



2025 Germany Prison Nursery Country Report

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In more than half of Germany's 16 federal states, newborns and young children can live in prison with their mothers.¹ Pairs live in specialized units called mother-baby units or homes. These arrangements provide an alternative to separation after birth and allow time for bonding. However there is no legal right to admission to these units in any state,² and because prison policy is left to the individual German states, there is a fractured system in which admissions processes, capacity and resources vary between facilities. It is also unclear if units are being fully utilized and meeting the needs of women and their children. Various sources told CIC that research on this population is sparse, and public information about these units is limited and unsystematic.

Bundesarbeitsgemeinschaft für Straffälligenhilfe e.V. (BAG-S), a government-funded association that represents the interests of incarcerated people, surveyed every German prison facility with mother-baby units.³ Its report provides the most comprehensive look at Germany's prison nurseries to date, including information about facilities' capacities, admissions practices, eligibility requirements, and more. It identified 106 mother-baby spots across the country, as well as 250 babies born to incarcerated women from 2017 to 2022.

Ultimately, BAG-S advocates for alternatives to incarceration for pregnant women and new mothers, in line with international standards. "Children don't belong in prisons. In all cases where the detention of children is a factor, every measure to avoid detention must be exhausted..." it wrote in its report (translated). For those who are incarcerated, it says uniform policies are needed for deciding placement in mother-baby units to expand access, as well as other reforms.

I. Prison System

As of January 2024, nearly 59,500 people were incarcerated in Germany, including those held pretrial.⁴ The country's prison population rate is 71 per 100,000 people—compared to the U.S. which incarcerates more than 1.8 million people at a rate of 541 per 100,000 people.⁵ Germany's prison population has decreased steadily in the last 20 years.⁶

The number of female prisoners in Germany has fluctuated over the last two decades. Roughly 3,300 women were incarcerated in 2024, totaling 5.6 percent of the total prison

¹ COPING Children of Prisoners: *Interventions and Mitigations to Strengthen Mental Health* (University of Huddersfield, n.d.), <https://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>.

² Herausforderungen und Perspektiven im Mutter-Kind-Vollzug des deutschen Strafvollzugssystems (BAG-S, 2024), <https://bag-s.de/wp-content/uploads/2024/11/240622-Mutter-Kind-Vollzug.pdf>.

³ "About Us," BAG-S, accessed August 26, 2025, <https://bag-s.de/ueber-uns>.

⁴ "Germany," World Prison Brief, accessed August 25, 2025, <https://www.prisonstudies.org/country/germany>.

⁵ "United States of America," World Prison Brief, accessed August 25, 2025, <https://www.prisonstudies.org/country/united-states-america>.

⁶ World Prison Brief, "Germany."

population.⁷ Most female prisoners are incarcerated in separate areas within male prisons, however there are seven female-only facilities too.⁸ It is unclear how many women in German prisons are mothers to minor children or are pregnant. Available data is outdated.⁹ However, an estimated 100,000 German children are impacted by parental imprisonment generally, and, from 2017 to 2022, about 250 children were born in a correctional facility.¹⁰

The German carceral system aims to resocialize and rehabilitate offenders and uses custodial sentences “sparingly.”¹¹ Fines, probation for shorter sentences, and community-based sentences are commonly imposed. When imprisonment is used as a response to crime, sentences are typically shorter than those in the U.S. German prisons are considered “open” or “closed” based on security level. Women with “lower” offenses and shorter sentences are detained in open prisons. Those incarcerated for more serious offenses and with longer sentences are placed in closed facilities.

II. German & European Law

Since federal reforms in 2006, penal law has been left up to each of the 16 federal states. Each state operates its own prison system, including policies that guide operations of mother-baby units. There is no legal right to live in a mother-baby unit in any state.¹² However, some federal laws still apply.

All states must abide by the German Constitution, which reads: “The care and upbringing of children are the natural right and primary duty of parents...”¹³ This means parental rights cannot be terminated due to incarceration, in contrast to U.S. law.¹⁴ Germany’s Federal Constitutional Court has also established that the right to contact between a parent and child is not only a parental right, but a child’s right. The court views a child’s personal relationship with their parents and their care, help and affection as a significant contribution to the child’s development. “The Court also stresses that parents owe it to their child to be guided by the best interests of the child and that children have a right to expect their parents to care first and foremost for them.”¹⁵ A provision in the German Civil Code stipulates that efforts to separate a child from their parents are “only permissible if the danger cannot be countered in any other way, including public assistance.”¹⁶

⁷ World Prison Brief, “Germany”

⁸ “Germany,” Prison Insider, accessed May 12, 2025, <https://www.prison-insider.com/countryprofile/prisonsgermany-en?s=populations-specifiques-5d9b19c2d4a4f#populations-specifiques-5d9b19c2d4a4f>.

