

Reintegration of convicts

Class 2

Motherhood in prison



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KATEDRA PRAWA KARNEGO WYKONAWCZEGO

Motherhood in prison

Introduction

- ▶ Women endure imprisonment much worse than men and have more difficulties in adjusting to the isolation of prison.
- ▶ Women in prison are a vulnerable group, often with a history of abuse, out-of-home care, mental health problems and unemployment.
- ▶ Especially those who have children - they are concerned about the future and fate of their children
- ▶ Putting children in the House of the Mother and Child in prisons is very controversial
- ▶ But **It can strengthen readaptation processes of incarcerated mothers.**
- ▶ It is important to consider, what matters to the futures of babies

Motherhood in prison

Introduction

- ▶ In Poland there are **156 penitentiary units**, of which 21 can house female prisoners. It should be emphasized that the vast majority of these (up to 15) are in fact prisons for men which also have separate wards for female prisoners.
- ▶ Women are mainly held in four prisons, located in Czersk, Grudziadz, Krzywaniac and Lubliniec.
- ▶ There are two prisons for women who are held in custody with their children - Krzywaniac Prison and Grudziadz Prison

Motherhood in prison

Mothers have gender- and parenting-specific needs which should be considered in planning for corrective services

- ▶ In Poland the history of motherhood in prison dates back to 1949, in the second half of this year at the Prison no. 1 in Grudziądz where the first nursery was organized and later transformed into Young Children Home and now [the House of Mother and Child](#).

Pregnant women in custody

- * Polish law provides for preferential treatment of pregnant women who are in custody.
- * The leading provision in this matter that shapes the standard treatment for pregnant women, is Article 87 § 3 of the Executive Penal Code, which stipulates that a pregnant woman shall be provided specialist care
- * The laws grant not only special status to incarcerated pregnant women, but also provides them with special conditions after they have given birth.



Pregnant women in custody

- * It is important to ensure that a pregnant or breastfeeding woman receives appropriate specialist care.
- * The doctor determines the scope and frequency of health services that are provided to a convicted pregnant woman, as well as recommendations concerning dietary food, time and conditions of taking a walk or a bath by a pregnant convicted woman.



Pregnant women in custody

- * Pregnant women is transferred two months before the her date of delivery to the hospital gynaecological and obstetric ward in the special penitentiary unit.
- * In addition, a convicted pregnant or breastfeeding woman has the right to a longer walk and to additional purchases of foodstuffs allowed for sale in the prison.
- * Some disciplinary punishments are prohibited for this group of prisoners: deprivation of the possibility to receive food parcels for up to 3 months, deprivation or restriction of the possibility to buy food articles for up to 3 months and placement in an solitary confinement for up to 28 days.



House of the Mother and Child

- * Other provisions (Article 87 § 4 and § 5 of the Executive Penal Code) apply to mothers who are incarcerated. They are designed to allow women to take constant and direct child care.
- * It is expressly stated that the women are given an opportunity to be together with their children. Pregnant women or nursing mothers should be given opportunities for constant exercise, guaranteed direct care of their child, and ensured constant specialist care.

The goal is to avoid the separation of mother and newborn child

A general rule provides that children can stay in prison before turning 3 in special “House of the Mother and Child”
(art. 87 § 4 Executive Penal Code)

House of the Mother and Child

- * So, besides the children born in prison, the House for Mother and Child accepts the children who after the mother arrest have been given under the care of other persons or have been directed to such facility.
- * Then, mothers from the prisons applied for the possibility of serving a sentence with a child.
- * Sometimes women who have a court order to go to prison apply for serving a sentence with a child and appear at the prison with the child.

