

International Report on the Conditions of Children of Incarcerated Parents

A Survey of Prison Nurseries

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Children of Incarcerated Caregivers

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Introduction

Children of Incarcerated Caregivers (CIC) has compiled information on the status of children in other countries who are affected by the incarceration of a caregiver. The United States is distinct in its tendency to separate young children from their mothers upon incarceration. Internationally, it is much more common for young children to accompany their incarcerated caregiver to prison. Prison nurseries—more broadly defined as the facilities designated to provide services for children incarcerated with their caregivers—exist in most countries around the world. Whether prison nursery placement is in the best interest of a child depends on the conditions of the prison nursery and the alternatives available to the child. Research reveals that where prison nurseries are thoughtfully designed to serve the best interests of children, they may present a compelling form of alternative sentencing,

This survey focuses primarily on children residing with caregivers in prison and the conditions of prison nurseries. Prison nurseries take many forms throughout the world, and children in these facilities have a broad range of experiences. In evaluating prison nursery programs, however, the framework applied is simply whether these institutions serve the “best interest of the child.” This standard was recommended by the United Nations Committee on the Rights of the Child (CRC) following their “children of incarcerated parents” General Day of Discussion (DGD).ⁱ

Outside of the United States, and where allowed by law, it is most often assumed that children within an established age limit will accompany their caregivers to prison for a portion or the totality of the sentence. But this practice may not serve the best interests of the child in every case. When the placement of a child of a caregiver sentenced to prison is being determined, the child’s case should be examined individually, weighing the best interests of the child along with the existing prison conditions and external alternatives.

The length of a child’s stay with a caregiver in prison varies across jurisdictions.ⁱⁱ

The age range for children to reside in prison with their caregiver normally ranges from six months to 7 years of age.ⁱⁱⁱ This does not mean that there are no children over seven years old in international prisons. Some nations have no legal maximum age at which a child must leave the prison setting. Other nations fail to enforce existing laws on age limits, meanwhile some nations have flexible age limits that take into account the best interests of



the child.

Although the international framework is theoretically gender neutral, only eight countries recognize fathers as possible primary caregivers and allow children to live with them in prison.^{iv} Even in jurisdictions where this practice is permitted, children rarely accompany fathers to prison.^v Consequently, the population discussed in this memo is largely comprised of young children residing with incarcerated mothers, though not exclusively so.

Consideration Best Interests of the Child and Non-Custodial Sentencing Options

According to the Convention on the Rights of the Child, consideration of the best interests of a child are to be a “primary consideration” in “all actions concerning children.”^{vi} Two examples demonstrating considerations of the best interests of the child upon sentencing follow.

- The Constitutional Court of **South Africa** has established that when a single primary caregiver is sentenced, South African courts must consider the best interests of the child.^{vii} If imprisonment of the caregiver will be detrimental to the child, the sentencing court must consider a non-custodial sentence unless the offense was so serious that it would be entirely inappropriate.^{viii} The best interests of the child are then weighed against the court’s interests in imposing punishment.^{ix} These considerations are set forth in the following five-part inquiry: whether the offender is the primary caregiver; the effect of a custodial sentence on the offender/caregiver’s children; whether it is necessary to ensure the children are adequately cared for if the primary caregiver is given a custodial sentence; if the sentence will be non-custodial, what sentence is appropriate bearing in mind the best interests of the child; and if there are multiple sentencing options, the court must consider the best interests of the child as paramount in selecting the appropriate sentencing option.^x
- **Finland**, in 2010, revamped its sentencing practices for caregivers of children through a partnership between the Ministry of Justice and the Ministry of Social Affairs and Health.^{xi} The best interests of a child whose caregiver is being sentenced are considered in “every step of the process.”^{xii} Child Welfare is immediately informed when an offender is also a caregiver, and all decisions from that point onward take the child’s best interests into account.^{xiii}