⁹ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

¹⁰ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

¹¹ Ram Subramanian and Alison Shames, *Sentencing and Prison Practices in Germany and the Netherlands: Implications for the United States* (Center on Sentencing and Corrections, October 2013), <https://www.prisonpolicy.org/scans/vera/european-american-prison-report-v3.pdf>.

¹² *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

¹³ Federal Ministry of Justice, Basic Law for the Federal Republic of Germany Art. 6, (DEU), https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html.

¹⁴ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

¹⁵ German Institute for Human Rights, *Children’s Right to Contact with their Incarcerated Parent*, 2017 https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/MRB2017-Children_s-Right-to-Contact-with-their-Incarcerated-Parent.pdf.

¹⁶ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

Additionally, in some states, the mother-baby units are considered youth welfare facilities. They are subject to national child welfare laws and receive additional support.¹⁷ Youth welfare bears responsibility for the children in those facilities, including financial costs. Children who are living with their incarcerated parents in non-youth welfare facilities have legal guardians who are responsible for their well-being and costs of living.

Internationally, Germany upholds various child-centered standards, including the United Nations Convention on the Rights of the Child (CRC). In doing so, Germany commits to fulfilling, respecting, promoting, and strengthening the rights of children, including the right to maintain personal relations and contact with both their parents. “A child shall not be separated from his or her parents against their will, unless the competent authorities, in a judicially reviewable decision in accordance with applicable law and procedure, determine that such separation is necessary in the best interests of the child,” the CRC states.¹⁸ The European Union Charter of Fundamental Rights also applies.¹⁹ It asserts that in all actions concerning children, whether by private institutions or public authorities, the child’s best interests must be a primary consideration. It also says every child has the right to maintain a relationship and have regular, direct contact with their parents, unless it is against their interest. Germany also supported the adoption of the Bangkok Rules at the United Nations in 2010; Rule 64 advises non-custodial sentences for pregnant women and women with dependent children when possible.²⁰ The child’s best interest should be considered in sentencing, too. The ambiguity of the term “best interests” leaves these standards open to interpretation, though—which BAG-s says is both necessary and creates a challenge for youth welfare workers and family courts who decide placements in mother-baby units.²¹

III. Prison Nurseries

There are 106 mother-baby spots across Germany, in both open and closed departments.²² Prison nurseries have slowly expanded in the last two decades: in 2008, only six states allowed nurseries, and in 2007, there were 20 less places than now.²³ More nurseries are slated to open in the coming years.²⁴ A few state authorities allow father and baby institutions, but none have been set up.²⁵ If a mother lives in states without a prison nursery or the nursery near her is full, she can be transferred to another state with an available nursery, though this can create distance from the pair’s support system and community.²⁶

¹⁷ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

¹⁸ United Nations General Assembly, *Convention on the Rights of the Child*, November 20, 1989, 1577 U.N.T.S. 3, art. 9.

¹⁹ “EU Charter of Fundamental Rights,” European Union Agency for Fundamental Rights, accessed August 28, 2025, <https://fra.europa.eu/en/eu-charter/article/24-rights-child?page=3#:~:text=Children%20shall%20have%20the%20right,with%20their%20age%20and%20maturity>.

²⁰ United Nations General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, GA Res. 65/229, U.N. Doc. A/RES/65/229 (March 16, 2011), Rule 64.

²¹ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

²² *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

²³ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

²⁴ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

²⁵ Prison Insider, “Germany.”

²⁶ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

Pregnant women should be informed about keeping their babies with them in mother-baby units, but when and how they are informed varies from place to place.²⁷ The admittance process and eligibility requirements are not standard across the country either. But admission is usually initiated *before* the mother's imprisonment, either through the children's welfare office, the prosecutor's office, or the woman's own initiative. Family court approves the admission of a mother and her child to the units.²⁸ Child welfare agencies must be consulted before admittance; they assess parental capacity.²⁹ The mother's ability to raise the child is the most important factor in decisions about participation.³⁰ Children generally must have health insurance to be admitted too.³¹ Women with substance use disorders or severe mental illnesses are typically excluded, as well as children and mothers with serious medical needs.³² The age in which children can stay in the unit varies from state to state; some "closed" prisons allow children to stay up to the age of three and "open" prisons may allow children until the age of six, the compulsory school age.³³ Typically, a mother's sentence shouldn't exceed the age limit, so the pair can be released together.³⁴ Some states have appeals processes for those who are denied entry.³⁵

Mother-child units should have trained personnel and adequate accommodations to support kids' development.³⁶ Many of the units are considered "homes" and don't resemble cage-like cells. Some have shared living spaces and outdoor spaces, as well as children's learning centers for childcare and play. Children receive