A general rule provides that children can stay in prison before turning 3 in special “House of the Mother and Child”

(art. 87 § 4 Executive Penal Code)

House of the Mother and Child

- * At the request of the mother, it is possible for the child to stay in her care, under the guardianship of the prison, until the child turn three years old.
- * However, this period may be shortened or extended, in accordance with the opinion of the doctor or psychologist.
- * The final decision in this regard shall be made by the court.
- * In cases where valid upbringing or health reasons exist, confirmed by a medical or psychological opinion, the period mentioned above might be shortened or extended.
- * Father's consent is needed to place child in prison.
- * All child-care specific premises should be retrofitted to seem like normal domestic conditions are present. There should be at least sleeping rooms for mother and children, facilities for grooming and education classes, premises for health benefits, cooking premises, sanitary premises, utility rooms, personnel rooms and infirmary premises.

The admission process

- * The admission of mother and child to a mother-and-baby unit is governed by the Regulation of the Ministry of Justice of 17 September 2003, which covers the admission of incarcerated mothers to [House of the Mother and Child](#) and specifies the detailed rules for the organization and operation of these facilities
- * According to the regulation, a mother in custody taking permanent and direct care of her child is housed in a mother-and-baby unit at a prison, called a 'home' in both Prison no. 1 in Grudziadz and the Correctional Facility in Krzywaniac. These units have 61 places at their disposal

The admission process

- * The admission of a mother and child to the unit is conducted on the basis of a written application, which the mother submits to the director of the prison in which the mother-and-baby unit is located (§ 3.1).
- * The mother who is applying has an obligation to attach a copy of the child's abridged birth certificate (§ 3.2)



The admission process

- * Director may refuse to house the mother together with the child, if health or educational reasons, confirmed by the opinion of a psychologist or doctor, speak for the separation of the child from the mother.
- * Once the the mother has made the request, the prison director should notify the relevant court.



House of the Mother and Child

- * In prison No. 1 in Grudziadz there is a maternity ward and a mother-and-baby unit for children under 10 months of age, while women and children up to the age of three are held in the prison in Krzywaniac.



- * The personnel of prison in Grudziadz, which is trained on the requirements of maternity and childcare, consists of a paediatrician, psychologist, nurse, tutor and dietician. Prison guards do not wear uniforms. In case of mother's temporary inability to exercise permanent and direct care for the child, the child is placed under supervision of both tutor and nurse.

House of the Mother and Child

- * The second “House of the Mother and Child” operates in Krzywaniiec Prison.
- * Mainly older children reside there. Currently a program called “House Kindergarten” is being established in that prison.
- * Mothers with experience and knowledge are being employed as leaders of prison kindergarten. The prisoners are employed as nannies after attending child-care training. Such training is conducted by educational personnel.



House of the Mother and Child

- * Children who stay with their mother in prison are provided with medical care, from pediatricians or nurses who are employed in health care institutions for persons deprived of liberty (§ 13.1).
- * In situations where a pediatrician or a nurse cannot provide health care for such children, they refer them to an appropriate health care facility (§ 13.2).
- * If sick children require the full-time care of a physician, the pediatrician has an immediate obligation to refer the child to a hospital that can provide the relevant care (§ 13.4).

House of the Mother and Child

- * The regulation in § 14 also covers the issue of food standards for children.
- * Meals are prepared in the unit kitchen under the strict supervision of a dietician, taking into account the recommendations of a pediatrician.
- * The selection of products and the number of meals per day is determined by a pediatrician.
- * At the pediatrician's request it is possible to exceed the budget when feeding sick children, when justified.
- * Children are entitled to underwear, clothing and footwear appropriate for their needs and age

Postponement of the execution of the sentence

- * Postponement may be granted more than once, but the total period of postponement may not exceed one year, except in the case of a woman who is pregnant or up to three years after giving birth to and caring for a child.
- * In this case, the maximum period of postponement cannot be longer than the period of pregnancy and then the 3-year period after the birth of the child.
- * **When?** If placement women in prison would have harmful consequences for the child or other members of the prisoner's family / may affect significantly family members or children

House of the Mother and Child

- * Mothers residing at the Houses of the Mother and Child represent different ages, levels of education, origins and personalities.
- * They come from diverse environment, from the deeply pathologic ones to correctly functioning families and stable relationships.
- * The crimes they committed vary from stealing a chocolate bar through harassment of other children to killing.
- * Some are the first-time mothers some already have other children, some are demoralized with distinct antisocial traits, often addicted to alcohol, drugs, medical drugs or other substances, some with disturbed personalities or mentally handicapped.
- * However, there also are women from good families, educated, of high material status and with no addictions.