The first recommendation made by the CRC on the DGD is that “noncustodial sentences should, wherever possible, be issued in lieu of custodial sentences.... Alternatives to detention should be made available and applied on a case-by-case basis, with full consideration of the likely impacts of different sentences on the best interests of the affected child(ren).”^{xiv} Examples of alternative sentencing options for primary caregivers include:

- **Sweden’s** policy towards incarceration is to “avoid” the imprisonment of its civilians whenever possible.^{xv} As a result, there are few children incarcerated with their caregivers in this country. Sweden also allows pregnant and nursing mothers to postpone the service of their sentences for a “reasonable” amount of time.^{xvi} A probation board determines the appropriate sentence, examining an offender’s social, economic, educational and familial context.^{xvii} Non-custodial sentencing options include electronic monitoring, community service work, and parole. This approach towards punishment alleviates some of the issues surrounding incarceration and favors maintaining cohesive communities.
- In **Argentina**, law 26.472 unit 33 was passed in 2008, which extends non-custodial home detention to pregnant women and women with children under 5 years of age.^{xviii} However, a University of Chicago report highlighted a gap in the implementation of this law, which is attributable to both judicial discretion and women’s lack of knowledge about the measure.^{xix}
- The penal code of **Kyrgyzstan** contains a provision allowing women who are pregnant or have children under 14 years old to receive suspended sentences until their children reach the age of 14.^{xx} This law does not apply to women who are convicted of ‘grave’ offenses, and only applies only to first-time offenders.^{xxi} In practice, however, case studies show that as long as a woman is “deemed to be taking good care of her children,” she will not be sent to prison.^{xxii}
- In **Italy**, pregnant women, mothers and, in certain circumstances, fathers with “parental authority,” of children ten years and younger are eligible to fulfill up to four years of their sentence in home detention or a treatment program, provided they have served a third of their sentence in custody and are not at risk of committing further offenses.^{xxiii}
- Article 488 of **Egypt’s** Criminal Procedure Code, allows delayed sentencing for one parent when both a mother and father of a child younger than fifteen years old are sentenced to prison.^{xxiv} This means that the sentence of one parent is delayed until the



A case of note: Colombia:

According to a Colombian law, pregnant and lactating offenders in Colombia are to be given a period of house arrest from 2 months before their expected due date until 6 months after birth, as a substitute for their custodial sentences.¹ Upon return to prison, the offender can decide whether her child will reside in prison until the child's third birthday, or remain outside the prison with relatives or in foster care.¹ This policy allows women to have a more normal and individualized childbirth, as well as to bond more comfortably with their infants during lactation. While this may be 'better practice' in regards to the best interests of the child, multiple sources allege that Columbia's policy motivates women to become pregnant while in prison¹ to attain the benefits afforded to mothers.¹ In some cases this may cause added familial trauma, as children conceived during conjugal visits may eventually be separated from their mothers, placing a greater burden on already strained family relationships, especially in the cases of women who have other children.¹

other parent leaves prison. However, this practice is limited. Both husband and wife must be first-time offenders who are not sentenced for the same crime.^{xxv} They must have a known residence in Egypt, and neither should be sentenced for more than a year of time.^{xxvi}

- Constitutional law in **Colombia** provides that women who are mothers of minor children or children with disabilities may receive house arrest instead of being required to serve a custodial sentence.^{xxvii} In 2012 this benefit was extended to fathers who are heads of families when the mother is absent.^{xxviii} This alternative cannot be applied in cases where the caregiver detainee is sentenced for crimes that are defined to be serious by this law.^{xxix}

- **Norway's** Sentencing Guidelines include the consideration of the best interests of children of primary caregivers.^{xxx} When a caregiver is being sentenced, Child Welfare and external organizations such as the child's school or daycare center are to be contacted concerning what the best interests of the child may be.^{xxxi} The child is also to be consulted regarding their opinions or preferences regarding the sentencing of their caregiver.^{xxxii} Pregnant women and nursing mothers are to be given suspended sentences until the child of the sentenced caregiver reaches nine months in age.^{xxxiii} Sentences may be served in *mødrehjem*, or homes for mothers.^{xxxiv} There is opportunity for sentences to be served in rehabilitative institutions, and there have been cases of mothers being sentenced to community service instead of custodial detention.^{xxxv} Parents of children are given a yearly quota of 30 days of leave from the prison



to spend time with their children.^{xxxvi} Caregivers can apply for extra leave if their child is facing a particularly difficult situation.^{xxxvii}

Custodial Sentencing

Internationally, children are incarcerated with their caregivers in a wide range of circumstances. In discussing our research findings, prisons have been categorized based on the provisions available to the children of incarcerated caregivers within each facility.

