and poor developmental outcomes are complicated because incarcerated parents and their children often experience many additional challenges that place them at risk for less optimal outcomes, even before the incarceration occurs. Among incarcerated parents in state prisons, two-thirds did not graduate from high school and more than 1 in 10 had not been educated past 8th grade (Maruschak et al., 2010). Many incarcerated parents had difficult childhoods themselves; 40% of state prisoners reported growing up in a household that received public assistance; 14% reported living in a foster home, agency, or institution at some point during their childhood; and approximately 16% of incarcerated fathers and 60% of incarcerated mothers reported a history of physical or sexual abuse (Glaze & Maruschak, 2008). Of those parents who reported living with their children in the month before their arrest, only 14% of mothers and 18% of fathers reported that they were living in a two-parent household

Parental incarceration is associated with the greater risk that a child will experience material hardship and family instability. A study by Susan Phillips and her colleagues found that parental incarceration is strongly related to economic strain in children's households, defined as low-income with an unemployed caregiver and a lower standard of living or inability to meet the child's needs. Related to economic strain is the possibility that parental incarceration will increase the risk that children's households will become unstable, including multiple, frequent moves; the introduction of unrelated parental figures into the household; divorce; and non-routine school changes. Any of these can pose risks to children's healthy development. The Phillips study found that any kind of parental involvement in the criminal justice system including, but not limited to, incarceration related to family instability.⁹ On the other hand, the study found that such involvement was not significantly associated with a child's living in a family with structural risks, i.e., with a single caregiver, a large family, or placement in foster care.

Children who live in stable households with nurturing caregivers during their parents' incarceration are likely to fare better than children who experience family instability as a result of a parent's confinement. Foster care, in particular, carries with it the risk of multiple placement changes and loss of connection to school, community, friends, siblings and extended family

In addition to the adverse emotional and behavioral consequences of parental incarceration and parent-child separation, children in foster care and their parents face additional challenges created by child welfare law, policy and practice. The most serious of these challenges is the risk that the legal parent-child relationship will be permanently severed through legal action by a child welfare agency. The 1997 federal Adoption and Safe Families Act, requires states to file a petition to terminate parental rights on behalf of any child who has been abandoned or who has been in foster care for 15 of the most recent 22 months

In addition to their own difficult childhoods, many incarcerated parents report chemical and mental health issues that could interfere with their capacities to parent their children. Nearly 7 in 10 incarcerated parents met the criteria for substance dependence or abuse (Maruschak et al.,

2010). In addition, nearly 6 in 10 incarcerated parents met the criteria for a mental health problem, but less than half of those meeting criteria had ever received treatment.

It is estimated that more than 1.75 million children have a parent currently in prison in the U.S. (Maruschak et al., 2010) and that millions of more children are impacted by this issue. Like other Adverse Childhood Experiences, the incarceration of a parent often results in exposure to other risk factors that can compromise health and development across the life course. Although incarceration is likely not the *cause* of these compromised outcomes, it instead serves as one indicator of other co-occurring risks and vulnerabilities that make these families particularly fragile. Given the potential long-term consequences of parental incarceration for child and adult health, targeted, evidence-informed prevention and intervention efforts are sorely needed.

Comment: the comments made in the previous section apply to this section also. In addition, much of the information provided in this section has nothing to do with the ways that the needs of children of incarcerated parents are fulfilled. Therefore, you need to find the relevant data and review it.

2.4 Natures of crimes normally committed by parents.

The nation's growing prison and jail population has raised serious questions about the collateral effects of incarceration on children, families and communities. Whatever one's views about the appropriate role of incarceration in the criminal justice system, it is clear that imprisonment disrupts positive, nurturing relationships between many parents—particularly mothers—and their children. In addition, many families with children suffer economic strain and instability when a parent is imprisoned. Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of less intergenerational criminal justice system involvement, and promotion of healthy child development. (Maruschak *et al.*, 2010) indicate that families are important to prisoners and to the achievement of major social goals, including the prevention of recidivism and delinquency. In most cases, the court may impose any of the following sentencing options

such as death penalty; imprisonment for life; imprisonment for a specified period of time which separates the child from the parent and ends up denying them of their rights.

Findings in the Child Trends study are echoed in a similar report published Dec. 10 by the Center for American Progress, a progressive political think tank in Washington. CAP researchers Rebecca Vallas, Melissa Boteach, Rachel West, and Jackie Odum found that between 33 million and 36.5 million children—nearly half the total population of U.S. children—have at least one parent who has a criminal record.

According to (Christopher 2000), parents held in U.S prisons had an estimated 1,498,800 minor children in 1999, an increase of over 500,000 since 1991. Of the Nation's 72 million minor children, 2.1% had a parent in State or Federal prison in 1999. A majority of parents in State prison were violent offenders (44%) or drug traffickers (13%), and 77% had a prior conviction. Nearly 60% of parents in State prison reported using drugs in the month before their offense, and 25% reported a history of alcohol dependence. About 14% of parents reported a mental illness, and 70% did not have a high school diploma. It can be noted that crimes such as felonies, which carry a 10-year minimum sentence the mandatory minimum sentences range from a low of 48 hours for a first offense of driving under the influence (DUI) if the offender is not sentenced to community service to a high of life without possibility of release or execution for a capital felony. This implies that the longer the parents are in jail the longer their children will take to have access to their rights and needs.

More so both State (57%) and Federal (61%) prison, a majority of the parents were sentenced for either violent offenses, such as homicide, sexual assault, and robbery, or drug trafficking activities. Violent offenses (44%) were the most common type of crime for which parents were serving time in State prison, while 67% of the parents in Federal prison were drug offender

The typical description of prisons in Africa can be found in the 1995 Resolution of the African Commission on Human and Peoples Rights (ACHPR) on this subject. The Resolution highlights the following inadequacies plaguing the African penal sector: high congestion, poor physical health and sanitary conditions; inadequate recreational, vocational and rehabilitation

programmes, restricted contact with the outside world, large percentages of persons awaiting trial, among others. Sadly, Africa is believed to have some of the world's most overcrowded prisons. With a total inmate population of at least 903534, the average of awaiting trial inmates in Africa is about 45 per 100,000 while the global rate is 44 per 100,000.

In a continent with so many social needs, protection of prisoners is far from the top of many priority lists, especially when the consensus of opinion is that prison is a locus for detention, punishment, and deterrence as opposed to rehabilitation and reintegration. Whenever an offender is arrested or punished by the State for crime presumably committed there are three major parties affected: The Offender, the Crime Victim and the dependents of the Offender. Of these three parties, the least recognized are the Dependents and especially the children of the offenders who are left to suffer the stigma and deprivation caused by that very criminal act (Beckmeyer & Arditti, 2014).

2.5 Strategies how rights of children of imprisoned parents can be protected

Human rights are being developed at local and global levels. At both levels, courts of law and other control mechanisms ensure their practical implementation. Such mechanisms are first of all reactive, which means that they only deal with the problems that are presented to them. This implies that if no lawyer takes the perspective of the child in to account in a complaint, there is very little chance that a court will do so – of its own initiative. Lawyers must therefore enhance the perspective of the children of imprisoned parents in cases concerning visits in order for the courts to be able to take the best interests of the child in to account in matters that only indirectly concern them. A London High Court (administrative court) judgment, which concerns the exclusion of a prisoner from a mother and baby unit of a prison as a result of her poor behaviour, put a strong emphasis on assessing the effect of the separation on the baby, moving thereby away from only taking the family life of the imprisoned woman in to consideration (Dallaire, 2007). The attention to the perspective of the child is to date only very timid when looking at courts of justice handling of decisions concerning the family life of prisoners. On the contrary, an

increasing attention to the perspective of children is to be found in international forums and international documents.