The women serving sentences are different and it is difficult to find something they have in common besides the child.

Controversies

- * Putting children in the House of the Mother and Child in prisons is very controversial.
- * Opponents of the incarceration of pregnant women and mothers with children claim that a child brought up behind bars will have a permanent memory of this experience.

That's why the goal is that a child who has reached the age of three should leave the prison, because at that age the child will still be able to forget being in the unit.

Coping with separation

- * When baby turns 3 years old- leaves the prison
- * After that time children are sent to their families or to orphan houses.
- * Transition of the baby out of prison is a tough period
- * The **separation** of the baby from the **mother** can be traumatic, that's why it is important to provide the woman and the baby with psychological care

We have to remember...
***It is still better option for infants to stay with
mother for three years***

- * For newborn infants, maternal separation at birth can lead to emotional and behavioral problems in later life including low self-esteem, less successful peer relationships, and difficulty coping with life stressors
- * For mothers, this separation can also be psychologically traumatizing and has been shown to increase the risk of recidivism.

So the aim is to establish and maintain a bond between mother and child, in line with evidence that a key psychological process of attachment takes place between babies and their primary caregiver in the first six to seven months of life, which influences the later development.

Controversies

- * Every effort is made to ensure that the child has the opportunity to maintain frequent contact with the mother.
- * If the mother has only a short part of her sentence remaining after the child reaches the age of three, she often applies for parole or pardon.
- * Psychological studies have proved that children who lived in prison until the age of three develop much better than children who reside permanently in an orphan house.
- * Contact between mother and child while she serves a custodial sentence also helps mothers to fulfill their role in bringing up the child.

Conclusion

The length of time spent in a prison nursery can improve attachment between mother and child, with a year-long stay providing the most positive outcomes

- ▶ Children who reside with their mothers in prison nurseries **have been found to have lower amounts of depression and anxiety than children who were separated from their mothers**
- ▶ It may also prevent the child from the 'abandoned child syndrome' and there no other solution to that problem.
- ▶ Among the most dangerous consequences of the imprisonment of a parent, are following:
 1. preventing or significantly reducing mother-child relations,
 2. depriving children of love and maternal care,
 3. the danger of a convicted mother suddenly losing her authority,
 4. hiding the actual place of stay of the mother from the child,
 5. posture, gestures and behavior in a neighborhood, school and peer environments, which stigmatize children of convicted mothers,
 6. the general deterioration of the financial situation of children,
 7. less interest in the children from the father or other guardian,

Conclusion

- ▶ It is proved that the admission of mother and child to the [House of the Mother and Child](#) has a positive effect on both the development of the child as well as the social rehabilitation of the mother.
- ▶ [The Houses of the Mother and Child](#) are provided the right conditions for development.
- ▶ The mother learns to fulfill her parental responsibilities.
- ▶ Moreover, incarcerated women who are in prison with their children want to change for the better, in order to provide their children a better future.