Prisons with “minimal provisions” demonstrate little to no consideration of their child populations in terms of infrastructure, nutrition, education, or stimulation. Many of these prisons lack resources for implementing programming for children and their caregivers, and thus, any accommodations made are inconsistent and inadequate.

Prisons with “limited provisions” may have a daycare center, nursery, or school where children can play with other children, receive some age-appropriate stimulation, and, in many cases, eat at least one adequately nutritious meal each day. Most of the child-oriented facilities within “limited-provisions” prisons are run by governmental or NGO entities, and the quality of these facilities varies. Daycares or nurseries are usually separate from the general population, and often no provisions exist for children once they leave these facilities at the end of the day. Children share cell rooms with their mother and spend the remainder of their waking hours among the general population. Typically, child appropriate nutrition is not provided and no area of the prison contains infrastructure designed with children in mind.

Prisons that provide “internal units” compose a third category of custodial settings housing children. This category includes prisons that have specific infrastructures designed to accommodate children residing with their caregivers. In the United States, those infrastructures often take the form of “prison nurseries.” Typically, prisons that have internal units provide separate cells for each child-caregiver pair. They operate on a modified schedule, and children and caregivers have access to daycare and playground facilities. In addition to caring for their children, caregivers often participate in programming with the general prison population.

Finally, “external units” refers to prison systems that include special facilities for caregivers and children that are located off prison campuses, typically in close proximity to



communities. These facilities may be low-security or open, providing apartment-like living facilities for caregivers and children. Often caregivers in these facilities are granted access to the community. It is worth noting that these external units are comparable to some “community-based sentencing alternatives” in the United States. All of the examples discussed here, however, are primary sentencing options in the countries where they exist. In other words, a caregiver sentenced to an external unit fully satisfies her sentence by serving time in that facility.¹

Using the four categories of prison systems as a framework, the following is a sample of international case studies:

Prisons with Minimal Provisions for Children of Incarcerated Caregivers

- **Iraq:** According to a 2014 Human Rights Watch report, children living with their mothers in prison are subject to poor conditions with no childcare facilities, extreme overcrowding, and a lack of adequate health care. Further, there is a documented system of abuse against female prisoners. Children are legally permitted to remain with their mothers in prison until the age of four; however, there have been reports of seven-year-old children living in prison. The 2014 report describes cases where children have been forced to hear or watch the abuse, rape, or execution of their mothers. In one case, a mother on death row was executed, but her son remained in prison for several weeks after the execution.
- **Gaza’s Ansar Prison:** The only facility to house women in the Gaza strip, the Hamas-run Ansar prison, recently garnered the attention of the international press when it was discovered that several small children were residing there with their mothers.^{xxxviii} A recent investigation revealed that four children, who were provided with inconsistent resources, were residing among approximately 40 adult inmates.^{xxxix} A law enacted by the Palestinian National Authority, entitled *Concerning the Reform and Rehabilitation Centers “Prisons,”* allows children under two years old to accompany their mothers serving prison sentences.^{xl} The law also provides nursing mothers with a place “separate” from other inmates.^{xli} According to a recently published article, however, this does not happen in practice.^{xlii} Women with children occupy cells shared with multiple

¹ Community-based alternatives that do not amount to incarceration, such as reintegration programs and probation, are not included within the scope of this survey.