Maintaining family contact during incarceration can be beneficial to both children and their parents (Eddy & Poehlmann 2009). It is generally thought that maintaining parent-child contact through personal visits during incarceration is important for the well-being of many children, although little empirical evidence exists on that point. Some research indicates that visiting is important in maintaining parent-child relationships and increases the likelihood of successful reunification after release (Shlafer, & Poehlmann, 2010). With regard to prisoners themselves, several studies found that maintenance of family ties during incarceration is linked to post-release success, defined as lower rates of recidivism and fewer parole violations.

The Vermont legislature required in 2008 that the Corrections Oversight Committee investigate issues regarding children of incarcerated parents and make recommendations on how to increase appropriate contact between minor children and their parents (Dallaire, 2007). The committee also was to determine data that should be collected to enable the legislature to better understand the effects of parental incarceration on minor children, among other things.

It can be noted that the best interests of the child of a defendant /an imprisoned parent must be considered carefully and independently ‘by competent professionals and taken into account in all decisions related to detention, including pre-trial detention and sentencing, and decisions concerning the placement of the child.

Concerning children placed in alternative care, the state must ensure that alternative care allows the child to maintain personal relations and direct contact with the parent who remains in prison. Children who have an imprisoned parent must be provided ‘with adequate support, including counselling, and to facilitate contacts with their parents in prison, whenever this is not contrary to the child’s best interest

Concerning children residing in prison with their mothers, it can be recommended that the state ensures that living conditions in prisons are adequate for the child’s early development. It further

recommends that states develop and implement adequate alternative care for children who are removed from prison, and allow them to maintain personal relations and direct contact with their mothers remaining in prison (Cecil *et al.*, 2008).

Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development. Research shows that contact between incarcerated parents and their children during incarceration and immediately the following release has been linked to reductions in recidivism. According to a report issued by the Vera Institute of Justice (2011), a strengths-based, family-focused approach to correctional programming may improve incarcerated people's well-being and increase

Contact with family during incarceration increases the likelihood of a caregiver alliance between the inmate and caregivers of the child or children. Having an alliance between co-parents, whether incarcerated or not, married or not, biological parents or not, is crucial to the wellbeing of the child. Cecil *et al.* (2008) found that cooperative co-parenting consists of a shared system of childrearing ideologies, cooperation, support, respect and validation for each other's parenting effort, shared warmth, open and effective communication, and productive problem-solving. Cecil and colleagues also found that this type of an alliance between co-parents was shown to promote better self-regulation, pro-social peer behavior, greater empathy and emotional understanding, securer child-adult attachment and greater overall competency in children while an absence of this type of alliance leads to negative family representations, behavioral problems, interpersonal aggression, anxiety, poor social adjustment, and an insecure parent-child attachment. This type of alliance is also shown to reduce the likelihood of delinquency and criminal behavior in children.

Article 30 of the African Charter on the Rights and Welfare of the Child (ACRWC) is unique within the canon of regional and international human rights law because it highlights directly how the rights of children are affected when their parents/primary caregivers are caught up in the

criminal justice system. It lays out a number of provisions ensuring ‘special treatment’ for pregnant women and mothers who are accused or convicted of criminal offences. It requires that non-custodial sentences always be considered first and that alternatives to detention be established and promoted. Article 30(1)(f) states: ‘the essential aim of the penitentiary system will be the reformation, the integration of the mother to the family and social rehabilitation.

Research shows many benefits of family contact for inmates as well as the families they are keeping in contact with. Inmates who are able to retain contact with families are shown to have decreased likelihood of recidivism upon release (Cecil et al., 2008; Minnesota Department of Corrections, 2011). Family networks outside of prison are crucial to inmates as they provide emotional and financial support, childcare, and connections to the outside world as well as to jobs, housing transportation, and help to reintegrate upon release.

Incarcerated parents need access to reunification services, such as substance abuse treatment, mental health services, and parenting classes. In the BJS study, more than half of parents in state prison (55 percent of fathers and 74 percent of mothers) reported a mental health problem and more than two-thirds (67 percent of fathers and 70 percent of mothers) reported substance dependence or abuse. Only four in 10 of these parents, however, reported receiving treatment for substance abuse since admission, and only one-third received treatment for mental health problems

Incarcerated parents who want to avoid termination of parental rights should participate to the fullest extent possible in their children’s dependency proceedings, including case planning, hearings, and court orders. Parents, however, are often dependent upon caseworkers for information and guidance to navigate the dependency process. Unfortunately, some studies have found that caseworkers rarely communicate with parents in prison, inform them of hearings or involve them in case planning

There should be the management of the disruptive effects of a parent’s incarceration. Options include minimizing disruptions in a child’s residence, school attendance, friendships and caregiving arrangements, and minimizing economic hardship following a parent’s imprisonment.

One type of caregiving arrangement that deserves special consideration is care by non-parent relatives. Although kinship care has many advantages over other forms of caregiving arrangements, such as non-relative foster care, it also poses some risks to children's healthy development (Dallaire, & Aaron, 2010). Research on kinship care, in general, has shown that many grandparent caregivers are poor, physically frail and in poor mental health

Felitti, et al., (2009) cited that current and new programming must be systematically evaluated in an effort to record experiences, individual and family needs, and measurable outcomes, and develop a body of evidence that can be shared among professionals, with the goal of developing evidence-informed practices for incarcerated parents.

Since most prisoners eventually return to their families and communities, some programs and policies aim not merely to maintain parent-child contact during incarceration, but to strengthen the parenting skills of inmates and to provide an opportunity for bonding between incarcerated mothers and their new born children (Genty, 2012). Only a few states have legislation in this area, and most provisions address the parenting skills of mothers of very young children, including those who give birth while in prison or jail. Some laws provide prison-based nursery programs, allow temporary release of inmate mothers to community-based alternatives to incarceration, or both

Although inmate parents are vulnerable to losing parental rights, they often are unaware of this vulnerability or know very little about what they can do to prevent loss of rights (Glaze, & Maruschak, 2008). Even if they understand what is at stake, administrative and logistical factors can prevent them from attending critical court hearings. Key to addressing these issues is ensuring that inmate parents are consistently represented by attorneys who are familiar not only with dependency litigation but also with the criminal justice system and applicable corrections policies that affect incarcerated parents. Addressing this problem also will require improved coordination among law enforcement, the judiciary, corrections and child welfare. California law, for example, authorizes the presiding judge of the juvenile court in each county to convene

representatives of these systems to develop protocols to ensure notification, transportation, and presence of an incarcerated parent at all court proceedings that affect his or her child.

Accordingly, policies should target those children who have a relationship with their incarcerated parent, who would benefit from maintaining that relationship, and who face the barriers that state policies can address (Maruschak, & Mumola, 2010). Such policies include assigning inmates to facilities close to, requiring child-friendly visiting areas within prisons and jails, requiring training for corrections staff on treatment of visiting children, and reviewing and revising prison visiting policies to identify and remove unnecessary barriers to regular visitation. Michigan, for example, included in its 2007 corrections appropriations bill a requirement that the state allocates sufficient funds from the appropriation to develop a pilot children's visitation program, which is to include parenting skills instruction.

