



Children Living with Their Mothers in Prison: Advocacy and Alternatives

2nd Annual Global Prison Nursery Network Symposium in partnership with the Columbia Journal of Gender and Law

In 2023, Children of Incarcerated Caregivers (CIC) and its partners founded the Global Prison Nursery Network (GPNN) as a multi-stakeholder, global network to advocate for the best interests of children who reside in prisons with their caregivers. These settings have different names in different countries, including prison nurseries, crèches, or mother-baby units. At the heart of the GPNN's mission is a commitment to ensuring the well-being and rights of children living in these prison settings. Through our network, we advocate for standards and practices to respect, protect, and fulfill the rights of children living with their caregivers in prison. Our efforts include promoting community-based alternatives to incarceration, conducting evidence-based research, and elevating the voices of impacted children and caregivers. We work to improve legal processes for determining whether a child should reside in prison with a parent and to improve prison conditions and provide access to resources for children residing in prison with a parent.

CIC and the GPNN held our second annual symposium in partnership with the [Columbia Journal of Gender and Law \(JGL\)](#) on November 1st, 2024.¹ We brought together human rights experts, practitioners, scholars, and women with lived experience to examine this complex, multifaceted issue. This symposium aimed to build upon the work of our first symposium by exploring the experiences and needs of this hidden population of children, as well as highlighting the unique issues faced by mothers who must raise a child in a carceral setting. A thematic focus was the tension between children's and mothers' rights and how to balance child-focused processes with the human rights of mothers.

The event at a glance:

- 13 panelists, representing 11 countries from nearly all global regions
- 89 in-person registrants
- 188 online registrants

Stay in touch with Children of Incarcerated Caregivers by signing up for our newsletter [on our website](#) and following us on [LinkedIn](#).

¹ Special thanks to Alexa Johnson-Gomez, Carley Mossbrook Addy, Olivia Hudson, and Stuti Shah from CIC and Aysha Tabassum and Sarah Hubner from JGL.

Barbara A. Frey, J.D., Emerita director of the Human Rights Program at the University of Minnesota and co-director of CIC's Prison Nursery Project, delivered the Opening Remarks. Frey noted that a conservative estimate of how many children live with their mothers in prison stands at about 19,000, and cited the urgency of this discussion given the increasing numbers of women incarcerated globally. Symposium and Special Projects Editor of JGL, **Sarah Hubner** expressed gratitude for all attendees and involved partners. She explained that JGL is a student-run publication dedicated to exploring feminist inquiry, power differentials, and their relation to the law. JGL seeks to portray today's feminist movement as a spacious home for all who desire to work for rights for all.

Professor Marie Claire Van Hout, Vice President for Research, Innovation and Impact at South East Technological University, gave the event's Keynote Speech. Van Hout highlighted the rising number of women incarcerated globally and the resulting increase in children living in prisons with their mothers, despite limited data and inconsistent age thresholds for removing the child from residing in prison with their mother across countries. She emphasized the need for non-custodial measures, adequate childcare within detention, and better research and data collection, citing violations of children's rights and sharing WHO and UNICEF guidance for improving standards.



Pictured: Dr. Shona Minson / Courtesy of Dr. Shona Minson

The Due Process Void: Centering the Rights of Children and Mothers

This panel examined the systemic lack of consideration for children's best interests when they are placed in detention with or separated from their mothers, highlighting widespread violations of the Convention on the Rights of the Child (CRC).



- ❖ **Robin Hansen**, a law professor at the University of Saskatchewan in Canada, underscored how Canada's legal framework fails to provide individualized assessment, often resulting in forced separation, particularly impacting Indigenous women and their children.
- ❖ **Dr. Shona Minson** shared insights from her work in the UK and at the University of Oxford, noting the persistent "institutional blind spot" in criminal courts, where judges frequently overlook the impact of imprisonment on children.
- ❖ **Isabella Sánchez Di Egidio** discussed work done by Reinserta in Mexico, where she is a psychologist, describing the harsh realities children face when living in prison and the critical support provided by NGOs like Reinserta.
- ❖ **Benoit Van Keirsbilck**, member of the UN Committee on the Rights of the Child and director of Defence of Children International - Belgium, emphasized the need for child-sensitive procedures and independent legal representation to ensure children's voices are considered throughout the legal process.
- ❖ The panel Q&A was moderated by **Julie Matonich**, attorney and co-founder of CIC. Panelists shared ideas for improved processes, including how to incorporate a child's viewpoint when they are too young to speak for themselves.

Collectively, the panelists called for further development of child-centered legal systems, better data collection, and expanded use of non-custodial measures.

Missing Metrics: Challenges and Strategies for Data Collection on Caregivers and Children

The second panel spotlighted the significant lack of reliable data on children living with incarcerated parents, underscoring the challenges of advocating for this vulnerable population when their very existence is often unrecorded.

