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# Niños y niñas nacidos dentro de penitenciarías: expectativas psicosociales de madres privadas de su libertad

Boys and girls born inside penitentiaries: psychosocial expectations of mothers deprived of their liberty

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## Abstract:

This research work seeks to point out those strategies used by incarcerated mothers, for the healthy development of infants in prison conditions, by collecting information from the life history with the participation and experience of an inmate mother with the acronym J.F.A. recently released, with a pseudonym (Julia). That will allow us to expand the panorama and perspective of the challenges and strategies that she implemented during that time. Based on an analysis of the impact of child development in the first stages of life within a prison environment, considering mothers deprived of their liberty from a legal context as key agents in mitigating the negative effects of the prison environment.

## Keywords:

Penitentiary Centers, Child Development, Stages of Development, Cognitive Development, Cultural Context

## **Resumen:**

Este trabajo de investigación busca identificar aquellas estrategias utilizadas por las madres reclusas, para un sano desarrollo de los infantes en condición cancelaría, mediante la recabación de información a partir de la historia de vida con la participación y experiencia misma de una madre reclusa con siglas J.F.A. recién liberada, con seudónimo (Julia). Que nos permitirá ampliar el panorama y perspectiva de los retos y estrategias que ella implementó durante ese tiempo. A partir de un análisis del impacto del desarrollo infantil en las primeras etapas de vida dentro de un ambiente penitenciario, considerando a las madres privadas de su libertad a partir de un contexto legal como agentes clave en mitigar los efectos negativos del entorno penitenciario.

## Palabras Clave:

Centros penitenciarios, Desarrollo Infantil, Etapas del Desarrollo, Desarrollo cognitivo, Contexto cultural

## INTRODUCTION

The recognition of childhood as a fundamental phase in the integral development of the human being entails the attribution of certain expectations and norms aimed at ensuring healthy and optimal growth (Espinosa-Robledo, 2023). However, when these standards are altered by external factors surrounding the child, questions arise about the consequences and the impact on their development (Gutiérrez, 2021).

It is in this way that, in response to these adverse circumstances, incarcerated mothers play a crucial role by implementing various strategies and mechanisms to mitigate the negative effects of the environment in which these minors develop in their first years of life, ensuring that the essential conditions for healthy development are maintained, despite the present difficulties (Figueroa-Romero & Morales-Gil, 2022).

It should be noted that "5.8% of the female population deprived of liberty in 2021 reported having children under the age of twelve living within the penitentiary center. Of these, 96.6% declared that their children were born during their confinement" (INEGI, 2021). Therefore, according to Treviño, in 2021 a total of 436 children between 0 and 6 years of age live with their mothers in Mexico's penitentiary centers. While, in Hidalgo, around 6 penitentiary panels are distributed a total of 18 minors between 0 and 5 years of age, of which, in Pachuca there are 3 girls under one year old, a one-year-old boy, 3 one-year-old girls and four 2-year-old girls according to the CDHEH censuses in 2021.

Although the figures presented provide a clear picture of the number of children present in penitentiary centers, these are dwarfed by the magnitude of the affected population in general terms. Despite legislative efforts and policies that establish the rights of these children, the harsh reality persists that their only apparent "crime" is being born in a prison environment.

Jean Piaget speaks of the stage of sensorimotor development from 0 to 2 years of age, in which the child discovers the world through the senses and the manipulation of the objects that surround them. How can this type of discovery be enhanced in an environment as regulated as penitentiary centers? Likewise, there is the preoperational stage, which goes from 2 to 7 years of age, in which infants develop language, logical and symbolic thinking, as well as creative thinking from the generation of games, which allows them to conceptualize their own ideas of the world, which can make them reluctant to accept ideas foreign

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to them. What would these thoughts from the outside world be like? What ideas did they conceptualize inside themselves? What is the perspective they generated from a limited world? (Díaz, 2020).

For his part, Erick Erickson suggests that the first stage of human development is established from 0 to 18 months of age, where infants develop trust and distrust towards people, based on their dependence on others. Will their trust be affected by the environment in which they are developing? The second stage is autonomy vs. shame and doubt, this is from 18 months of age to 3 years, where the infant learns issues of motor control, as well as certain cognitive development, focused on a sense of selfcontrol and self-mastery, so learning to trust their own abilities, thus generating a sense of independence in them; Now the third stage, that of initiative vs guilt, which manifests itself from 3 to 5 years of age, is where infants develop their creativity, their curiosity begins through play, as well as their relationship with their peers. It is from this dynamic of discovery of the world, which begins with aspects of language learning and knowledge of their own capacities as a result of the learning of the second stage, that children can be active in interacting and taking action regarding their ideas and decisions or limit themselves and doubt in the face of the refusals and limits imposed by adults (Carreón, 2023).

