An Introduction to Imprisoned Children in Nepal and the Mission of the Early Childhood Development Center to Provide a Safe, Nurturing Environment for Children of Incarcerated Parents

Submitted by the Early Childhood Development Center of Kathmandu, Nepal

Nepal is one of the poorest countries in the world, and lacks a functioning system to care for those who are unable to care for themselves. When a woman goes to prison, if there are no other family members to care for her children, these children either end up on the streets, at great risk of being trafficked or forced into child labor, or the children accompany their mother into prison where they face grave conditions: malnutrition, illness, violence, and squalor.

In accordance with the laws governing prisons in Nepal (Prison Management Operational Manual- 2004), unless breastfeeding is required, children over two years of age cannot legally be confined in penitentiaries as inmates’ dependents[[1]](#footnote-1).

However, this law is often disregarded in practice. If no local guardian is able or willing to care for the children other than their incarcerated parents, children are often forced to live inside prisons with their mothers. The law clearly states that the government is liable to bear the cost of raising and caring for these children until their parents complete their jail sentences. In reality, no system of services exists to accomplish this task.

What must be understood regarding this issue is that in Nepal, all the major decision-making in these situations is left to the individual jail operators’ discretion. Nepal lacks a uniform code of conduct in such situations, and much decision-making is arbitrary. Some jailers do not allow children inside the jails, no matter what the law allows, and some jailers allow children to reside inside the prison even when their basic needs cannot be met, which is often the case.

Unfortunately, in many cases children throughout Nepal grow up in prison without adequate provisions for their most basic needs, posing great risk to their emotional, physical and psychological development. Although the jails are supposed to provide education to the children of prisoners, most jails do not provide any education to these children due to a lack of funding.

When a child first enters the prison with their mother, the jail will provide the child with a food ration. However, if a female inmate brings in her child at a later time, due to an issue with the child’s temporary caretaker (which is often the case), many jails will not give these children their own food ration, forcing children to share their mother’s ration. [[2]](#footnote-2)

Children in jail do not live a healthy or stable life. They are constantly surrounded by the dangerous and inappropriate behavior of prisoners. Due to the negative influences they are exposed to and their lack of education, their chances of success later in life are greatly diminished. It is not an exaggeration to presume that these conditions and the social stigma surrounding prison children in Nepal put these children at greater risk of following the same path of their incarcerated parents into a life of crime.

In Nepal, when a person is first apprehended for a crime, he or she is kept in custody not more than 24 hours before being taken to the district court for trial. If found guilty, the defendant is imprisoned for 30 days in Hanuman Dhoka Prison Facility. The prisoner can choose to take their case to the Appeal Court, then to the Supreme Court, but the steep financial expenses are unaffordable by most inmates. Thus, if a person is proven guilty, prisoners don't often appeal.

After being found guilty, the prisoner is taken to the prison facility. A provision exists for prisoners to request to transfer to a different prison, though this process can be lengthy and difficult. Mothers aren’t allowed to transfer between prisons because of complications involving custody of their children. A female prisoner can then request to keep her child with her in prison. Decisions are made entirely by the Superintendent of the jail after reviewing the circumstances and time of entry.

When an imprisoned mother gives birth to a child during incarceration, the rights of the child are protected in certain ways: the mother can breastfeed her child, and her sentence may be reduced in such cases. Mothers are often given a shorter jail sentence if they have custody of their children in jail, though this is at the discretion of the jailer. The mother’s sentence will not be reduced in cases involving drug and human trafficking.

At the relatively well-managed Central Prison in Kathmandu, at least four prisoners share a 10 x 14 foot room. This is far superior to the living conditions in other jails across Nepal. Studies conducted by different institutions, including the Parliamentary committee, show that the situation outside Kathmandu Valley is worse for incarcerated people because the prison facilities have fewer resources. Up to eight women may share a cell along with their children. These children often become ill from exposure to harsh weather conditions, as they are not provided warm blankets in the winter and insufficient nutrition makes them weaker and more vulnerable to sickness. The children, even at very young ages, are exposed to violence, theft, and squalor.

Laxmi Tamang, now a 13-year-old resident at The Early Childhood Development Center residential home, spent years growing up in prison with her incarcerated mother. Laxmi’s situation is discussed in the article “Education Elusive for Nepali Children Raised in Jail” published by Global Press Institute on December 8, 2010.