There should be a presumption against pre-trial detention and the best interests of the child should be a primary consideration when deciding on or review pre-trial measures for a parent, in particular, the decision to detain (Murray, 2012). Guidance should be prepared on what information is required for such decisions and on how to gather this information.

Poehlmann, (2010) constituted that as many children suffer financially because of the incarceration of a parent (both through lost income or benefits and by extra costs related to contact, and potentially in the longer term by loss of inheritance rights from the incarcerated parent), some have recommended that children and families of prisoners receive financial support from the government to help compensate for the loss of income from the incarcerated parent.

When parents/primary caregivers are arrested and sent to prison in Uganda, little to nothing is known or recorded about what becomes of their children if they don't accompany their mothers in prison. So there are no precise figures about how many children in Uganda are affected by parental imprisonment nor how it affects them. However, in July 2015 there were 45,314 people in prison, 2,039 of whom were women (up from 1,447 in July 2012). We do not know how many of these 45,000-plus prisoners had children, nor much about their lives, but we do know that in a

survey conducted by the Foundation for Human Rights Initiative (FHRI) and Penal Reform International (PRI) in 2014-15, of 194 women prisoners in Uganda (10 per cent of the total women prisoner population), an overwhelming 92 per cent of surveyed women had children and over 86 per cent of these children were under 18 years old. Five per cent of the women surveyed were pregnant.¹⁶ The Ugandan NGO, Wells of Hope, estimates that 200,000 children in Uganda have a parent in prison at any one time

The many issues that face children of incarcerated parents and their families are complex and cross the jurisdictional boundaries of multiple agencies and service systems (Poehlmann, 2010). In addition, thoughtful policymaking in this area is hindered by lack of reliable data on the characteristics of these children and a paucity of sound research on both the effects of parental incarceration and the effectiveness of interventions. Nevertheless, a growing number of state policymakers are taking an active interest in helping children of incarcerated parents. This paper provides a preliminary framework for those who must deal with this critical policy issue.

2.6 Summary of literature review:

Several scholars have examined the effect of parent's imprisonment on children's needs in Uganda (Clarke and Colin-Xu 2002). In this study, the researcher argued the extant literature on ethics has tended to ignore how children whose parents are in prison meet their needs, the nature of crimes committed by parents and ways to improve the fulfilment of the needs of children whose parents are in prison which have left in gaps that this study intends to address. Further A wide range of parenting programmes currently exists for families at risk (Barrett, 2003). These aim to improve parenting skills and outcomes for children. A noticeable gap in almost all these programmes, however, is the involvement of young people. We found very little evidence that they had participated at any level in developing the content for such programmes, their administration, or assessments of their value and impact. Involving children in the constructions of their own lives, and consulting them on initiatives to this end, would seem to be an important research priority Hunja Steane et al (2003) observed that most recently, some researchers have focused their research efforts into exploring the relationship between parent's imprisonment and

children's needs though most studies are done outside Africa there is need to bring this issue to the attention of the African people hence this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter presents the methods and techniques the researcher used in the collection of data. It describes the research design, sample size and selection, study population, data collection methods and description of instruments, measures of validity and reliability of data collection instruments, data analysis approach as well as the ethical considerations during research.

3.1 Research Design

Bryman and Bell (2008) describe a research design as a framework for the collection and analysis of data. A choice of research designs reflects decisions about the priority being given to a range of dimensions of the research process. This study used an exploratory research design. Exploratory research is used to understand the phenomenon under study by employing an open, flexible and inductive approach in an attempt to look for new insights into the phenomenon under study (Terreblanche, Durrheim & Painter, 2006). Exploratory research is further described as research which is conducted to obtain more details on a poorly understood phenomenon and develop preliminary ideas about it and move towards refined research questions (Neuman 2011). Exploratory research is useful in conducting studies with the intention of yielding new insights into the research topic (Barbie 2010), like it was the case with assessing the effect of imprisonment of parents on children's upbringing in Uganda using a case of Nakawa Division.

This study took a qualitative approach in assessing the situation of children whose parents are in prison, how they meet their needs and how their life can be improved. A qualitative study is “an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting” (Creswell 1994). The qualitative approach was suitable for this study because it is exploratory, fluid, flexible and context sensitive. In addition, the study is descriptive for purposes of providing an accurate picture and context of what is happening with the children

whose parents are in prison in Nakawa Division. However some elements of quantitative methods might apply.

3.2 Area of the Study

The study was carried out in Nakawa Division located in Kampala Capital City Authority in Central Region. The division is surrounded by Kira Municipality in the East, Makindye Division in the South, Kampala Capital City in the West. It hosts Luzira major government prison and a number of NGOs that support children of incarcerated parents. It is also a major residential area to city drawlers.

3.3 Study Population

Population in research refers to the group of people believed to be reliable for the study and from whom information is taken (Kombo & Tromp, 2006). The study targeted Children whose parents are in prison, Parents in and out of prison, people who look after children whose parents are in prison (Care takers), Human Rights Organisation who worker with prisoners or take care of children of imprisoned parents, the Uganda Prison Services and Uganda Police Child Protection Officers. A total of 59,117 stakeholders represent the study population which is the population of Nakawa Division as per UBOS statistics.

3.4 Sample Procedure

3.4.1 Sample Size

A sample is defined by Sekaran (2003) as a subset of a population. The sample size provides an exact size once the study population has been identified. The sample size from a normal distribution was 80 respondents, therefore, to be estimated using the Krejcie and Morgan (1970) table for Sample size determination (*Attached in Appendices*).

Table showing the sample size

Number	Respondent	Number of Respondents
1	Children whose parents are in prison	50
2	Parents	10
3	Care takers	10

3	Human Rights Organisations	4
4	Police Child and Family Protection Units	3
5	Prison Officers	3
	Total	80

Explanation of the sample size

Children whose parents are in prison: These were found at homes of care takers, Orphanages and in the community. They were the key respondents to the study and provided the necessary information on the human rights abuses they face as they are struggling to meet their day to day needs.

Parents: the parents interviewed were those who are in prison or have been in prison. 95% of parents interviewed were still in prison and specifically at Luzira Prison. 5% were in the community trying to reintegrate with their families. 80% of the parents were female and 20% male. These provided information on their experiences and their children.

Care Takers: Most care takers interviewed were found at Luzira Prison and at the day care opposite the female's prison. They take care of those young children who have made 18 months and transferred to the day care. One care taker was found at Family of Africa they only home which is ready to pick up these children once they have reached the school going age or abandoned in the community after arrest of the parent. They provided information on how they help these children and what should be done to protect their rights.

Human Rights Organisations: These are organisations that work with the Uganda prison's services to protect and advocate for the rights of children with parents in prison. They also take care of these children who are left with no one to help after the arrest of the parent.

Police Child and Family Protection Units: This unit is in charge of family affairs. In practice they should make sure that children are safe during arrest of the parent. If not safe they should provide this information to the judiciary so that the safety of the child is considered in the trial process. We interviewed their officers in charge of this Unit at Nakawa, Kitintale and Mutungo.

Prison officers: These receive these parents after being remanded. In practice they would ask the number of children a prisoner has and their ages. Ensure that those who are young and left behind are placed under safety care. They also receive children who come with their parents. These were found at Luzira Prison and provided us with information on the plight of these children.