inmates. Reportedly, children do not have adequate food or clothing.^{xliii} One mother commented that she must buy everything from the prison's grocery store; because there is no baby food, she feeds her son bread dipped in tea.^{xliv} The prison has no hot water, no trees or toys, and electricity cuts affect fan-use and ventilation.^{xlv} Prison workers acknowledge the lack of provisions, but note that despite requests for funding, NGO and government responses have been weak.^{xlvi}

- **Burma's Civil Conflict:** Burma has no law regarding children residing with caregivers in prison. Nonetheless, many children do live in prisons, often in alarming conditions.^{xlvii} According to the CRC Shadow Report for Burma, "[D]etention facilities seldom provide the necessary conditions to protect children and ensure their wellbeing. Babies born in prison and children who accompany their parents during incarceration are denied adequate health care, nutritious food and their mothers are often denied assistance during childbirth."^{xlviii} Children's social and emotional development is "hampered" by the absence of "everyday stimuli and educational material," and there are multiple cases of child or infant death in the prison system each year.^{xlix} Water within the prison is rationed, and women with infants are not granted extra provisions.¹ Children are not provided diapers, so mothers use their sarongs. Women are forced to use their personal water ration to wash their clothes, as well as bathe both themselves and their babies.^{li}

Prisons with Limited Provisions for Children of Incarcerated Caregivers

- **Mexico:** Mothers are permitted to have their children under six years old live with them in prison.^{lii} Children also have the option of residing in prison part time, while spending the remaining time in the care of close family members or alternate caregivers.^{liii} Children who live in prison full time can participate in programs run by the prison's nursery facility and school during daytime hours, and share their mother's cell at night.^{liv} Santa Marta Acatila Women's Prison is recognized as the offering the best attention to the children of incarcerated inmates. The prison nursery and school facility provide children with adequate nutrition, health, and education.^{lv} Not all mothers enroll their children in programming; some children pass their time in the care of other inmates.^{lvi} Even though Santa Marta Acatila has received recognition, facilities outside of the prison daycare contain few other provisions for children.
- **Afghanistan:** Law 56 of Afghanistan's *Law on Prisons and Detention Centers* states



“government shall provide facilities to the children up to the age of three years that are living with their parents in the prisons.”^{lvii} Children incarcerated with their mothers in Afghani prisons, however, live in generally poor conditions. Facilities and provisions are reportedly inadequate.^{lviii} One women’s prison recently featured in a documentary provides children with a small outdoor play set and a prison cell converted into a schoolhouse.^{lix} Herat’s women’s prison contains a daycare for children. An international NGO reportedly facilitates transportation for children participants to a local kindergarten.^{lx} Conditions in Afghanistan’s women’s prison have recently gained attention because women are increasingly incarcerated for moral crimes. Many of these women are pregnant, and they go on to give birth and raise their children in prison.^{lxi} Some of these mothers are minors who are pregnant as result of incest.^{lxii} There is no information about facilities for minors who have children. As is the case in other parts of the region,^{lxiii} it is common for women and their children to become societal outcasts post-incarceration.^{lxiv} Despite the reportedly poor prison conditions in Afghanistan, residing in prison with their mothers may serve the best interests of many children, particularly where the only other option is living on the street.

- **India:** Prisons in India are under the jurisdiction of each state, however the Supreme Court has established guidelines regarding the treatment of children of incarcerated caregivers.^{lxv} Children are able to live with their mothers until the age of six, and it has been mandated that prisons “provide crèches for children under three and nurseries for children aged three to six”.^{lxvi} In Andhra Pradesh, to fulfill this requirement, children from the age of three and onward are transported to local schools for their education.^{lxvii} According to one Deputy Inspector General of Police, this measure gives these children an opportunity to grow up normally alongside other children.^{lxviii} NGO India Vision Foundation runs a well-received crèche and aftercare program for children of incarcerated caregivers within Tihar and Bhondsi Prisons.^{lxix} Not all prisons received the same aid from local NGOs, and living conditions and provisions vary across the country.
- **Kenya’s Lang’ata Prison Daycare:** This recently opened facility (January 2013) has significantly improved conditions for children of incarcerated mothers.^{lxx} Within Lang’ata Prison children are legally permitted to remain with their mother until they are 4 years old. Currently filled to over double its capacity, conditions within the general population have been described as “deplorable.”^{lxxi} However, with the aid of local NGO Faraja Foundation, the creation of a prison daycare center has provided an alternative for children who had been unattended, intermingling with the general population, while



their mothers performed required prison duties.^{lxxii} Children can now spend up to 8 hours in the daycare center separated from the prison atmosphere, and have access to nutritious food, a child-friendly atmosphere, and peers.^{lxxiii}

