

The Child's Rights to Clothes for Children Residing with Their Mothers in Prison: Case of Mpimba Prison, Burundi

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Abstract

The children's right to clothes is one of the social children's rights that countries must assist parents in their implementation according to Article 20 §2. A. of the African Charter on the Rights and Welfare of the Child and Article 27 §3 and 4 of the Convention on the Rights of the Child. The only condition required to have this obligation is the poverty situation of the parents causing them incapable of fulfilling it. Among this category mothers in jail are the most recognized. This is balanced with the provisions of Mandela's Rules the same as Bangkok Rules defining that an infant is accepted to reside with her/his incarcerated mother in the sense of achieving her/his best interest. This article aims to inquire about the way children's right to clothes is implemented when the child lives beside her/his incarcerated mother. We used a semi-structured interview with 31 mothers imprisoned at Mpimba Central Prison in Bujumbura Hall City, Burundi. Data was collected with papers on which we marked responses in multiple-choice as we had established them. Data were analyzed with Microsoft Excel, and International Business Machine Corporation-Social Package for the Social Sciences (IBM SPSS) 25, and "Zotero digital research platform" referencing throughout this research. Results show that a maximum of infants have a single kit of clothes, and do not have a kit to wear in leisure moments. Only parents must provide them with clothes or wait for their relatives to do so. No governmental assistance is spoken about in this area of children's right to clothes.

Keywords

Child's Right to Clothes, Clothes, Imprisoned Mother, Bujumbura, Mpimba Prison, Clothing Provision

1. Introduction

Children's rights are a priority all over the world (Sindayigaya, 2020, 2023b) while children are a category of human beings whose best interest is key to the future of humanity (Kilkelly, 2001; Sindayigaya, 2022; Sindayigaya et al., 2016; Van Hout & Mhlanga-Gunda, 2019). In this opinion, children's rights in every category as birth registration (Ebbers, 2020; Sindayigaya, 2023a), education (Mperejimana & Sindayigaya, 2023; Nduwimana & Sindayigaya, 2023a, 2023b), street children phenomena (Daba & Belete, 2020; Sindayigaya, 2022), children residing in prison with their mothers (Nyabenda & Sindayigaya, 2023; Sindayigaya, 2020; Sindayigaya & Nyabenda, 2022), children in refugee camps (Mpabansi, 2023; Ndericimpaye & Sindayigaya, 2023) or children's sociability (Toyi & Sindayigaya, 2023) must be of premier consideration highlighting their best interest.

Insisting on the best interest of the child (Cantwell, 2011; *Observation générale No 14 (2013) sur le droit de l'enfant à ce que son intérêt supérieur soit une considération primordiale (art. 3, par. 1)*), the Convention on the rights of the child and the African Charter on the rights and welfare of the child are clearly expressive. Article 3 of the Convention on the Rights of the Child states that:

1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

This Convention in the third paragraph of article 27 underlines that States Parties to that Convention, by national conditions and within their means, must take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly about nutrition, clothing, and housing.

In the same context, the African Charter on the Rights and Welfare of the Child has the same point of view as the Convention on the Rights of the Child. Article 20 §2 a) states that States Parties to the present Charter have, by their means and national conditions, to take all appropriate measures to assist parents and other persons responsible for the child and in case of need provide material assistance and support programs with regard to nutrition, health, education, clothing, and housing.

These two instruments both see the child's right to clothing as a requisite to the implementation of the child to the best interest and development (Barzman et al., 2015; Deininger & Byerlee, 2011) on the same level as their right to access to water and electricity (Fukuda et al., 2019; Hoekstra, 2017; Sindayigaya & Toyi,

2023b). Imagining the child's best interest, we must also think about the main and alone condition to let the children to reside by their mothers that is their best interest as stated by the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)* and the *United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)*. Precisely, Rule 29 of Mandela's rule tells:

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

a) Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;

b) Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists.