3.4.2 Sampling Techniques

Purposive sampling was used to select all the necessary respondents of the study. Berg (2001) defines Purposive sampling as the sampling procedure that requires the researcher to use his or her special knowledge or expertise to select respondents to represent the entire population. This is in consideration of their attributes which the researcher considers most useful for the study. Purposive sampling was used because it increases the validity and reliability of the data since people with vital information are the ones to be considered. Purposive sampling was used to select the children whose parents are in prison, Parents, Care takers, Human Rights Organisations, Police Child and Family Protection Units and Prison Officers

3.5 Data Collection Methods and Instruments

In the study, the researcher used interviews.

3.5.1 Interviews

Interviews are the most widely used method of data collection. They involve asking respondents to talk about their everyday experience regarding the topic under the study. They take a form of a conversation between two or more people to develop ideas rather than facts. This is important to understand the thinking and the feeling of the respondents. Interviews were used to collect data from respondents. Parents, Care takers, Human Rights Organisations, Police Child and Family Protection Units and Prison Officers were subjected to interviews to capture their expressions and opinions in their own words. An interview guide was used to collect data from the interviewed respondents

3.5.2 Direct Observation:

This was mainly employed to witness and observe some of the activities some of the children of imprisoned parents are engaged as a means of making a living to cater for their basic and daily needs. Similarly, the contributions of the caretakers of the children of imprisoned parents were observed. An observation guide was used to observe the activities some of the children of imprisoned parents are engaged

3.5.3 Focus group discussions

Focus group discussions were employed because they involved listening to experience of many respondents at ago. A focus group discussion (FGD) is a good way to gather together people from similar backgrounds or experiences to discuss a specific topic of interest. A focus group discussion was used to collect data from the Children whose parents are in prison.

3.6 Quality Control Methods

Quality control concerns the validity and reliability of the study in producing accurate results. Validity is the measure of how well a test measures what it is supposed to measure and reliability is the measure of how consistent the results of the test are. Qualitative research is often criticized because they are carried out in one area of the study, making it difficult to draw a general or far-reaching conclusion. Given the fact that data was collected from the real people who are well informed of their experience, the data collected was considered valid, reliable and easily generalized.

3.7 Data Management and Processing

Data was collected through interviews. During the process of data collection, routine explanation was given to respondents on questions that seem to be misunderstood. Probing was also done for clarity on some of the issues raised by respondents. Then the collected data from interviews were transcribed into files and arranged with other data files for further analysis.

3.8 Data Analysis Techniques

Data analysis involves the use of qualitative techniques. Field notes from the data collection instruments were compiled and edited at the end of each working day to ensure accuracy in

recording and consistency of information given by respondents. Before the interview, the researcher made appointments liaised with the key informants to agree on the time and venue, bearing in mind that the place has to be accessible, comfortable and quiet. Themes were identified and put in coding categories. A thematic content analysis was carried out by identifying common trends and rating them in terms of their relevance to the aims and objectives of the study. A scheme of analysis was worked out following the coding categories, using quotations and the most occurring ideas.

The themes were then also edited, coded and arranged in different categories to generate useful conclusions and interpretations on the research objectives which was deduced for reporting in a narrative form.

3.9 Ethical Consideration

The researcher is fully aware of the act that research ethics are part and parcel of research and anything that compromises adherence to ethical standard equally compromises the validity of the finding. The researcher sought informed consent from the respondents prior to the interviews. The respondents were assured of the confidentiality of their responses and that information was not used for anything else apart from that in the study.

Interviews were coded guarantee anonymity as no one of the respondents were named at any time during the research or in the subsequent study. Respondents were selected for their willingness to participate without compulsion and no risks to the respondents were identified at any stage during the research.

3.10 Limitations of the Study

By using recorders during interviews, some respondents are expected to present themselves in the best possible ways and give what they think the researcher wanted to know rather than what is on the ground. This was overcome by probing and interviewing different respondent on the same topic to compare the answers.

Although qualitative research is viewed as dependent on the researcher's judgment and interpretation, they are often criticized on the ground that they promote the subjective opinions of the researcher thus making the whole study more reflective of his opinions. However, this

doubt was addressed by directly presenting raw data from the respondents as the evidence. This acted as the evidence that the data presented in from the views of the respondents.

3.11 Conclusion

For every successful research, the methodology in which it has been carried out plays a great significant role. This is what this Chapter has addressed. The following chapter deals with data presentation, interpretation, analysis, and discussion

CHAPTER FOUR

PRESENTATION, INTERPRETATION AND DISCUSSION OF FINDINGS

4.0 Introduction

This chapter presents the results of the study. The results were thematically analysed and presented as such for each study objective.

4.1 Emerging themes and sub themes during the key informant interviews

The data analysis procedures began after the interview data was converted from audio and video files to transcribed text. The themes began to emerge with the initial reading of each transcript. In addition to these themes, the data also suggested the existence of categories and patterns. The three emergent themes developed as follows;

Table 1: Emerging themes and sub themes during the key informant interviews

Theme	Sub theme
The situation of children whose parents are in prison	<ul style="list-style-type: none">• Parental separation• Children face psychological imbalances• Experiences of abuse or mental health problems• Risk of children developing antisocial or criminal tendencies in later life• children are discriminated against and stigmatised• Children suffer from trauma, fear, shame, guilt and low self-esteem.• Relationships with other family members frequently suffer.• Loss of connection to school, community, friends, siblings and extended family

<p>How children whose parents are in prison meet their needs</p>	<ul style="list-style-type: none"> • Children with incarcerated parents meet their needs very supportive and nurturing caregivers • Receive money and support from elder brothers and sisters • Part time work by children of incarcerated parents • Help from NGOs and government • Foster care • Second parent (father/mother)
<p>The nature of crimes committed by parents</p>	<ul style="list-style-type: none"> • Misunderstanding between members of a small scale saving scheme • Parental use of alcohol or drugs • Domestic violence • Murder • Theft • Child abuse • Aggravated Robbery • assault, • Drug Trafficking and trafficking of humans.
<p>Strategies to support children of imprisoned parents meet their needs.</p>	<ul style="list-style-type: none"> • Government should ensure that these children are given priority like other children • Civil society in this field they should unite and work together to achieve good results • Officials should encourage visiting and maintenance of family ties. • Polishing the relationship between the parent and the children's current caregiver. • Government should support families where these children come from

	<ul style="list-style-type: none"> • Communities should be sensitized on about the needs • More support from the family and other charity organizations • Government should revise the adoption law • More homes for these children should be built across Uganda • Government should introduce a follow up plan for the children • Reduced long waits for visits; • Reduced Rude child treatment
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4.2 Socio demographic characteristics of the study participants

The study interviewed 80 respondents. The majority of the respondents in the study were children whose parents are in prison (50) other respondents that were interviewed included parents in and out of prison (10), Care takers (10), Civil society organizations (4) Police Child Protection Units (3) and Prison Officers (3). Further 49 respondents were male compared to the 31 respondents who were female. Further 59 respondents were aged below 18 years, 10 respondents were between 19 – 25 years and 11 respondents above 25 years. The views presented by these respondents were based on the themes of the study as discussed below:

4.3 The situation of children whose parents are in prison

The respondents were asked whether they interfaced with issues to do with children of prisoners and the community perceptions towards these children. There were varying views of concerning the situation of children whose parents are in prison. It was majorly indicated that Parent imprisonment can affect many aspects of a child’s life, including emotional and behavioral well-being, family stability and financial circumstances. The results showed that if parents are inmates, children may lack the guidance and support needed for positive child development as well as face poor up bringing due to lack of a ready system to take care of their needs when their parents are away..