A Historical Case: Children of Rwanda’s “Genocidaires”

Still healing from a not so distant genocide, detainees in Rwanda have suffered under a backlogged legal system, characterized by corruption, and a lack of justice due to the difficult nature of prosecuting crimes of genocide.^{lxxiv} A 2008 Human Rights Watch report on the progression of Rwanda’s judicial reforms discussed the overall “harsh” prison conditions marked by food shortages and poor sanitation in general.^{lxxv} At that time, prisons were overcrowded, and makeshift detention facilities were created to hold over 135,000 detainees in system with a capacity for just 12,000 individuals.^{lxxvi} Within this detention system were many women with their young children.^{lxxvii} Many of these women, although accused of participating in genocide, had not been convicted of any crime. The Human Rights Watch Report observed that there was a societal “failure to try genocide” in Rwanda, which in turn “violate[d] the rights of detainees, some of whom have been in prison for more than a decade without trial.”^{lxxviii} An ICRC report entitled *Women’s participation in the Rwandan genocide: mothers or monsters?*, contains interviews with prisoners that convey the way Rwandan society views women participants in the genocide.^{lxxix} One prisoner commented, “It is difficult to accept in Rwanda that women are killers. In our tradition, women are supposed to be humble people, to welcome visitors at home and show a good image. So, women would be ashamed to be found guilty. It is like a taboo, to think that women killed.”^{lxxx} A recent Reuter’s article quoted a recording that a son sent to his convicted mother where he called her a “master killer” upon whose face he cannot look. The son admonished his mother that “the neighbors would refuse her even water,” if she ever returned to their village.^{lxxxii} Some of the mothers raising children in Rwandan prisons are women who have been excommunicated from their families. The children often suffer similar community consequences.

The time following the genocide has seen a reduction in the number of incarcerated persons and a general improvement in the conditions for children of incarcerated caregivers.^{lxxxii} Though little information exists on the project, two sources have cited information about a prison nursery that was opened in



Rwanda's Kigali prison in 2010 by local human rights organization *Enfant Chez Soi* (ECS).^{lxxxiii} According to one account, ECS works with children under five who live within the prison, making sure their physical needs are met, and providing education and other activities during the day.^{lxxxiv} ECS also reportedly makes up for its short staff by training long-term prisoners to act as teachers and caregivers.^{lxxxv} The organization has purchased cows, tended to by male prisoners, to supplement the prison food and provide milk for the children.^{lxxxvi} ECS also assists in locating alternate caregivers for the child among family and community members, a process that begins when children turn three years old.^{lxxxvii}

There is scant information about the multitudes^{lxxxviii} of children incarcerated with their mothers in Rwanda. In a country that had little or no framework in place for promoting the rights of the children of incarcerated caregivers, the effects of the sudden, mass incarceration following the genocide have yet to be documented. It is possible, even probable, that many children in detention have died.^{lxxxix} One aim of this project is to increase the global awareness of the population of children incarcerated with their caregivers. Rwanda is an extreme case study of what can happen when a nation is ill equipped to care for the children of detainees.

