

Reintegration of convicts

Class 11

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.
- ▶ Especially those who have children - they are concerned about the future and fate of their children

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

Introduction

- ▶ In Poland 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.

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.

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House of the Mother and Child

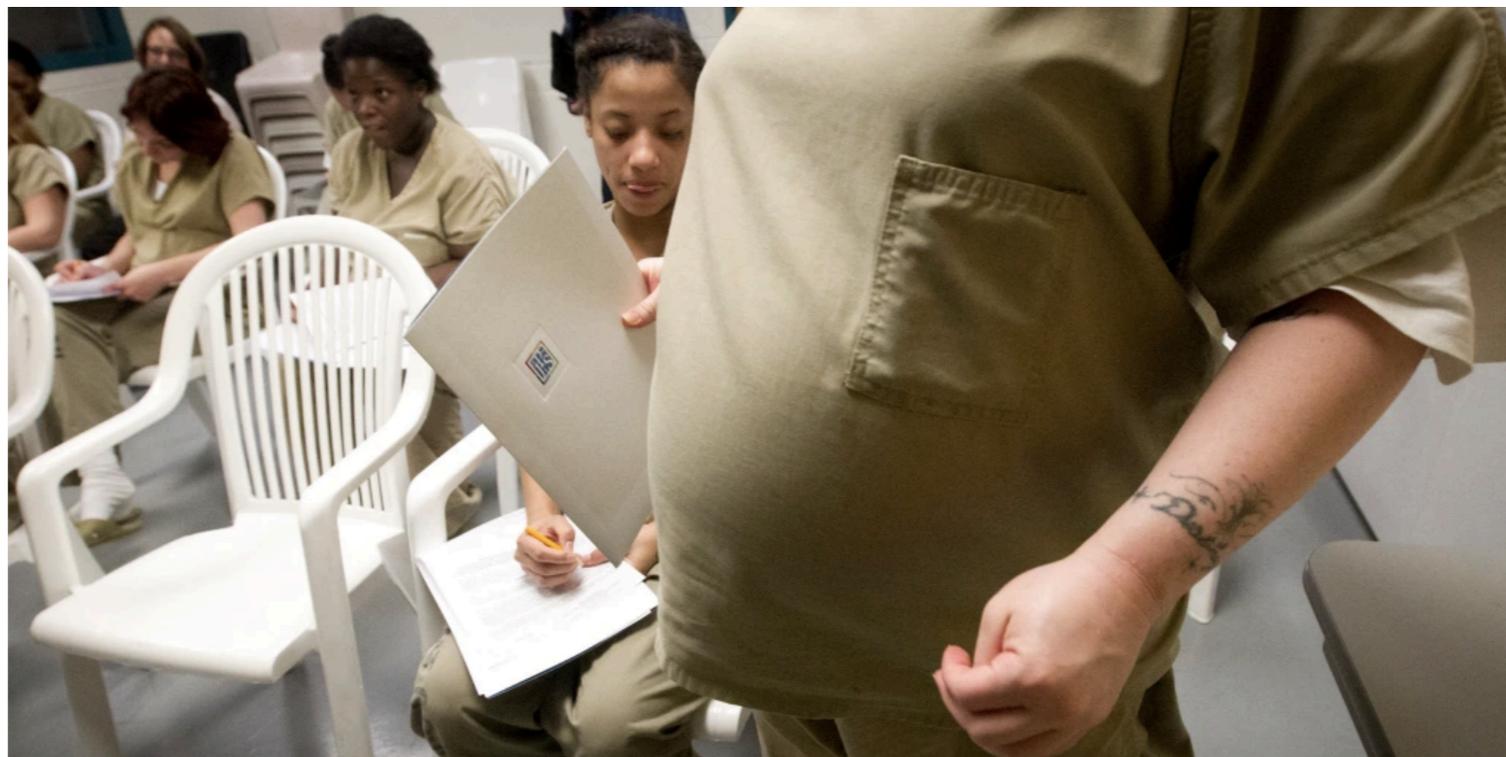
- * At the request of the mother, it is possible for the child to stay in her care, under the guardianship of the prison, until the child turn three years old.
- * However, this period may be shortened or extended, in accordance with the opinion of the doctor or psychologist.
- * The final decision in 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