While Lev Vygotsky (1997) talks about sociocultural development, which, unlike Erickson and Piaget, learning is not determined by a development in stages, since the outside world is what shapes the infant in his first years of life, where he acquires his knowledge from the environment that surrounds the child (social, cultural, political, economic, etc.); if the environment is an important factor in the development of the infant, what are the learnings that they acquire within penitentiary centers?

As we can see, there are various authors who have addressed the stages of human development, pointing out that in each of them specific learning and knowledge are acquired. That is why we will focus on the information that they raise between the stages of 0 and 6 years of age, since this is the age range during which children remain with their mothers within penitentiary centers. In particular, we draw attention to children under 3 years of age, since, according to the provisions of the National Law on Criminal Enforcement of 2016, article 36, section I, an extension may only be requested for the stay of those infants born within these establishments, if they suffer from a disability or when the mother is the only caregiver available to care for the minor.

This situation poses profound implications regarding the comprehensive development of children who, from birth, are exposed to an environment of deprivation of liberty.

Therefore, returning to the issue of the legal framework, as we have seen, as stipulated in the National Law on Penal Enforcement (LNEP) of 2016: Article 10. Rights of women deprived of their liberty in a Penitentiary Center. In addition to the rights established in Article 9. Rights of persons deprived of their liberty in a Penitentiary Center, women deprived of liberty shall have the right to: motherhood and breastfeeding, to maintain custody of their children, to have optimal spaces for the development of minors, such as health services for minors and postnatal and pregnancy care.

Likewise, minors born within penitentiary centers retain their rights as infants, just as they have laws that protect them within penitentiary centers, such as the 2017 initiative, which reforms articles 36 of the national law of penal execution and 23 of the general law of the rights of girls, boys and adolescents, led by deputy Ximena Tamariz García (PAN), mentions: "*The* 

National Law of Penal Execution, in its article 36, obliges penitentiary centers to provide obstetric-gynecological and pediatric medical services to pregnant women; likewise, in the same article, section two, it is established that sons or daughters born to the inmate have the right to receive the provision of free and quality medical care services" (2017).

Thus, with this research we can understand what factors influence the development of the child, when in this type of environment, as well as the role that the inmate mother plays so that her son or daughter can have the healthiest development possible. It is in this way that in relation to what was stated by Carlos Augusto Hernández Armas, professor of the Bachelor of Psychology attached to the Actopan Higher School (ESAc), he highlighted that, "contrary to what is believed, children who live in the country's prisons do not have significant damage or delay at a psychological or social level compared to their peers who are free, on the contrary, they have highly developed skills at the level of problem solving and adaptability" (Dirección de Comunicación Social, 2023).

Thus, the present research work seeks to point out those strategies used by inmate mothers, for a healthy development of infants in a canceled condition, through the observation of the environment within the penitentiaries and the participation and experience of the inmate mothers themselves. This is because it has been identified that mothers within penitentiaries "create neutralization techniques so that they do not inherit harmful behaviors or learning; women's communes are presented in which they meet and designate specific roles around mothers and their girls or boys to protect them" (Dirección de Comunicación Social, 2023).

### METHOD

This study is a qualitative type of research with a phenomenological approach, with the purpose of collecting the experience of that inmate mother who cared for her daughter in a penitentiary environment in order to identify those strategies used by inmate mothers for the healthy development of infants in a penitentiary condition. Thus, the research was carried out using the semi-structured interview technique, with the purpose of marking the areas of interest, but at the same time allowing the interviewee to expand her answers without being limited when talking about her experience; therefore, it covers the following thematic axes:

- Penitentiary life.
- Family life.
- His life story
- Childhood development.

Each of these sections has the purpose of categorizing and delimiting the areas of interest when collecting the information presented by the interviewee, and thus contextualizing the environment in which the infanta lived those first years of life, based on what was expressed by her mother.

#### RESULTS

The interview was conducted on Friday, April 12, 2024, at 5:00 p.m. Central Mexico time, in Pachuca de Soto Hidalgo. The interviewee was a 41-year-old woman, with the initials J.F.A. recently released, with a pseudonym (Julia), of medium height, long black hair, whole and composed, she appears her age according to the chronological, she showed good hygiene and grooming, her language was adequate and she did not show any apparent visible problem.