Internal Units

- **Preungesheim Prison's Closed Mother-Child House, Germany:** Preungesheim prison has a separate unit where mothers and children live together in an apartment-like setting away from the general prison population.^{xc} Many mothers focus on childcare, while others work within the general population, using the unit's daycare.^{xcii} If the prisoner is "high security," her child can remain with her in prison until the age of three. The children of a "low security" inmates can remain in the facility until the age of 5.^{xcii} As is the case with Frodenberg Prison, an external unit discussed below, women in Preungesheim are afforded 21 days outside of prison to spend time with older children. Women who receive work release can apply to work for their own families, leaving the prison before their children wake up in the morning, spending the day with them, and then returning



Al-Mafraq Prison: Abu Dhabi, UAE: Al-Mafraq is a prison nursery in a facility adjacent to a juvenile prison. This separate facility is exclusively for mothers of young children.^{xciii} The facilities have child-friendly decor and contain shared common areas and a kitchen.

A Case of Note: Israel's Children's Home and Future Women's Prison

In 2012, Israel opened a children's home in its only women's prison to service the needs of infants incarcerated with their mothers.^{xciv} According to Prison Ordinance 5732-1971, a child who is under the age of two is eligible to live with the child's mother in prison.^{xcv} According to one news source, the prison home provides mothers with a break from their children, allowing them to study and participate in rehabilitation programs.^{xcvi} The children's home, which is connected to the prison, functions as a daycare and shares a petting zoo with the general prison population.^{xcvii} It serves as a "sterilized" environment, separated from the realities of prison.^{xcviii} A new women's prison is under construction and scheduled to be completed in 2016.^{xcix} This new facility is modeled upon an approach focusing on "treatment and rehabilitation" which is "[c]entered on the offender and not on the offense."^c The prison, referred to as a "prison of the future," is located on 30 acres of land, and will attempt to give prisoners more space with a higher quality of living characterized by communal rehabilitation.^{ci} It will have sparse walls and no barbed wire fencing, and prisoners will have access to a cinema room, theater, outdoor park, fitness classes, and rooms equipped with televisions, radios, and abundant natural light.^{cii} Included in this facility will be wards for nursing mothers. The facility will also have a daycare, encouraging mothers to enroll in business, gardening, cooking, or other courses.^{ciii} Our research found no information regarding programming for family rehabilitation or extended visitation facilities. It is also unclear whether the age limit for children residing with their incarcerated mothers will change.

There are individual cells for mothers and their children.^{civ} Five nannies care for children while mothers attend classes, court, or doctors appointments.^{cv} Conditions are reportedly good, with one inmate commenting that they are "treated as family" and the resources she receives for her baby are much better than what she could afford in her home country.^{cvi} The legal age limit for children to reside with their mothers is two years old. But this rule does not appear to be enforced.^{cvi} A 2014 article observed that 35 children—some as old as 12—were living with 29 mothers in Al-Mafraq Prison.^{cviii} By and large, the mothers are foreigners accused of economic or "moral" crimes, and are on their way toward deportation.^{cix} Because these mothers will not be integrated into Emirati society, allowing children to remain with them in prison is likely in the best interests of the children in many



cases.

- **Poland’s Mother and Child Unit at Grudziadz Women’s Prison:** This unit is modeled as an apartment complex, where mothers and children three years old and younger share rooms with up to two other mother/child pairs.^{cx} Located in the city center, the facilities contain stocked playrooms and outdoor play spaces. Bedrooms have balcony access and lots of natural light.^{cx} One report states, “The unit is designed in a way that women can take responsibility for their daily tasks – they have access to the kitchen, laundry rooms, etc. Bathrooms are child-friendly and include facilities for newborns and infants. Staff wear civilian clothing and can, with the mother’s permission, take the children for trips to the shops, playgrounds and other locations outside of the prison.”^{cxii} Although the unit is, located within the confines of a closed prison complex, it is reportedly some distance from facilities housing the general prison population.^{cxiii}
- **Spain’s Family Prison Cells:** In Spain, one prison provides a unique option for incarcerated families. Aranjuez Prison’s family units are 150-square-foot rooms containing a double bed, crib, and a bathroom.^{cxiv} The family units house couples who are imprisoned and their children up to three years old.^{cxv} Prisoners seeking to live in these units undergo psychological examination and a period of observation before becoming admitted to the program. Inmates in the family units can work and participate in activities with the general prison population.^{cxvi}
- **United Kingdom:** The United Kingdom has a Mother Baby Unit in 13 of its prisons. At Eastwood Park prison in Gloucestershire, England, the unit is a live-in facility similar to prison nurseries in the United States. Prison staff members wear plainclothes and the unit has a nursery, which cares for children while mothers study or work.^{cxvii} Otherwise, mothers have complete responsibility for their children. ^{cxviii} In Styal prison’s Mother Baby Unit, children of convicted mothers take excursions outside of the prison two to three times per week, visiting libraries, pools, supermarkets, and other destinations to broaden their experiences.^{cxix} Children of prisoners and children of staff also intermingle in Styal’s prison nursery, giving children of inmates the opportunity to socialize with a broader range of peers and adults.^{cxx}
- **United Arab Emirates Prison Nursery in Dubai:** In Dubai, children can live within their mothers’ prison cells in Sharjah prison. Alternatively, mothers can check children into “Dar Al Aman,” Dubai’s separate prison nursery facility.^{cxxi} This live-in facility is located off of the prison campus, and is a child-friendly facility containing no bars.^{cxiii} Children