On the aspect raised by one of the interviewed children with a parent in prison attested that;

"The imprisonment of my mother makes me lose concentration in class, separating from the family members also frustrates me and I feel embarrassed most times that I don't even want to see my family members again." (Interview at Family of Africa, 19th December 2017)

These findings agree with the findings of Eddy & Poehlmann, (2010) who postulated that children of parents in prison are at increased risk of depression, anxiety, withdrawal delinquency, substance behaviour problems, cognitive delays, and difficulties in concentration in class which may lead to poor performance.

Another child commented that:

"The imprisonment of my Father was of much effect because I had to stay in the neighbourhood for a week as a child of nine years. I was isolated by the neighbours' children and they could see me as helpless street child who was not even human". (Interview in Mutungo, 18th December 2017)

He added that:

"Since my Father's imprisonment I have never even see any of my relatives and this makes me develop hate and anger for all of them because they neglected me in time I was in need for them" (Interview in Mutungo, 18th December 2017)

This implied that Children with imprisoned parents may be attached to insure care givers and hence may experience relationships with primary caregivers who are inconsistent, insensitive, or unresponsive to children's social and emotional needs. This risks their rights to belong to a family as it is emphasized by sec 9 of the children's act 2005.

In addition to that, from a Focus group discussion with children at Family of Africa, children noted that imprisoning their parents has made them miss them. They always want to go see them but can't. They only visit them during holidays. Most of them think that prison is their home and when they go they think they are going home.

The finding are in line with the UN Bangkok rules which requests for more time during visitations and a conducive environment similar to that of a home.

The findings also confirm the statements in the study by (Murray, 2009), children of incarcerated parents have twice the risk of antisocial behaviour and damaged mental health than children without incarcerated parents. More so these findings indicate that children whose parents are in prison are at an increased risk for traumatic events, behavioural problems, academic failure, and substance abuse.

Asked about the support given to children whose parents have been imprisoned, in particular citing the child records and child follow up, a number of views were presented by various informants including caretakers, warden among others.

It was stated that support is sought from organisations and government for children whose parents are imprisoned and are still young or have no one to take care. One of the care takers opined that;

"Those who come with their mothers when they are still breast feeding, So when they clock 18 months they are supposed to be taken to the society away from prison for example Family of Africa is an NGO that usually picks them and take care of them and it is Rev. Father Felix in charge." (Interview in Ruzira Prison, 19th December 2017)

The same care taker added that:

"They follow up with them and they are asked to bring children during the holidays so that they can see their mothers"

Another prison officer mentioned that:

"Inmates are allowed to make calls they come to welfare office with the phone number and they make calls. Inmates write letters, they are visited by their children"

"Sometimes parents are arrested when their children are at school, we ask the parent for details, however when a parent is arrested with a child below the age of one year we therefore put the child to the day care, we have special wards for children in prison. For the children who are above 3 years and have no person to take care of him/her, prison is in contact with various NGOs like Family of Africa, Watoto ministry and individuals who latter take on the responsibility of care taking and attending to their needs". (Interview in Luzira Prison, 19th December 2017)

Earlier studies by (Dallaire, 2010) state that, Caregivers of children must arrange transportation to the prison, deal with complicated policies and regulations regarding visitation, pay for phone calls to and from the corrections facility, and cope with children's behaviours related to their parent's incarceration. This supports the findings of this study.

A police officer attested that:

"The mechanism of helping children or victims is divergent within different police desks but on my desk I ask the suspect whether he/ she has children when am writing my first information.

Police does not have a shelter and we usually refer our victims (children) to jinja road police station which is our mother station for them they find ways of handling the children however suddenly they also do not have a built home for the children". (Interview in Kitante Police Post, 17th December 2017)

On the same aspect in mates also presents their views. One respondent said that;

"I stay with one and the other one stays with his father and the NGO is taking care of some of their basic needs like education and medication

"I take care of the baby since I came with the pregnancy to the cells, the prison officers have also rendered support"

"Yes, I have got support from various organizations like family of Africa, family and friends who provide some basic need and support." (Interview in Luzira, 18th December 2017)

Asked about the issues with children with parents in prison, a key informant from the Human Rights Organisation reported that:

"I have worked with them and gone with them to the prisons to visit their parents at the men section. The experience is always nice when they meet. They feel loved and happy meeting their parents. Those who are at school always work to impress their parents when they meet them once in a while. Parents also buy gifts for them as a sigh of care. However, you see that they actually miss their parents and you could see ties in their eyes when they are departing".

"The community is not good to these children, if your parent was a thief they look at a child as a thief too. They over judge them wrongly and some are even chased out of villages. There is a village where the community wanted to burn their house and but

were helped by an NGO called Wells of hope. The community forgets that children don't choose their parents” (Interview in Mutungo, 20th December 2017)

4.4 How children whose parents are in prison meet their needs.

The needs of children whose parents have been imprisoned were explored: In this respect included aspects to do with, major needs of children, how these needs are met, and the challenges faced in meeting these needs. The respondents were also asked to give their opinions as on the needs of children whose parents are in prison. It was found that children need scholastic materials, food, clothing, medical care and education. One of the interviewed caretakers attested that;

“Children are faced with inadequate basic needs”

“Most of the needs are attended to, however we need more help to enable us attend to medical care and education” (Interview at Family Of Africa, 19th December 2017)

A prison officer added that”

“The most important needed of these children are scholastic materials, food and clothing” (Interview in Luzira Prison 18th December 2017)

These findings indeed are in line with (Shlafer, et al., 2010) who stated that it is important for these children to have stable caregiving arrangements, social and economic support, and a more sympathetic attitude from the public in order to take care of their needs which include clothing, education, and food among others. Children of imprisoned parents are also greatly affected by contact with incarcerated parents in terms of emotional and psychological needs

The informants were asked how the children meet their needs. A number of views were identified which included; very supportive and nurturing caregivers, family members brothers and sisters, help from NGOs and government, Foster care and Second parent (father/mother) among others.

On this aspect, one child of with parent in prison mentioned that:

“I get a little support from brother who is a builder and he usually sends me some money like 10k and 20k when am at school for my pocket money” (Interview in Luzira, 18th December 2017)

He added that

“Father felix and uncle Richard helped get in to the family of Afrika where I survive today and earn education and my basic needs” (Interview in Luzira, 18th December 2017)

Furthermore, views from the Focus group discussion with children at Family of Africa indicated that children get help from Family of Africa and some people who come visit them and bring them books, eats and some clothes.

Parents also presented their view citing that support is given by fathers, various NGOS and visitors who bring them items. One inmate attested that;

“They get Support from the father, in most cases various NGOs support with a few basic needs and materials”

The respondent added that:

“Sometimes NGOs give us support to take care of our children, Watoto took charge and responsibility of my child. “Yes, I have got support from various organizations like family of Africa, family and friends who provide some basic need and support”. (Interview in Luzira Prison 18th December 2017)

Another inmate added that;

“About attending to their needs, their father attends to most of them however I have been supported by friends and family”

“Visitors who come to the prison give us cloths for our children at the day care center, we get pampers, milk and food for the young children, NGOs like Family of Africa have taken care of our mature children” (Interview in Luzira Prison 18th December 2017)

This implied that Children who live in stable households with nurturing caregivers during their parents’ incarceration are likely to fare better than children who experience family instability as a result of a parent’s confinement as earlier pointed out in literature.