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

The same view is found in the provision of rule 49 in Bangkok rules states that decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners. Things must be taken or understood in this way anytime thinking about children's and mothers' welfare during the custodial life in Burundi (Nyabenda & Sindayigaya, 2023; Sindayigaya, 2020, 2023b; Sindayigaya & Nyabenda, 2022) and elsewhere in the world (Steinbach, 2019) letting them be aware of their infants' life (Hamasha et al., 2019) even during pandemic like COVID-19 as it has been in UK (Crawley et al., 2020). Children's ideologies anyway in the world is strongly attached to their well-being and best interest what cannot be thought of in any other way (Freeman & Veerman, 2021).

However, children's best interest evaluation is known to be ranged in a very critical assessment (O'Donohue et al., 2007) while it is not balanced between mothers' physical custody and the best interests of the child arranging the parent-child relationships and custodial life (Bastais & Pasteels, 2019). It has been thought about the remedy between children's best interest and mothers' custodial life targeting to attend the stage of their stage of enjoying it (Votruba & Braver, 2021). This is what has been applied in Norway managing children's dual-residence arrangements organizing a best fairness discourse of children's life in mothers' custodial life (Kitterød & Lidén, 2021).

This article aims to analyze the way Burundi ranges the child's right to clothing in favor of the children born or residing with their mothers during their incarceration time.

2. Methods and Methodology

After requesting authorization from the general director of penitentiary affairs in the ministry of Ministry borne there. In total, there were 32 children from 31 imprisoned women (mothers). We got individual oral information after requesting and receiving their prompt consent. A semi-structured individual interview was then set up, based on questions developed by the research group.

After a presentation of the research team to the mothers accompanied by children at Mpimba, we led the dialogue. During the visit, we, altogether got an interview with the officials and some police agents in charge of the security at MPIMBA prison to get a balanced point of view about the life of children in Mpimba prison in Burundi.

The analysis of the results was conducted using Microsoft Excel, and International Business Machine Corporation-Social Package for the Social Sciences (IBM SPSS) 25.

We used “Zotero digital research platform” referencing throughout this research. It is a free, open-source reference management software that helps to manage bibliographic data and research documents (such as PDF files, images, etc.). Its key features include web browser integration; the ability to synchronize data from multiple computers; and the ability to generate citations (notes and bibliographies) for users of LibreOffice, Microsoft Word, NeoOffice, Zoho Books, and OpenOffice.org Writer, thanks to the installation of a plugin. Development of the software was initiated by the Center for History and New Media (CHNM) at George Mason University in the suburbs of Washington, Virginia.

3. Results

The following figures summarize results from the semi-structured interview we had with 31 incarcerated women accompanied by their infants (one among them had twins).

Figure 1 shows results denoting that, accompanied by their infants, imprisoned mothers are not provided with clothes. They buy them by themselves at an average of 80.6%; get them from their relatives at an average of 16.2% and are given them by good-doers at an average of 3.2%.

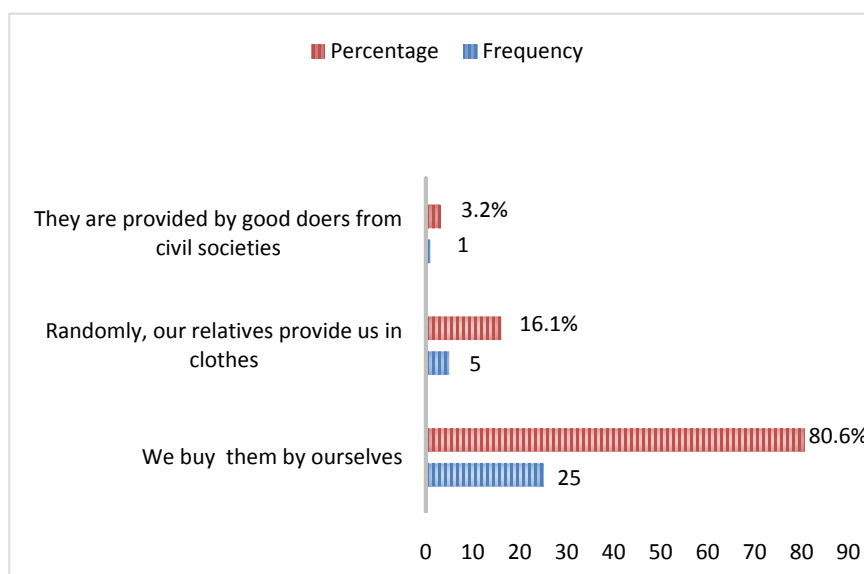


Figure 1. Source of women’s clothes when they are accompanied with their small on or daughters.