who reside in the prison nursery are completely separated from the prison experience, still maintaining relationships with their mothers, but also being more connected to the outside world.^{cxviii} The nursery program includes excursions to expose children to life outside of the facility. Internally, children's needs are completely provided for by professionals and substitute mothers who tend to children fulltime.^{cxviii} No details are available regarding whether, or how often, mothers can visit their children in the nursery. The nursery program is an alternative to separation upon incarceration. It especially aids the many foreigners who are incarcerated in Dubai by providing for their children and helping them maintain relationships.^{cxv}

- **New Zealand:** Children are allowed to remain with their incarcerated mother until age two.^{cxvii} New Zealand has three "Mothers with Babies Units" which function similar to prison nurseries in the US.^{cxvii} Mothers within these units are fully responsible for caring for their children, and likewise must pay for food and clothing.^{cxviii} The government helps with a small subsidy.^{cxix} These units also contain a Mothers and Bonding Facility. These "specialist baby bonding units" allow mothers who are ineligible to participate in the Mothers with Babies program to spend up to 12 hours a day with their infant 9 months and younger.^{cxix} Alternate caregivers are able to bring an incarcerated mother's child who is living in the community to the bonding facilities each day, where mother and child are able to spend time maintaining their relationship.^{cxvii} The bonding unit "replicates a domestic setting", with areas for infants to sleep, a kitchen area for food preparation, and living room space for mother and child to play.^{cxvii} This unit "enables women to maintain close and regular contact with their children, while simultaneously enabling the baby to bond with their caregiver in the community."^{cxviii}

External Units

- **Spain's External Mother Units (EMU):** Spain has three EMUs that are available to mothers and children three years old and under who were born inside or outside of prison.^{cxvii} Women in these facilities must be committed to "recreating their lives."^{cxvii} In exceptional cases, when it is deemed to be in the best interests of a child's development, a child can remain within the facility until the age of six.^{cxvii} These EMUs focus on the mother-child relationship. They are also closely linked to the community, and provide psychological, educational, and reintegration assistance.^{cxvii} The EMUs are available to women of all security types provided they are not a risk to minors.^{cxviii} Each mother-



child pair has an apartment, which includes a living room, bedroom, bathroom, and a microwave. The apartments are located in facilities that have a community playground and an indoor play area for children.^{cxvix} Surveillance is conducted with security cameras and motion sensors. Guards dress in plainclothes, locking doors at night with a key. But staff refers to the living units as “home” in order to downplay the sense of incarceration.^{cxl} Mothers in the EMUs participate in various therapies and programs. Those given security clearance are allowed to leave the facilities to visit family members, attend doctor’s appointments, visit public parks, and work or study in the community, so long as these activities do not interfere with parenting.^{cxli}