 “Laxmi Tamang, 12, used to live in the Central Jail of Kathmandu with her mother, Khum Maya Tamang. Laxmi lived with her aunt when her mother initially went to jail, but Laxmi was sent to the prison when her care became a financial hardship. Her mother is serving 10 years for dealing drugs. In the jail, Laxmi says, she experienced the worst times of her life.

 Laxmi and her mother shared a cell with five other women. She was constantly scolded for waking up early to use the toilet. ‘I can’t play in the jail’s corridor as other people warn me for producing sounds. They chide me for disturbing them by opening the door of [the] toilet,’ she says. ‘That was the worst time I had ever spent in my life. My mother’s friends used to smoke inside the room. They always used dirty words and shouted so loudly. Some of them used to fight with each other. Often I felt so scared to live there. Jail is a really dirty place. The only thing I liked about jail was being close to my mom,’ Laxmi says.”

Non-Governmental Organizations are the only groups involved with working towards a better future for these children and their parents. There aren’t any government social workers assigned to this issue in Nepal. Parents are not provided with any assistance in caring for the children after release from prison; they receive no support from the government.

Currently 208 women live inside the Central Prison in Sundhara, Kathmandu, Nepal. Roughly 10 children under two years of age currently reside with their mothers inside this prison. In other prisons across the nation, between 50 and 100 children are believed to still reside with their incarcerated parents in jail, though accurate numbers are impossible to gather with the corruption and misinformation that infiltrates the record-keeping system.

According to the Prison Management Operational Manual- 2004, jails are required to send a report to the jail department every month recording how many children are living in the prison with incarcerated parents. Children living in prison who are above two years old are allowed to leave the prison and live in a residential home operated by a non-governmental organization (NGO) if the jail department, the mother, and the NGO are in agreement about the arrangement. Accordingly, if children are receiving a formal education, they are permitted to reside outside the jail with the permission of the head of the jail.

A significantly higher number of adolescents and children resided in the Central Prison in Kathmandu until 2005, when The Early Childhood Development Center of Kathmandu began rescuing and rehabilitating children of incarcerated parents.

The Early Childhood Development Center

 Founded six years ago by a young Nepali woman named Pushpa Basnet, The Early Childhood Development Center (ECDC) provides care for imprisoned children until they are 16 years old, or longer in cases where the child is believed to be at risk of child/forced labor, trafficking, or abuse outside the care of ECDC.

ECDC operates a day care center near Sundhara Prison in Kathmandu that cares for children of incarcerated parents who are under six years old. These children still live with their mothers in jail but leave to attend the kindergarten program during the day, where the children take English lessons, play games, learn to read and write, nap, and eat a nutritional lunch. They are still benefiting from the nurturing care from their mothers while also receiving an education and a safe, stable environment during the day.

ECDC also operates a larger residential home where children over 5 years old live full time. Once at the residential home, children are enrolled into a local private school in their appropriate grade in accordance with their capabilities. The 38 children currently living at the home attend Budhanilkantha Model Community Academy. They take exams every 2 - 3 months and are provided with private tutoring sessions if they have fallen behind while living in jail.

The children also have frequent communication with their parents via telephone conversations and letters. During school vacations, children are allowed to visit and stay with their parents in prison. This ensures that children do not miss school when visiting their parents.

At the residential home, children receive all the security, care, and health attention necessary for proper emotional and physical development. A strong focus is placed upon their studies; the children work on homework together for hours each day. They also partake in daily chores to teach them responsibility and hard work— qualities that will be necessary when they return home to their families. The children also receive regular medical check-ups and medication for any illnesses.

Children are not excluded from services if neither of their parents are incarcerated. If ECDC knows a child is at risk outside the residential home or kindergarten program, the child can be accepted into the programs. This prevents parents from risking intentional incarceration in order to allow their children the opportunity to receive care from ECDC.

To date, more than 100 children have been rescued by ECDC who were living inside the jail cells across Nepal, not solely in Kathmandu. This also includes children who were rescued from other dangerous situations, like child/forced labor, incestual rape, and risk of being trafficked. Most of these exceptional circumstances occurred when a child’s parent(s) were imprisoned and the child was left outside the jail without a caretaker.

There are currently 38 children living in the residential home and seven children in the kindergarten program. The residential home not only hosts children of incarcerated parents, but is often home to mothers who are in transition after their release from jail, female kindergarten teachers, and volunteers from abroad. Children are supervised and prevented from wandering and roaming in the streets, which would make them susceptible to developing criminal behavior and the danger of child trafficking.