Results from **Figure 2** show that an average of 90.3% of infants residing with their mothers at Mpimba Central Prison do not have clothes to wear during luxury time. 9.7% add that they only have clothes they came with since they arrived at Mpimba Central Prison.

Figure 3 provides results that illustrate that infants residing with mothers at Mpimba Central Prison have a single kit of clothes that they were wearing when we did this research at the average of 64.5%; 16.1% have two kits; 6.5% have three kits and 12.9% have 4 kits.

Results from **Figure 4** show that infants' hope to be awarded the rejoice of their right to clothes while they reside with their mothers in jail is satisfied only by their parents on average of 74.2%; their mothers' relatives on average of 12.9%; church members in visits of the prisons on the average of 9.7% and 3.2% by good-doers paying visits to infants in prisons.

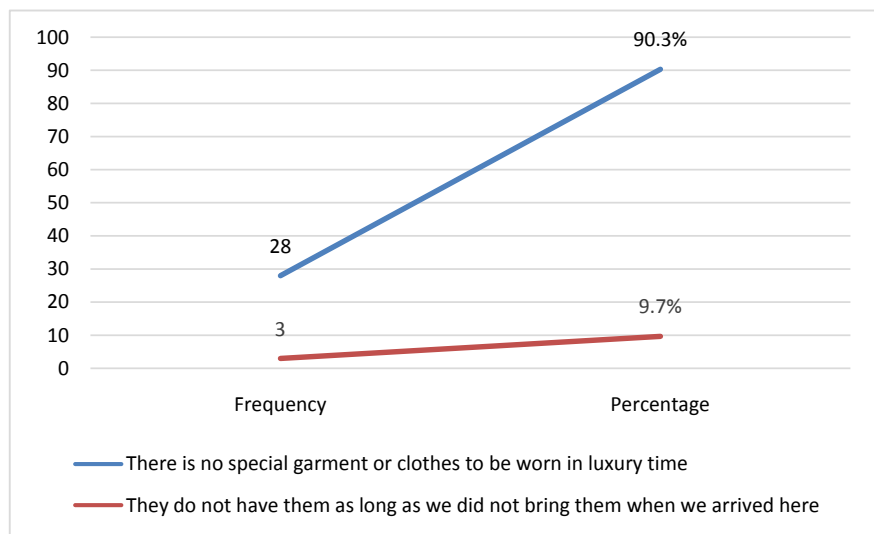


Figure 2. Type of clothes infants wear in luxury time at Mpimba central prison.

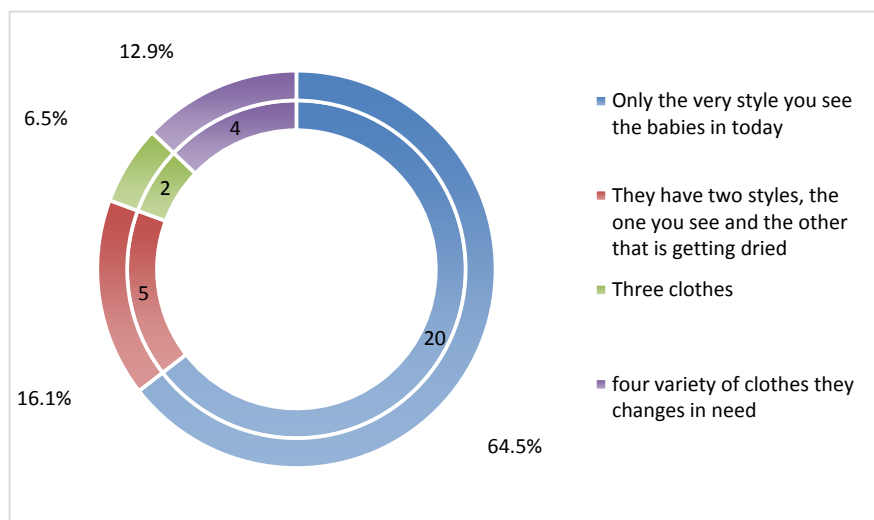


Figure 3. Quantity of clothes infants in jail may change.