The interviewee had been referred by Mr. Callejas, since she was a former resident of the *CERESO* in Pachuca, recently released two months ago; she showed up at the agreed time at the place requested for the interview to be conducted, so that it was conducted in a timely manner.

The topics seen during the interview were executed from the thematic axes raised in the investigation, of which the following resolutions stand out from the thematic axes carried out during the interview:

#### Prison life

I take advantage of the resources that were offered to me at that time.

"Uh, the part about the financial resources, mmm, I see it as everyone being as they want to be within the institution, mmmm, I also don't come to speak well of any director or much less, the administration that is in charge, this, allows you to work the way you want, so I am one of those people who says, take the good or leave it, if I personally asked for permission to sell beauty products, this, lingerie, shoes, clothes, and I say! you earn all that with your behavior, without disrespecting the authorities, and all that. So I had this opportunity to sell many items within the institution, so my economy was not so bad within the institution, and it allowed me, this, to be able to provide my daughter with what she needed, so much so that the day she was no longer with me it also allowed me to support her."

- She commented that the maternity area is separate from the women's section.
  - It is a separate area within the CERESO.
     "...Hey, the maternal area is also separated from the female population..."
  - You need permission to enter the maternity area. "... This, ah, this area is close to the management, so this, to be able to go through there, you have to go through some fences, with gates that are bars, so, this, if the guard or custodian doesn't let you through, you can't go through..."
  - This area wasn't there before when she had her daughter, so the children lived together in the cells. "... and there wasn't a maternal area back then, each person had their own room as a mother and this, and apart from that, there was much less population than there is today, and we had the opportunity to have a room alone, today the rooms are shared."
- There is no visiting area, it is a communal courtyard. "... today they are in a female area where you are not allowed access as a visitor, there is a courtyard! so that your sight can enter, but not up to that place, then,..."
- The health system inside is precarious. "... as far as health is concerned, doctors do not really have a female area, so as I say, if there is no doctor there is nothing, only health care."
- Talks about the lack of support within the penitentiary in the women's area.

"That's right, apart from women, there is a lot of talk about women's empowerment these days, I wish it were like that everywhere, but, in the inmates, in women's prisons, women are totally marginalized, that is, women are 99.9% abandoned, that is, women have no visits, women have no sight! because EVEN! having a woman as a director, who always treats you like that! "In this way, it doesn't seem to me, it's not that it's not fair but, well, something good, I don't know what expression to put to it, no, but um, it doesn't seem human to me, because well, you have in front of you a person who is your same sex, well, I mean, who defends you, so today they don't do it, so if it's a... From there we should start, right? I mean, to give them a work area for mothers, an area for babies, I mean, there are no sources of employment, there are no sources of study, absolutely they only see that it is a women's area, it is very, very totally abandoned, totally at 99.9%"

"... I repeat, women, 99.9% are abandoned, they don't have visitors! So it is very difficult, it is very difficult to be in that place, ..."

#### Family life

*"Julia" currently lives with her husband and 14-year-old daughter.* 

"My family, well, um, we live, we rent a house, um, my daughter is dedicated to studying, my husband and I are dedicated to working together, we are both merchants, and well, um, usually we are almost always together."

• She received support from her sister-in-law during her time in prison.

"... my sister-in-law was the one who took care of my daughter, she told me "lend me your daughter, I mean, I'll take her on vacation" and she took her and brought her back to me, I mean, there wasn't as much discipline or control with the arrival and departure of babies, as there is today."

"... in fact, she is my daughter's paternal aunt, and she is also her godmother, and well, she is the one who was in charge of taking care of my daughter while I was in confinement."

• *"Julia"* has no contact with her side of the family, it is only her, her husband, her daughter and her sister-in-law who figure in her family life.

"Interviewer: Besides your sister-in-law, did you have other people who supported you while you were in confinement and your daughter was released?

User: Mmmm, no, I didn't have anyone who supported me the most, I didn't have anyone who supported me the most in taking care of my daughter... They did visit me, but not for the care of my daughter."

"Julia" She has been with her husband for 18 years, so they were a couple "from the street.".
"My husband and I have been in a relationship for 18 years. We are a couple, I would say when I was there, a "couple from the street." We are not a couple from prison, just like many of my colleagues who look for a partner in prison, but not us, we were a couple from the street. So we came from... cases from prison, and we continue our relationship to this day."