Children also meet their needs through prison service and NGOs such as Hope Ministries and Watoto Ministries. This was supported by a care taker who attested that:

“Prison service and other NGOs such as Family of Africa and Wells of Hope Ministries give support. They are supported by their father and the one here is supported by some NGOs such as Home of Africa and other individuals who visit the prison” (Interview at Africa Prison Project on 17th December 2017)

On the same aspect, another caretaker from Family of Africa reported that:

“Family of Africa provides these children who are born in prison or who were very young when their parents are entering prison with scholastic Martials, food and shelter. They also provide them with medical care”.

“They get support from foreign donors, well-wishers and only milk from the Uganda prison which is looked at as government. There is no any other support got from government”. NGO, Uganda prisons, Falliglaid Africa. We also have a farm in Nagalama where we get food, Clothes, food, and funds” (Interview at Family of Africa, 19th December 2017)

A Prison Staff opined that:

“Children Homes provide the basic needs, when here the children day care takes care of these children; however, there is a challenge that these children don’t have private time with their parents. The issue of making these children to grow up in prison with their parents also affects their upbringing”.

“A special diet (meeting the dietary needs of breast feeding mothers) we get support from the government towards the prison, other NGO like Arica Prison Project provides other elements of support to inmates such as health care, support the day care with materials to support children” (Interview in Luzira Prison, 18th December 2017)

This implied that in addition to the adverse emotional and behavioural consequences of parental incarceration and parent-child separation, children in foster care and their parents face additional challenges created by child welfare law, policy and practice. The most serious of these challenges is the risk that the legal parent-child relationship will be permanently severed through

legal action by a child welfare agency. Hence it is imperative that help is provided unto these children to ensure that needs are met to prevent more consequences of parental incarceration.

These findings are also in agreement with findings of (Arditti, 2006) who constituted that families who were already at financial risk are likely to be more so than before families are put at a financial disadvantage when a member is incarcerated as they have lost the opportunity to work and make money.

The study also sought for opinions on the Challenges faced during reintegration, a respondent from the Human Rights Organisation mentioned that:

“Some parents don’t want to pick their children after they have served. After parents are had to locate. Sometimes they even change locations. Sometimes children die and have nowhere to bury them. The law also does not all the home to keep them beyond 3 years. After free years the government recommends that the home looks for people to adopt them. However, the adoption law is not fair. It says that to adopt a child a foreigner must have worked for more than 2 years in Uganda. People are not willing to come and stay in Uganda because they want to adopt a child. Children also most times don’t want to go back home after they have got used to the center” (Interview in kitintale, 19th December 2017)

4.5 Nature of crimes committed by parents

The respondents were asked about the Nature of crimes committed by parents. When a mother or father goes to prison, their children are affected, usually adversely. Yet these effects are rarely considered in criminal justice processes, which instead focus on determining individual guilt or innocence and punishing lawbreakers. However, for the information was aligned to murder, drug trafficking, domestic violence, theft, abuse, among others. One of the children that participated in the study said that;

"The crime committed by father was a misunderstanding between members of a small scale saving scheme that alleged that he had stolen their finances” (Interview in Family of Africa, 18th December 2017)

Another key respondent at the prisons attested that:

“Since Luzira is a maximum prison we often receive inmates of classified crimes including Murder, Theft, and Aggravated Robbery, assault, Drug Trafficking and trafficking of humans among other crimes”. (Interview in Luzira Prison 18th December 2017)

An inmate noted that:

“I hit my wife when we had a fight and she died. I don’t know what is happening with our children. I have now been in custody for 15 years. I need a judicial review ”. (Interview in Luzira Prison, 18th December 2017)

A child with parent in prison noted that:

“I don’t know the crime my mother committed and when I ask her she is ashamed of telling me. (Interview at Family of Africa on 17th December 2017”

A respondent from Human Rights Organisation noted that”

“Most crimes they commit are related to domestic violence instigated by poverty” (Interview in Kitintale, 18th December 2017)

Study findings indicated that respondents pointed out the major crimes committed by parents include, murder, theft, domestic violence, drug trafficking, human trafficking, child abuse among others. Which are serious crimes and attract long sentences.

This finding is in line with (Christopher 2000) in the literature review who noted that, A majority of parents in State prison were violent offenders (44%) or drug traffickers (13%), and 77% had a prior conviction. Nearly 60% of parents in State prison reported using drugs in the month before their offense, and 25% reported a history of alcohol dependence. About 14% of parents reported a mental illness, and 70% did not have a high school diploma. It can be noted that crimes such as felonies, which carry a 10-year minimum sentence the mandatory minimum sentences range from a low of 48 hours for a first offense of driving under the influence (DUI) if the offender is not sentenced to community service to a high of life without possibility of release or execution for a capital felony. This implies that the longer the parents are in jail the longer their children will take to have access to their rights and needs.

More so both State (57%) and Federal (61%) prison, a majority of the parents were sentenced for either violent offenses, such as homicide, sexual assault, and robbery, or drug trafficking activities. Violent offenses (44%) were the most common type of crime for which parents were serving time in State prison, while 67% of the parents in Federal prison were drug offender.

4.6 Strategies how the rights of children whose parents are in prison can be safe guarded in order to meet their needs.

For the case of best practices, a lot of suggestions were made. These suggestions cantered on a strong bond formed between parent and child, and cited that breaking that bond due to incarceration leads to emotional problems for both the parent and child, a parent is normally affected because he or she has no chance to care for his or her children. The child on the other hand is also affected because he or she is no longer certain of the future and who will provide the basic needs for proper growth. The findings indicated that visitation and encouraging a strong relationship between parents and care takers plays a significant role in enhancing the psychological and emotional strength of a child as well as providing the children with basic needs. One interviewed child attested that:

“The help I would want is only to have a judicial review with the case in court because it now about 15 years she is held in custody. I hit my wife when we had a fight and she died. I don’t know what is happening with our children”. (Interview in Luzira Prison, 18th December 2017)

In a focus group discussion by the children with parents in prison. They recommended that recommend constant visits to their parents and if possible pardon to them so that they can stay with them again.

Rehabilitation through counselling and training inmates, encouraging the inmates to exercise their parental rights and Referring children to different NGOs who can provide them with the necessary support were recommended by one of the caretakers.

Another caretaker suggested that:

“The government should support families where these children come from as well as supporting remand homes with the basic needs of children”. (Interview in Kitintale, 18th December 2017)

The care taker added that:

“The communities should be sensitized on about the needs of children whose parents are in prison”

“Children should be given more time with their mothers especially when they have left the day care” (Interview in kitintale, 18th December 2017)

On the same aspect, one of the inmates that participated in the study attested that:

“I need more support from the family and other charity organizations to help me with school fees” (Interview in Luzira Prison, 18th December 2017)

The above findings show a consensus with previous studies which have shown that when offenders have better quality visitations, the relationship between the parent and child seemed to be stronger than when they have high quantity visitations (Beckmeyer & Arditti 144). A good quality visitation would mean the parent and child have a feeling of closeness.

It was in suggested that NGOs should support their education and well-being; their families should also support them meet their needs and that there should be facilitation should be advanced to the police family units because they cannot copy up with the support for the failures and nation at large.