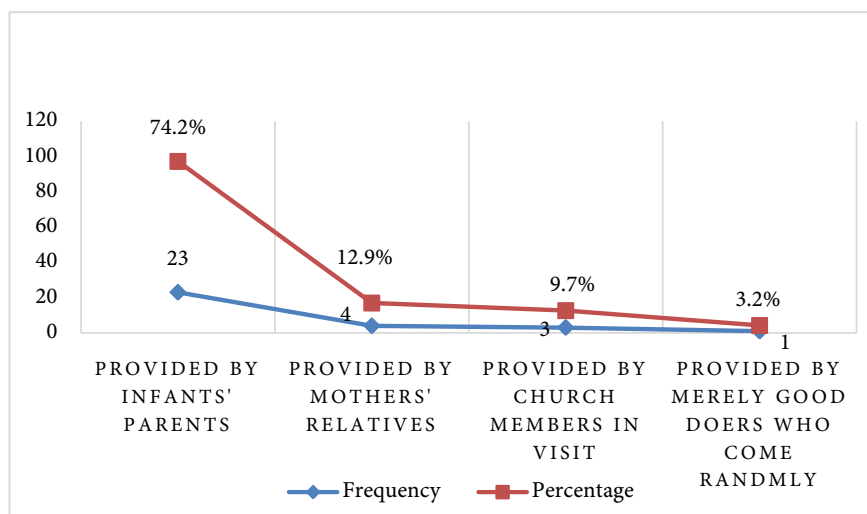


Figure 4. Cloth provisions in satisfaction of infants' needs.

4. Discussion of the Results

Figure 1 shows results denoting that, accompanied by their infants, imprisoned mothers are not provided with clothes. They buy them by themselves and this situation is witnessed by a large part of incarcerated women. This means these women are not only imprisoned but also living a hard life in prison when they have to provide for their everyday life needs even though they do not exercise any wedged job in jail. This is a mark of the “prison theater” (Stathopoulos, 2019) that in prison, a big part of life is not leisure but suffering (Nyabenda & Sindayigaya, 2023; Sindayigaya, 2020; Sindayigaya et al., 2016; Sindayigaya & Nyabenda, 2022). women imprisoned with their infants experience what might be termed wartime suffering (Diop, 2018), and yet the suffering caused by this imprisonment has not altered their deep-rooted faith in the nobility of kinship towards their infants. When they are asked about the way they get their clothes, imprisoned women esteem that they are doubly imprisoned (Sindayigaya, 2023b; Suhomlinova & O’Shea, 2021). the imprisoned pregnant women experience hardship till they are messed with thinking about their clothes and they put on baggy clothes to hide their pregnancy and blend in and not draw attention (Abbott et al., 2020; Buhendwa et al., 2023; Sindayigaya, 2020; Sindayigaya & Nyabenda, 2022). Such life is not livable and those women need to get the situation better (Dhiman, 2022). Even in prison, they need clothes adequate for their femininity (Shopland, 2021). As long as they are not provided in clothes, women accompanied by their infants it esteemed as a structural violence occurring behind prison walls is a replication of structural violence occurring in the community (Hutchison, 2020) then offending condition of women prisoners in modern jails (Dhiman, 2022).