#### Life Story

- Before prison he was a merchant.
- "... I worked in a lingerie company called Viki Port, ..."
  - She and her husband were dating before and during prison. • Regarding the previous point of the 18-year relationship, in which they were a couple "from the street."
- She went to prison for infanticide, it was her mother and grandmother who reported her.
  - Information obtained by the contact, to provide context of the situation that led her to the prison, which was not touched upon during the interview, since the focus was on her experience as a mother within the CERESO of Pachuca, rather than the reason for her confinement there.

• She had her daughter 3 years after entering the penitentiary at 24.

"Interviewer:: Well, at what age did you enter?

User: I joined at the age of 24.

**Interviewer:** At that time when you came in, were you already pregnant? or was it during...

User: No, I got pregnant after being in prison for approximately three years. I got pregnant when I was in prison for three years".

• La niña se quedó hasta los cuatro años.

"...-At that time we were allowed to have babies until they were four and a half years old. So after what or how many years do I have to be in prison? No, this was a real not knowing how many years you are going to be in prison, since each Director or each Administration tells you with so much time in advance about this and that, the laws keep changing, and they don't change in your favor."

• The girl stayed with her aunt and visited her mother occasionally until the visits stopped, as part of a strategy to avoid stigmatizing the girl because of her origins.

"When she left... it wasn't such a painful moment, because, well, she had this opportunity, or we had this opportunity, that she could come and go, so she left for good, she went directly to preschool, in the first months of preschool the institution allowed me to let the girl in after she left on Fridays, so she left early on Mondays again, so it wasn't so much like that. Later, um, the visits were a little more distant, and well, I said, well, because, it's also for their own good, because nowadays, children don't keep quiet, so, I have always told my daughter that lies are not good, but sometimes you have to do it to protect her, right? Because you can't tell her where your parents are, so, um, she understood it! And well, yes, well, she grew up with her aunt, and her aunt loves her very much, she said that her aunt, at that time!, that her aunt was her mother, but, I mean, you do feel bad ... '

Mmmmm, well this, in, very few, I think that the classmates themselves did not find out that their parents were in prison, but the teachers did find out that their parents were in prison, so, um, at the time they asked my sister-in-law for power of attorney, that is, from me or from the father, so that she could continue taking care of the minor, and that the minor's attorney's office would not intervene since, since no paperwork as such had been done! so that she would be responsible, but yes, the teachers, this, I don't know, today I talk to my daughter, she is in high school, in her second year of high school, this, I attend her meetings and today I think there is no problem, but this, she has not been judged by any classmate, but what I do know from her, is that when she left high school she no longer visited me, why? Because this, in the high school where she was was very close to the CERESO, so I say, I also wanted to avoid any embarrassment, any shame, that her classmates would see her close to, well, that she was waiting in line to enter the CERESO"

- She currently continues her life as a merchant with her husband, they rent a house and live with their 14-year-old daughter.
  - Regarding the previous point in consideration of your current family composition.
- Child development

- *"Julia"* got a job inside the prison so she could acquire the resources necessary to raise her daughter.
  - Regarding the point of taking opportunities within the CERESO, such as working as a seller of various items there.
- She kept her daughter as far away from the other inmates as possible to prevent her from acquiring their ways and customs.

"... sometimes as much as you want your son not to hang out with your classmates, because no, they all have one!... appropriate behavior in front of a baby, because you avoid it, right? I mean, it's a prison and most people speak vulgarly and are very rude, so you avoid that, or you try to avoid that, but, well, she, with the people she more or less hung out with, didn't have that type of vocabulary and she did allow her to hang out and she remembers people from that place."

"... so, there were some classmates who were really heavy, rude, excuse the expression, like crazy\*, so I avoided all that, all that, and maybe at that time, people classified me as a, excuse the expression, as a "clown old woman", because I didn't spend much time with my classmates, and by not spending much time with them it also meant that my daughter didn't spend much time with them, so that she wouldn't see those types of situations, those types of rudeness, those types of bullying, things like that, so, I wanted to be the best mom, I mean, one believes that is what it is!"

• The girl occasionally played with other children inside the prison.

"*Interviewer*: That's great. Talking about this cohabitation and this section of areas, did your daughter ever live with other children who were born there?