The study sought to explore recommendations for different stakeholders in creating a befitting environment for the children whose parents in prison. A key informant from the Civil Society Organisation recommended that;

“Government should revise the adoption law. More facilitation from government to homes looking after these children” (Interview in Africa Prison Project , 18th December 2017).

She added that

“More homes for these children should be built across Uganda because Family of Africa is the only home for this in Luzira and in Uganda. Other prisons across Africa don’t have these homes. And this home was donated by an NGO”.

“Government should introduce a follow up plan for the children. Once they bring them to the home they don’t bother to find out their conditions and if they visit their parents. It is the home to take responsibility of everything”. (Interview in Africa Prison Project, 18th December 2017)

These findings implied that the parent-child bond is a crucial factor in determining the adjustment of the child once the parent is incarcerated as earlier suggested by Miller (475-76). Ensuring the strength of this bond can make a significant difference in the social, psychological, and emotional issues the child will face

The results indicated that the government should meet costs of reintegration, improve the conditions in women prison, support psychosocial department to cater for their psychosocial needs. Give special care to pregnant women and those with children in prison. Improve their leaving conditions as recommended by a key informant of the study from the Human Rights Organisation.

The respondent further recommended that:

“The government should ensure that these children are given priority like other children. Put good policies in place which also include these children, support Civil Society Organizations helping these children”.

“To the civil society in this field they should unite and work together to achieve good results.

These findings implied early and targeted intervention with children of imprisoned parents can reduce or mitigate some of these problems faced by their children. Early intervention has been called “an effective use of resources”, but such interventions should take into account all aspects of the child’s life that are affected by parental imprisonment. The emotional impact on the child; relationships with the imprisoned parent, family members and others; the effect of parental imprisonment on schooling, living conditions and social activities; the way caregivers are affected (and the impact of that on the child): all of these should be taken into account in order to provide a holistic solution to the negative effects of parental imprisonment on children.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter presents the summary of the findings, conclusions and recommendations based on the most recurring and salient themes and sub themes for each objective of the study and are segmented as such.

5.1 Summary of the Findings

5.1.1 How children with parents in prison meet their needs

The findings of the study revealed that children with parents in prison are affected in many aspects including emotional and behavioral well-being, family stability and financial circumstances. The findings showed that when parents are inmates, children may lack the guidance and support needed for positive child development as well as face poor up bringing in terms of needs. It was revealed that children of parents in prison are at increased risk of depression, anxiety, withdrawal delinquency, substance behaviour problems, cognitive delays, and difficulties in school all resulting from lack of both emotional and material support.

Children with imprisoned parents may be attached to insecure care givers and hence may experience relationships with primary caregivers who are inconsistent, insensitive, or unresponsive to children's social and emotional needs.

The survey findings revealed that support is sought from organisations and government for children whose parents are imprisoned and are still young or have no one to take care. Those who come with their mothers when they are still breast feeding; after 18months are taken to the society away from prison for example Family of Africa is an NGO that usually picks them and takes care of them but this is in Luzira only other prisons there is no organisation ready to pick them when they are 18 month. It was further found out that Caregivers of children arrange transportation to the prison, deal with complicated policies and regulations regarding visitation,

pay for phone calls to and from the collection facility, and cope with children's behaviours related to their parent's incarceration in order to meet the needs of the children whose parents have been imprisoned.

The findings of the study highlighted the needs of children whose parents have been imprisoned specifically focusing on aspects to do with, major needs of children, how these needs are met, and the challenges faced in meeting these needs. It was found that children need scholastic materials, food, clothing, medical care and education. It was also discovered that children's needs are met through very supportive and nurturing caregivers, family member's brothers and sisters, help from NGOs and government, Foster care and Second parent (father/mother), prison service, visitors and that children get help from family of Africa and some people who come visit them and bring them books, eats and some clothes. Children Homes provide the basic needs, when here the children day care takes care of these children.

The findings also showed little support from the government yet it is the primary care giver to these children. It also found out that there is only one home that is Family of Africa ready to pick up these children when their parents are imprisoned and it is found only at Luzira. The findings also found the laws protecting children of imprisoned parents very hard and procedure with little will of implementation.

5.1.2 Nature of crimes committed by parents

The study findings revealed that when a mother or father goes to prison, their children are affected, usually adversely. Yet these effects are rarely considered in criminal justice processes, which instead focus on determining individual guilt or innocence and punishing lawbreakers. It was revealed that the nature of crimes committed by by parents are aligned to murder, drug trafficking, domestic violence, theft, abuse, man slaughter among others which are often instigated by poverty.

Study findings showed that respondents pointed out that Since Luzira is a maximum prison they often receive inmates of classified crimes including Murder, Theft, Aggravated Robbery, assault, Drug Trafficking and trafficking of humans among other crimes".

However it was also noted that most crimes committed by parents especially mothers are out of self-defence or trying to feed for their families which are considered as crimes of passion. This means that there is need to sensitise against domestic violence and empowering women out of poverty.

Also the crimes they commit are serious crimes which attract longer sentences this means that parents are always away from their family for many years when they are facing the criminal justice system.

5.1.3 Strategies to support children of imprisoned parents meet their needs

The findings on the strategies to support children of imprisoned parents revealed a strong bond formed between a parent and a child should be maintained, and that breaking that bond due to imprisonment leads to emotional and psychological problems for both the parent and child. The findings revealed that visitation and encouraging a strong relationship between parents and care takers plays a significant role in enhancing the psychological and emotional strength of a child as well as providing the children with basic needs for proper upbringing.

The study also revealed that there should be rehabilitation through counselling and training inmates, encouraging the inmates to exercise their parental rights and Referring children to different NGOs who can provide them with the necessary support were recommended by one of the caretakers. In addition to that, it was showed that the government should support families where these children come from as well as supporting remand homes with the basic needs of children. Also the communities should be sensitized about the plight of children whose parents are in prison and that children should be given more time with their mothers especially when they have left the day care for visitations”

The survey recommended that NGOs should help government by support their education and well-being; their families should also support them meet their needs and that there should be facilitation advanced to the Police Family and Child Protection unit to follow up on the fate of children after the arrest of parents . It was revealed that Government should revise the adoption

law to for easy adoption of these children and that more facilitation from government to homes looking after these children be enhanced. The study findings revealed suggestions that more homes for these children be built across Uganda because Family of Africa is the only home for this in Luzira and in Uganda.

5.2 Conclusions

The study concluded that when parents are inmates, children are faced with financial circumstances and children may lack the guidance and support needed for positive child development as well as face poor up bringing due to lack of essential needs. It was also concluded that children's needs are met through very supportive and nurturing caregivers, family members, brothers and sisters, help from NGOs and government, Foster care and Second parent (father/mother), prison service, visitors and that children get help from family of Africa and some people who come visit them and bring them books, eats and some clothes.

The study concluded that the major crimes committed by parents include including, murder, theft, domestic violence, drugging trafficking, human trafficking, child abuse. But the critical analysis showed that most crimes committed mostly by mothers are crimes of passion.

Lastly the study found that one of the best strategies to support children of imprisoned parents meet their needs is to maintain a strong bond formed between a parent and a child. It was further found that Government should ensure that these children are given priority like other children, Civil Society Organisations in this field should unite and work together to achieve good results. Prison Officials should encourage visiting and maintenance of family ties, Government should support families where these children come from, Government should revise the adoption law for easy adoption of these children and that more homes for these children should be built across Uganda.