- **Germany’s Frodenberg Prison and Mother Work Release:** At Frodenberg Prison, women and children under the age of six are permitted to reside together in units equipped with a kitchen, bathroom, bedroom, and living room.^{cxlii} These units, which are outside of the conventional prison facilities, and are intended to resemble apartments or cottages. Staff members wear plainclothes. Children older than two years of age attend daycare while their mothers work.^{cxliii} Mothers can leave the facility for day trips. They also receive 21 days to visit children outside of prison.^{cxliv} Women are never punished in front of their children; this policy fosters children’s respect for their mothers’ authority.^{cxlv} The program boasts just a 10% recidivism rate, and is praised as “the most child-centered system.”^{cxlvi} Frodenberg Prison considers parenting and housework to be labor that is comparable to any other job. Thus, mothers granted work release can apply to work for their own families.^{cxlvii} As is the case with Preungesheim prison, discussed above, women who have been granted family work release, leave the prison before their children wake up in the morning, spend the day with them at home, and then return to the prison after bedtime^{cxlviii}
- **Western Australia’s Boronia Pre-Release Center:** A minimum-security prison designed based on community input, Boronia is an initiative of West Australia’s Department of Corrective Services that seeks to “maximise each woman’s potential to positively, confidently and safely reintegrate with her family and community following release.”^{cxlix} The facilities consist of shared houses—not cells. Women are referred to as “residents,” and not “prisoners.”^{cl} Mothers who live with their 12-month-and-under children in conventional prisons can be transferred to Boronia, where their child may remain until the age of four.^{cli} The center provides space for regular and extended-stay visits from children up to 12 years old.^{clii} Mothers with resident children are immediately granted Section 95 Permits, which allow them to leave the prison to take their children to daycare



or urgent medical appointments in nearby Perth.^{cliii} They must also participate in a mandatory parenting program. Childcare classes are also mandatory for mothers who receive visits from their children.^{cliv} The facility currently only has capacity to accommodate six mother-child pairs full time. Candidates are only placed at Boronia after a “rigorous” screening and selection process.^{clv}

- **Vanaja Prison Family Units, Finland:** Located within Vanaja open prison, these family units are available to incarcerated mothers and their children under two years old, provided this arrangement is in the child’s best interests.^{clvi} The facility functions as a child welfare unit, which is supervised and staffed by the National Institute for Health and Welfare, and not Finland’s Prison Service. The facility can accommodate ten caregivers and their children, who live in fully equipped apartments. Mothers serve their sentences working and studying in the community, while childcare staff cares for the children.^{clvii} Finland is one of eight countries that does not limit caregiver status exclusively to mothers; fathers can be sentenced to family units, as well. In practice, however, this rarely occurs.^{clviii}
- **Denmark’s Pension Engelsborg Halfway House:** This facility, which is part of the Danish Prison Service, allows selected prisoners to reside with their entire immediate family as a transitional program focused on family and societal reintegration.^{clix} The program began as a trial, but is now a permanent component of the country’s re-entry program.^{clx} Caregivers can be sentenced to serve their prison time at Engelsborg.^{clxi} The facilities are similar to ordinary apartments; families and children receive counseling and assistance on an individualized basis from two family therapists, a social educator, and a social worker.^{clxii} The treatment is reportedly intensive.^{clxiii} The facilities can accommodate five families at a time.^{clxiv} Because Danish law does not limit the definition of primary caregiver solely to mothers, children can also accompany their fathers to prison.^{clxv}

A Brief Consideration of Visitation Practices

Although this memo does not focus on options for children who are not residing with their incarcerated caregivers, much of the research that we reviewed included information on visitation practices for children who had surpassed a facility’s age limit. In countries where there are no prison nursery programs, or where incarceration with a caregiver is not in the



best interests of a child, a prison with good visitation practices can help promote children's rights to maintain relationships with their caregivers. Quality visitation practices may help mitigate some of the negative consequences of separation. The DGD report made numerous recommendations regarding the rights of children to visit their incarcerated parents.^{clxvi} The *Collateral Convicts* report produced by the Quaker United Nations Office thoroughly considers international visiting practices and makes recommendations, and should be consulted for more details.^{clxvii}



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