- ❖ **Dr. Martha Paynter**, an assistant professor of nursing at the University of New Brunswick, highlighted the difficulty of estimating the number of affected children in Canada, where diverse provincial systems and remand-focused custody make data collection particularly challenging. Her research found that while official estimates suggest 59% of incarcerated women have children, informal surveys indicate this figure could be as high as 91%.
- ❖ Children's rights activist **Hamed Farmand** shared the difficulties of documenting the experiences of children in Iranian prisons, noting that even women's rights activists working on issues related to incarceration often overlook these children. His qualitative research, based on interviews with those formerly incarcerated, revealed stark conditions and minimal oversight in facilities where young children often live.
- ❖ **Gretta Goodwin, PhD**, of the U.S. Government Accountability Office discussed her team's efforts to assess maternal healthcare in U.S. prisons, pointing out that states frequently lack the infrastructure to collect basic health data on pregnant and postpartum women, complicating efforts to ensure adequate care.
- ❖ **Professor Marie Claire Van Hout**, keynote speaker, moderated this panel's Q&A. Panelists answered questions related to censorship or retaliation for those who participate in data collection efforts as well as what data corrections facilities ought to collect.



Together, the panel emphasized that while data is crucial for policy change, ethical considerations and the risk of surveillance must be navigated carefully to avoid further harm to already vulnerable families.



Pictured: Professor Marie Claire Van Hout / Courtesy of Dr. Shona Minson

Parenting in Prison: A Conversation with Impacted Mothers

This panel on the lived experiences of incarcerated mothers provided a powerful and deeply personal exploration of the unique challenges faced by women who give birth or care for their young children behind bars.

- ❖ **Serena Martin**, a formerly incarcerated woman who serves as the Executive Director of New Hour for Women and Children, described how launching New Hour was informed by what she needed while incarcerated. Martin highlighted the critical support programs New Hour offers, emphasizing the immense needs that remain unmet, including the dire lack of mental health resources and postpartum care.
- ❖ **Teresa Njoroge** shared her journey as a formerly incarcerated mother in Kenya, underscoring the legacy of colonial laws and the lack of systems to support women and their children. She described starting her organization Clean Start and the advocacy work they engage in today, such as dismantling reintegration barriers and advocating for non-custodial sentencing.
- ❖ **Sava Dorritie** shared her recent experience in a prison nursery program, stressing the systemic shortcomings that separate children from their mothers due to rigid policies and lack of individualized care. Dorritie also noted questionable prenatal and delivery practices incarcerated mothers have experienced, such as inductions without informed consent.
- ❖ A moving and dynamic panel Q&A was moderated by **Roslyn Smith**, the Beyond Incarceration Program Manager at V-Day. The panelists each described how communities and organizations might work together to address the needs of



incarcerated women and mothers, and also amplified themes of improving reentry infrastructure and ending the criminalization of poverty.

The panelists collectively called for community-driven support, decarceration, and systemic changes to address the harms caused by the incarceration of women, particularly mothers, and their families.



Pictured: A portion of the in-person audience while Isabella Sánchez Di Egidio presents / Courtesy of Reinserta

Redefining Custody: Models for Mitigating Harm

The panel discussion explored models and interventions aimed at reducing harm to children of incarcerated mothers, focusing on examples from India, Burundi, and Argentina.

- ❖ **Monica Dhawan**, the Director of India Vision Foundation, shared insights from her organization, which has been supporting children in prison environments for over two decades through programs including creches, parenting sessions, and excursions outside of prisons for children to prepare them for their transition into the community. IVF's "Cradle to Career" model has enabled long-term success for affected children, through education and employment support.
- ❖ **Alice Quagliato** from Terre des Hommes highlighted the challenging situation where she works in Burundi, where overcrowded prisons and a lack of resources hinder child development. Her organization's initiative established prison nurseries to provide a safe environment within the prisons and promote reintegration, as well as advocate for non-custodial measures, which have not existed at all as an option.



- ❖ **María Hereñú** from the Center of Legal and Social Studies in Argentina discussed Argentina’s use of electronic home monitoring (EHM) for pregnant women and mothers with young children, noting its benefits and limitations. Despite being a progressive alternative, EHM often shifts vulnerabilities.
- ❖ **Stuti Shah**, a Doctoral Candidate at Columbia Law School, led a Q&A with the panel; panelists answered questions related to alternatives to incarceration, the role that the government should play alongside NGOs, and how even small steps can be a mitigation of harm.

The panelists emphasized how advocacy can be difficult when changes are only incremental and that non-custodial alternatives to incarceration are beneficial to all, as they can protect the rights and well-being of both mothers and children.

Nancy Loucks, PhD, Chief Executive of Families Outside in Scotland and the Chair of the International Coalition of Children With Incarcerated Parents delivered Closing Remarks on the power of international networks. She amplified a theme mentioned by panelists throughout the day, which is that sometimes, we feel alone in this work. Through the symposium we convened a large group in person with even more in community with us online. The power of collective voice makes a real difference.. Loucks also highlighted that we often have the rules in international human rights law, but they simply aren’t implemented; we have tools and mechanisms, but they don’t necessarily translate into results. With a network, we can hold state actors to account and make sure that the rules and mechanisms work the way they are supposed to.

Looking ahead...

A symposium edition of the Columbia Journal of Gender & Law is forthcoming in 2025, which will feature some aspects of the event, as well as articles authored by some of the panelists and moderators at the 2024 symposium.

Next year’s GPNN symposium will focus on pregnancy and postpartum care in jails and prisons. We hope to examine a range of issues that pregnant people and new mothers face, such as access to prenatal and postpartum health care, labor and delivery policies, STD education, separation of mothers and infants after birth, and more.

If you have research, lived experience, or other expertise you’d like to share with us or you’d like to be considered to speak on a panel, please reach out to alexa@cicmn.org.