The community should also use their community structures like Local Government Councils to advocate for proper methods of handling these children left behind when their parents are facing

the law. Community services for the offenders can be tried as suggested by the sentencing guidelines introduced by the judiciary of Uganda.

5.3 Recommendations

5.3.1 How children with parents in prison meet their needs

Children often find legal processes alien and confusing: efforts should be made to help them understand what is happening, whether or not they are present at the trial. A full range of measures should be considered when dealing with offenders, including the use of restorative or transformative justice programmes both as a form of sentencing and as an alternative to orthodox judicial process. Sentencing decisions should take into account the effect imprisonment may have on all aspects of the children's lives, especially their welfare and the likelihood of future criminality.

The judiciary should operationalize sentencing guidelines to include non-custodial measures to parents with care giving responsibility during judgment. The interest of the child should also be given priority during sentencing. Judgment should be in the best interest of the child.

5.3.2 Nature of crimes committed by parents

The judiciary should investigate the history behind a crime committed before sentencing to identify the motivation behind. This is because the study has found out that most crimes committed by parents especially mothers are crimes of passion which are out of self-defense.

Prison authorities should take into account how child-friendly their buildings, facilities and procedures are. Staff should be trained in appropriate ways to respond to child visitors and information about rules and procedures provided in a format that can be understood by children. If families have problems visiting (due to transport, accompaniment, cost or other difficulties) the authorities and prison officials should consider how they can help overcome these. Providing toys or activities for children and allowing contact and extended/private visits can make the visit

easier and more relaxed for both parents and children. Where parenting classes for prisoners are available, organizers should look into integrating these with visits. But also consider shorter sentences to parents with care giving responsibilities.

5.3.3 Strategies how rights of children of imprisoned parents can be protected

Government should revise the adoption law to make it easy for children with parents in prison to get secure care givers, Government should build more homes that take care of these children, it should increase funding to the Uganda Prisons Services specifically in the department of Children of prisoners. It should work with Human Rights Organizations and support them to take care of these children and introduce more friendly legal provisions in the law that protect children with parents in prison.

The Uganda prison's Services should keep records of children who accompany their parents and those left behind, introduce a follow up mechanism to support children left behind and make sure that they are safe from any human rights abuse, they should ensure regular visitation by children and provide a conducive environment during visitation. Plus ensuring a balanced diet to mothers and children who are in prison.

The Uganda Police Family Protection Unit should take record of children when arresting and these records should be forwarded to the judiciary to be considered during trial. They should also introduce a follow up mechanism to ensure that children left behind are safe.

The Uganda Human Rights Commission and other Human Rights Organizations should sensitize the community to know their rights and responsibilities. So that they can protect the rights of these children when left behind. The community should understand that children don't choose their families. They should refrain from calling them stigmatizing names which label them as criminals because their parents are in prison.

5.3 Recommendation for further studies

The following were recommended for further studies:

- Children of Imprisoned Parents and Their Coping Strategies
- Effects of Parental Incarceration on Children and Families
- The Effects of Parental Incarceration on the Criminal Activity of Adult Children
- Improving outcomes for children with a parent in prison
- The situation of mothers in prison
-

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APPENDICES:**Appendix 1: Krejcie and Morgan Table for Sample Size Determination**

N	S	N	S	N	S	N	S	N	S
10	10	100	80	280	162	800	260	2800	338
15	14	110	86	290	165	850	265	3000	341
20	19	120	92	300	169	900	269	3500	246
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	351
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	181	1200	291	6000	361
45	40	180	118	400	196	1300	297	7000	364
50	44	190	123	420	201	1400	302	8000	367
55	48	200	127	440	205	1500	306	9000	368
60	52	210	132	460	210	1600	310	10000	373
65	56	220	136	480	214	1700	313	15000	375
70	59	230	140	500	217	1800	317	20000	377
75	63	240	144	550	225	1900	320	30000	379
80	66	250	148	600	234	2000	322	40000	380
85	70	260	152	650	242	2200	327	50000	381
90	73	270	155	700	248	2400	331	75000	382
95	76	270	159	750	256	2600	335	100000	384

Note:

“N” is population size

“S” is sample size.

Appendix 2: Data Collection Instruments

Interview Guide for Children whose Parents are in prison

1. Age of interviewee
 - i. Gender of interviewee
 - ii. Level of education of interviewee
2. Where do you live during your parent's incarceration?
3. Who currently takes care of you?
4. How has the incarceration of your parents affected you?
5. What are your main sources of living, basic needs?
6. What challenges do you face in taking care of your basic needs?
7. Have you got any assistance from anywhere?
8. Who assisted you?
9. What kind of assistance?
10. What crime did your parent commit?
11. How have you managed to maintain a meaningful relationship with your Parents?
12. What can be done to support you in meeting your needs?

Interview Guide for parents

1. Age of interviewee
 - i. Gender of interviewee
 - ii. Level of education of interviewee
2. How many children do you have?
3. Who takes care of them while you're in prison?
4. Do you hear from them?
5. How do they meet their needs?
6. Have you got some assistance from anywhere?
7. Who assisted you?
8. What kind of assistance?
9. What crime did you commit?
10. What can be done to support them meet their needs?

Interview Guide for Caretakers

- 1 Age of interviewee
- iii. Gender of interviewee
- iv. Level of education of interviewee
- 2 What are the most important needs of these children whose parents are in prison?
- 3 How have you supported them meet their needs?
- 4 Do you get any support from anywhere?
- 5 Who has assisted you?
- 6 What kind of support?
- 7 What are some of the challenges faced by these children?
- 8 What challenges do the children find during reintegration with their parents after prison?
- 9 How can these children whose parents are in prison be supported to meet their needs?

Interview Guide for Human Rights Organisations

- 1 Age of interviewee
 - i. Gender of interviewee
 - ii. Level of education of interviewee
- 3 Have interfaced with children whose parents are in prison?
- 4 What are the different community perceptions of children whose parents are in prison?
- 5 Who in the community is responsible for these children?
- 6 How has the community handled its responsibility to care for such children?
- 7 In your opinion, has the community succeeded or failed in this responsibility? Please give an explanation
- 8 What are the primary sources of their living?
- 9 What kind of crimes are normally committed by parents?
- 10 What challenges do the children find during reintegration with their parents after incarceration?
- 11 In which ways can the needs of children of incarcerated parents be attended to?

Interview Guide for Uganda Prisons Staff

1. Age of interviewee
 - iii. Gender of interviewee
 - iv. Level of education of interviewee
2. Do you record the number of children per prisoner?
 3. How do children keep contact with their parents while in prison?
4. Those outside prison, do you follow up to find out who is taking care of them? How and Why?
5. What challenges do their children face in a bid to meet their needs?
6. What kind of support do you give to parents?
7. What crimes are normally committed by parents?
8. What can be done for the children of incarcerated parents to improve the attainment of basic needs?

Interview Guide for Uganda Police Child Protection Officers

1. Age of interviewee
 - v. Gender of interviewee
 - vi. Level of education of interviewee
2. How does the police protect children after their parent is arrested?
3. After the parent is arrested, do you follow up to see how children are being cared for?

How?

4. Who normally takes care of these children after parents are taken in prison?
5. What support do you give to children of parents in prison?
6. What kind of crimes are normally committed by parents?
7. What are some of the challenges faced by children whose parents are in prison?
8. What challenges do the children find during reintegration with their parents after prison?
9. In which ways can the needs of children of incarcerated parents be attended to?