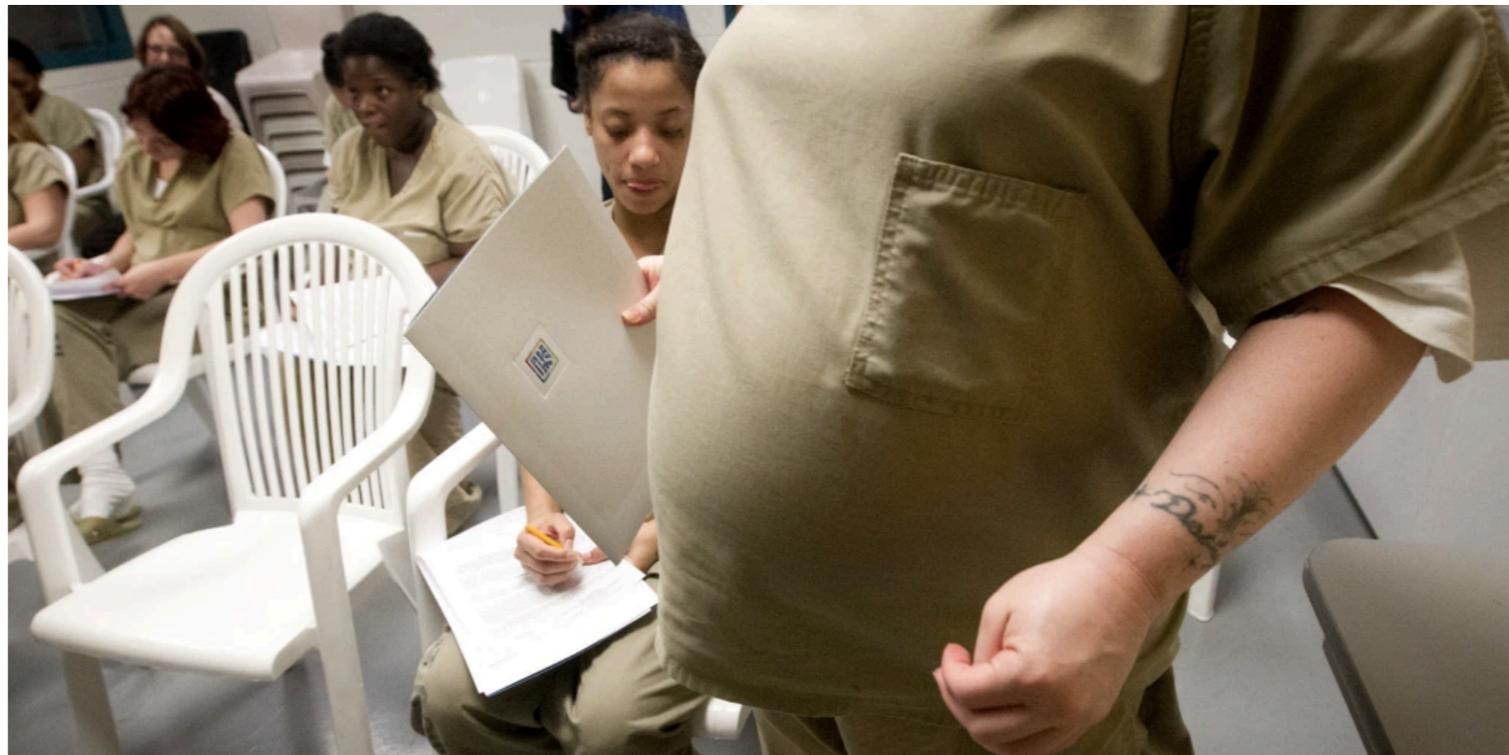
The admission process

- * 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 Krzywaniec.



- * 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.
- * Their sentences vary from life to 15 days of alternative punishment.
- * 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.

- * After that time children are sent to their families or to orphan houses.

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

It is hard to say if it is the best option to let the children stay with their mothers in prison.

- ▶ However, it may 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 hard to say if it is the best option to let the children stay with their mothers in prison.

- ▶ 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.