Results from **Figure 2** show that the maximum of infants living in jail with their mothers do not have clothes to wear during luxury or leisure moments and they only have such category of clothes they came with at the arrival at Mpimba

prison. As it is remarked in UK where pregnancy and childbirth among women prisoners denoting infants' rights in custodial rights is under-researched (Abbott et al., 2020), the same situation is in Burundi (Nyabenda & Sindayigaya, 2023; Sindayigaya, 2023b; Sindayigaya & Nyabenda, 2022). Thinking about the very cause of letting the child, it is only justified by the single aim of targeting the child's best interest (Abbott et al., 2020; Freitas et al., 2016; Nyabenda & Sindayigaya, 2023; Sindayigaya, 2020, 2023b; Sindayigaya & Nyabenda, 2022). Since this is the provision of all instruments regarding custodial life (United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)), it is hard to understand to measure this in comparison to infants' life when they are with their mothers at Mpimba central prison. All children are left to their mothers considering they are taken care of by their fathers as it is done in Mexico where free fathers look after children when mothers are imprisoned (Fondevila & Sveinung Sandberg 2021). Since infants are left to their mothers' financial capacity, mankind in the context of a child's best interest is lost so far (Van Hout & Mhlanga-Gunda, 2019). However, their best interest must be considered first of everything else to be done even though it is getting very hard and difficult in most African countries (Miamingi, 2020). It is then very bad to let or stop providing them in clothes what is viewed as the way of stigmatizing them (Kotova, 2020). Planning activities in favor of developing and implementing an intervention for jailed mothers and their children (Charles et al., 2021; Sindayigaya & Nyabenda, 2022) should be the best option to help them enjoy their right to clothes and leisure during their mothers' incarceration time. Of course, mothers' imprisonment is a harmful threat to their daughters and sons (Aleminah, 2020; Niyonga-bo & Sindayigaya, 2023) but they should not be left until they become the victim of such situations, they should be registered according to their needs and best interest (Ebbbers, 2020; Sabiraguha et al., 2023; Sindayigaya, 2023a).

Infants' right to clothes implies having more kits to change as long as it is required. However, **Figure 3** provides results that illustrate that infants residing with mothers at Mpimba Central Prison have a single kit of clothes that they were wearing when we did this research at an average of 64.5%; 16.1% have two kits; 6.5% have three kits and 12.9% have 4 kits. In as much as every decision taken towards the child her/his best interest is to be promoted first (*African Charter on the Rights and Welfare of the Child*; *Convention on the Rights of the Child*), their life and their access to pure water and electricity (Sindayigaya & Toyi, 2023a, 2023b; Toyi & Sindayigaya, 2023) must go along with furnishing them their requisite in clothes (Blanchard et al., 2018; Paynter et al., 2020; Sindayigaya, 2020; Sindayigaya & Nyabenda, 2022). Countries like Burundi need a recall to the provision of Article 20 §2.a., the same as the provision of the Convention on the Rights of the Child, Article 27 §3 and 4 insisting on the obligation to States to assist parents in the implementation of the child's social rights. Oppositely to these provisions, results from **Figure 4** show that infants' hope to be

awarded the rejoice of their right to clothes while they reside with their mothers in jail is satisfied only by their parents on the average of 74.2%; their mothers' relatives on average of 12.9%; church members in visits of the prisons on the average of 9.7% and 3.2% by good-doers paying visits to infants in prisons. These results cause children's rights researchers to feel mourning (Hout & Wessels, 2022; Shopland, 2021; Sindayigaya, 2020; Sindayigaya & Nyabenda, 2022; Van Hout et al., 2022).

5. Conclusion

This research aimed to analyze the implementation of the child's right to clothes when they reside with their incarcerated mothers in Burundi. Results show that there is no part of the government of Burundi used to provide the infants' needs in clothes even when they are with their mothers. The sense of deciding on the very side of the child's best interest side is not suggested by the administration of the penitentiary system in Burundi. This research was limited by the lack of means to pay a visit to all prisons where women accompanied by their infants are. However, we hope the situation at Mpimba is a figure or shape of the style children's rights are in the consideration that Mpimba, where we worked is the 1st central prison in Burundi. It is a good sample to do studies about custodial life in Burundi.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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