User: Yes, today I'm talking about my situation back then, there were no separate areas, um, the house we were in was the whole area in general, um, we were assigned a room, each one could condition it according to their economic conditions, and you can keep your child under the economic conditions that you may have within, and you can have it very well, or not very well, no, so um, back then there were three or four other children, and yes, sometimes the children lived together, I mean, they weren't all together and there was no maternal area back then each one had their own room as a mother and um, apart from that there was much less population than there is today, and we had the opportunity to have a single room, today rooms are shared.

*Interviewer*: How did it feel to have your daughter living with these children?

User: Well, something nice because at the end of the day, well, they are in their games, I mean, you always try to make sure that the children, even if they are in that place, have the toys they want, or not the ones they want, the ones you think they need!; Speaking of coloring books, colors, dolls, toys, things, then, if you as a father try to do that, the children have another type of mentality too, so, my daughter also lived with the other children, taking out her toys, and played with, with her toys."

The minor had the opportunity to go out occasionally with her aunt, so she had access to various stimuli. "...and they gave you a lot of the ease of medical care, that if the baby got sick, you could take it out, um, have your family go get it, take it and bring it back to you, I mean!, it was, well, it was more accessible, that babies could go out, really... Or for example, my sister-in-law was the one who took care of my daughter, she would tell me "lend me your daughter, I mean, I'll take her on vacation" and I would take her and bring her back to her, I mean, there wasn't as much discipline or control with the entry and exit of babies, as there is today.

• When she reached the minimum age at that time, she went to live with her aunt.

"... in fact, she is my daughter's paternal aunt, and she is also her godmother and well, she is the one who was in charge of taking care of my daughter while I was in confinement.".

#### DISCUSSION

Prison life presents unique challenges, which are exacerbated for women incarcerated who are mothers or who become mothers while incarcerated. These challenges have evolved over time, varying according to the historical, social and legal context. Despite the changes, recurring difficulties persist, as the prison system fails to always meet the basic health and stability needs of both women prisoners and their children born in prison.

There is a multidimensional responsibility towards these mothers and infants, not limited to the political and legal realms, but also encompasses the psychological realm. Mothers and their children are immersed in an environment that is not conducive to optimal parenting, a reality that both those inside and outside the prison system must recognize. Among the deficiencies identified is the lack of a comprehensive mental health system, which is essential for the well-being of both mothers and children.

It is essential to explore the experience of motherhood in prison not only from the perspective of mothers, but also from that of infants, recognizing and addressing their needs. Support must be provided that includes not only physical health, but also social and psychological well-being, through an institutional and family approach. This support is crucial to facilitate the social reintegration of female prisoners, through programs that address work, job training, health, education and sports. However, as expressed by the interviewee "Julia", these resources are scarce, hindering the possibilities of improvement for female prisoners.

The lack of information about the rights of incarcerated mothers, such as the right to motherhood, breastfeeding and child care, is a problem that must be addressed. It is necessary to disseminate and make this knowledge accessible, since inmates are often unaware of the rights they are entitled to.

It has been identified that the resources allocated to the wellbeing of mothers and children within the prison system are limited, and in some cases, even insufficient. Programs that previously existed have been cancelled, and others that should have been implemented, such as those related to psychological well-being, were never considered. This affects not only the inmates, but also the children, who grow up in a restricted environment that will shape their development and their future interaction with the outside world.

The experience of motherhood in prison is not uniform; while some women see motherhood as an opportunity to improve and find purpose in the face of the loss of their freedom, others may be indifferent or view their children as a burden. Support strategies cannot therefore be uniform, as each case is unique. Temporality also plays a crucial role, as regulations and conditions have changed over the years, and will continue to change, affecting the experience of both mother and child.

Despite these challenges, optimal development of children in the prison context is possible if resources are managed appropriately and practices based on the five axes of social reintegration and fundamental human needs are implemented. Mothers deprived of liberty, although they have lost their right to freedom, are still people, and the resources provided to them will benefit not only them, but also their children, who are innocent of the condition in which they were born.

The influence of the incarcerated mother is crucial for the healthy development of her children. Conscious strategies need to be implemented to ensure the well-being of minors, and this can be facilitated by the dissemination of information and support programs. Mothers should be aware that they are not alone in their situation, and that, with adequate support, the quality of life of both them and their children can be significantly improved.

Finally, it is important to underline the need to further investigate opportunities for improvement in this area, and to translate theoretical findings into practical actions and followup in the field, including psychological intervention. This will allow not only an advance in knowledge, but also a positive impact on the lives of those mothers and children who find themselves in such challenging situations within the prison system.

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