Conclusion

- ▶ Family means a lot to prisoners, especially children
- ▶ To have safe release to society - it's very important to the prisoners to have close connection with them

Child-friendly visiting rooms

- ▶ That's why in Poland Child-friendly visiting rooms were established in 178 prisons (Norway supported that project)
- ▶ They are equipped both with furniture and with toys and additional amenities which make them friendly place
- ▶ Child-friendly visiting rooms are very popular among children
- ▶ Children are very curious to explore what can be found inside (prison doesn't seem to be so scary). There are colourful toys, teddy bears, books



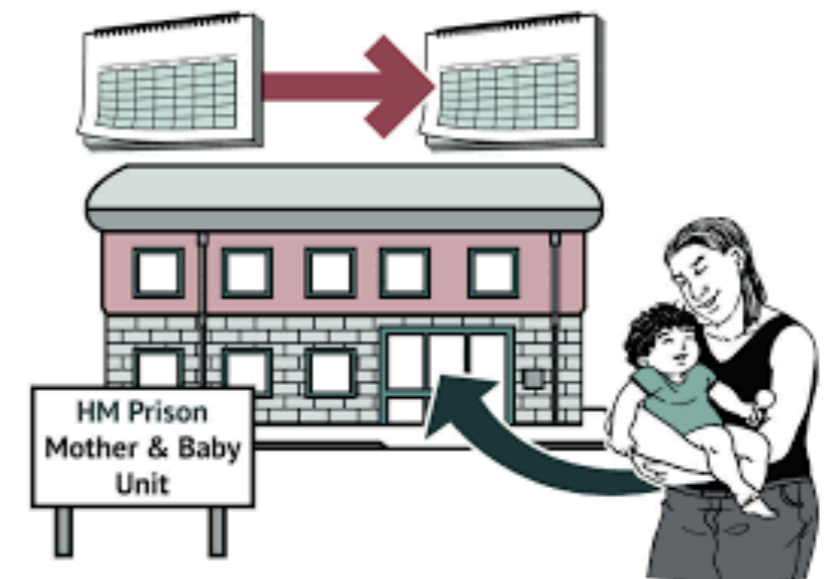
- ▶ the Sluzewiec Prison in Warsaw



England and Wales

Mother and Baby Units

- ▶ Women who give birth in prison or mothers with a child under the age of 18 months can apply to stay in a mother and baby unit (MBU) in 1 of the 6 prisons.
- ▶ The MBUs are in a separate part of the prison and are designed to be a safe place where a mother can look after her child with supervision.
- ▶ MBUs are supported by trained prison staff and nursery nurses throughout the stay to teach mothers new skills for when they are released such as cooking and caring for their babies.



Norway

There are no babies in prison in Norway

- ▶ Norway is the only country that does not allow babies in prison.
- ▶ Pregnant women or mothers may request the postponement of the execution of their sentence, placement under electronic home-supervision or community service.
- ▶ Pregnant women receive proper prenatal care & childbirth takes place in external care facilities
- ▶ Mothers of young children may be granted a suspension of sentence. They may spend a few months outside with their child before serving the end of their sentence or being granted an alternative measure.

Inmates in Norwegian Prisons can
book the family house for overnight
visits.

- ▶ Norwegian Prison, Halden



Germany

In the German penal system, it is often thought better for children under three years old to stay with their mothers in prison, rather than being put into foster care.

- ▶ In Germany, there are six closed prisons which allow children up to three years old, and two open prisons which allow children up to the age of six.
- ▶ The open unit at Frankfurt-Preungesheim is located outside the prison walls, reflecting a policy of distancing the mother-child unit from the rest of the prison.
- ▶ Each mother has her own apartment comprising a bedroom/living room, a kitchen and a bathroom.



In the special ward, the mothers can play, paint and sing with their children and have access to the educational assistants in the facility.



Other countries

- ▶ **In Netherlands**, children may stay until their fourth birthday in the half open prison Ter Peel. The mother-child unit is located in a separate house, but within the prison area, for four mothers and four children. In the five closed prisons children can stay up to nine months.
- ▶ **In Iceland**, only very young babies who are breast feeding or who have special needs may stay in prison.
- ▶ **Portugal and Switzerland** allow children up to three years, **Finland** up to two years, to stay in prison.
- ▶ **Denmark** allows male and female prisoners to have their children with them if they are to be released by the time the child is three, but in practice few children are ever held in prison