The impact of parental incarceration on the child’s development, well-being and mental health depends on their age, whether he or she remembers the situation and the specific circumstances surrounding their time in prison. Some children have much more negative experiences in prison depending on the conduct of the inmates during their time in jail.

The children at ECDC are usually aware of their mother’s situation in jail. This often motivates them to work harder in school because most believe that education is their means to rise above their situation in life and create better opportunities for themselves.

The environment ECDC offers gives a sense of normalcy to young lives plagued by violence and uncertainty. The children are able to share similar experiences from their time spent in jail and their family situations. They grow and mature with a focus on the future, which is rarely emphasized in the Nepali school system.

With projects like gardening, photography, and art classes, the children of ECDC receive a more well-rounded education than the rigidly structured school system allows. While school lessons drill rote memorization, the residential home provides a creative, free thinking environment where the children can thrive. Both methods of education are necessary to develop these children into contributing members of the Nepali society and the world.

One of the challenges faced by the incarcerated parents after being released from prison is the discrimination and hostile attitudes they face when returning to their respective communities. This type of situation induces social exclusion, which then leads to released prisoners and their families feeling alienated and marginalized. The risk is that they will relapse back into criminal behavior when facing such prejudice.

After the incarcerated parents of children living at the residential home have been released from jail, ECDC often provides them with temporary accommodations. This arrangement is made only for mothers and the assistance varies by case. Mothers are often permitted to stay at the residential home until they have arranged for their own permanent housing and have managed to earn a steady income, thus making their transition back into society smoother.

ECDC assists in relocating families in communities where they can start new lives without social pressures and discrimination. Some formerly incarcerated mothers become volunteers at the residential home as a way of giving back for the education and care their children received while they were unable to care for them in prison. Many inmates help support ECDC’s operations by sewing Waldorf dolls, crafts, and accessories, which are then sold to generate income for the ECDC programs.

After a woman is released from prison, ECDC monitors her reintegration into society for up to a year before allowing her to reclaim her child from the residential home. Once a child has returned to the family, the staff of ECDC will conduct unannounced visits to ensure the children are not living in desperate poverty or being abused, trafficked, or forced into child labor.

Though children benefit in many ways from staying with their mothers throughout their childhood, if provisions cannot be made to fulfill their basic needs, The Early Childhood Development Center of Kathmandu, Nepal advocates an alternative system of kindergarten classes and residential homes that will offer a more stable, healthy, and beneficial atmosphere for the development and well-being of children of incarcerated parents in Nepal.

Since ECDC began rescuing children from Nepali jail cells 6 years ago, it has become less common to find Nepali children growing up in prison alongside their incarcerated parents. But still the problem exists, often hidden by a society desperate to keep these children invisible, disenfranchised, marginalized from their communities and forced into a vicious cycle of crime and punishment.

This enduring trend is due in part to the lack of resources and financial support for the non-governmental organizations working to rescue, rehabilitate, and educate imprisoned children in Nepal. Because the government does not allocate sufficient funds towards caring for these young and vulnerable members of society, the responsibility has fallen to the international community to ensure these children do not become invisible in the eyes of the world.

1. *In terms of juvenile offenders, The Children Act 2048 BS bars juvenile offenders from being incarcerated with adult prisoners. Nevertheless, many such children below 16 years, according to child rights workers, serve time with adult criminal gangs, leaving them vulnerable to these negative influences. This illustrates a situation in which a child’s exposure to adult criminals is recognized as an exacerbating factor for any criminal behaviors a child may already be developing; it also highlights yet another instance in which the government of Nepal contradicts its own motions to protect these children from such influences.* [↑](#footnote-ref-1)
2. *Children who live in prison with their incarcerated mothers from the age of 7 months to 1 year are give 100 grams of rice and 10 Nepali Rupees per day. Children from the age of 1 to 3 years are given 150 grams of rice and 10 Nepali Rupees per day. Children from the age of 3 to 5 years are given 200 grams of rice and 10 Nepali Rupees per day. Children from the age of 5 to 7 years are given 350 grams of rice and 10 Nepali Rupees per day. Children from the age of 7 to 12 years are given 450 grams of rice and 10 Nepali Rupees per day. Children above 12 years of age are given 600 grams of rice and 15 Rupees per day.* [↑](#footnote-ref-2)