Facilities with Mother-Baby Units
JVA Schwäbisch Gmünd (Baden-Württemberg)
JVA Aichach (Bayern)
JVA für Frauen (Berlin)
Teilanstalt Billwerder (Hamburg)
JVA Frankfurt am Main III (Hesse)
JVA Neustrelitz (Mecklenburg-Western Pomerania)
JVA Stralsund (Mecklenburg-Western Pomerania)
JVA Vechta (Lower Saxony)
Justizvollzugskrankenhaus (North Rhine-Westphalia)
JVA Chemnitz (Saxony)

²⁷ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

²⁸ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

²⁹ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³⁰ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³¹ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³² *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³³ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³⁴ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³⁵ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³⁶ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

necessary medical examinations and check-ups.³⁷ Mothers usually work and participate in parenting programs.³⁸

To achieve equitable access to the mother-child units, BAG-S advocates for uniform policies regarding admissions and conditions, including qualified, trained staff in all units.³⁹ It also advocates that mothers be placed in units close to their home; mothers with mental health and/or addiction be allowed access; youth welfare offices have contact with mothers before making decisions about their entry into a unit; and other reforms.

We highlight a few select facilities below:

JVA Schwäbisch Gmünd (Baden-Württemberg)

The facility's mother and child department opened in 1978.⁴⁰ Sentenced mothers (including juvenile mothers) and their children, up to age three, are eligible to live together. In certain cases, those held pretrial may be accommodated.⁴¹ The unit can accommodate up to 11 children and their mothers.⁴² From 2017 to 2022, 44 women lived in the mother-child unit.⁴³ The unit is part of the prison but located in a separate house away from the general population.⁴⁴ Each mother shares a room with her child, and each floor has shared spaces including a kitchen, living room and bathroom.⁴⁵ There is also a daycare center connected to the mother-child department, a small garden, and playground equipment. The prison director also approves admission to the mother-child unit. Decisions are made on a case-by-case basis and have certain requirements and disqualifications.⁴⁶ The director must consider the safety of the prison, the needs of the mother and child, and the mothers already residing in the department.⁴⁷

JVA Frankfurt am Main III/Preungesheim Prison (Hesse)

This facility is reserved for women and girls. Newborns were accommodated for a few decades at the prison before it opened its mother-child home in 1975.⁴⁸ One researcher calls it the “most comprehensive program in the world for imprisoned women and their children” and says it has served as a model for prison nurseries around the globe.⁴⁹ The

³⁷ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³⁸ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

³⁹ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁴⁰ “Mutter-Kind-Abteilung,” Justizvollzugsanstalt Schwäbisch Gmünd, accessed August 27, 2025, https://jva-schwaebisch-gmuend.justiz-bw.de/pb/_Lde/Startseite/Service/Mutter-Kind-Abteilung.

⁴¹ “Mutter-Kind-Abteilung.”

⁴² “Mutter-Kind-Abteilung.”

⁴³ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁴⁴ “Mutter-Kind-Abteilung.”

⁴⁵ “Mutter-Kind-Abteilung.”

⁴⁶ *Merkblatt über die mögliche Aufnahme von Gefangenen in die Mutter-Kind-Abteilung* (Baden-Württemberg Justizvollzugsanstalt Schwäbisch Gmünd, 2024), https://jva-schwaebisch-gmuend.justiz-bw.de/pb/site/jum2/get/documents/jum1/JuM/Justizvollzugsanstalt%20Schw%C3%A4bisch%20Gm%C3%BCnd/2024_Merkblatt%20Aufnahme%20MuKi.pdf.

⁴⁷ “Mutter-Kind-Abteilung.”

⁴⁸ “The Mother and Child Home in JVA III in Frankfurt am Main - Preungesheim,” Mutter-Kind-Heim Preungesheim e.V., accessed May 2, 2023, <https://www.mkhpreungesheim.de/wir-ueber-uns>.

⁴⁹ Jennifer Warner, “Infants in Orange: An International Model-Based Approach to Prison Nurseries,” *Hastings Women’s Law Journal* 56, no. 1 (Winter 2015), <https://repository.uchastings.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1159&context=hwlj>.

facility has a total of 23 spots between its open and closed units. Up to 18 women and their children can live in the “open” unit outside of the prison grounds.⁵⁰ This mother-child home faces the local neighborhood of Frankfurt. Women can work in the house or go out for work.⁵¹ Trained staff care for children while their mothers work, and older children can attend a local preschool.⁵² Up to five women on remand or designated “high-security” can live with their children in a closed, internal unit—a smaller building inside the prison.⁵³ If the mother is considered “high security,” her child may stay until age three, while “low security” designees can keep their child until their sixth birthday.⁵⁴ From 2017 to 2022, the mother-baby units in the open prison had low participation (13-36 percent).⁵⁵ The closed units had high participation, though it varied greatly from year to year (65-92 percent).⁵⁶

Justizvollzugskrankenhaus/Fröndenberg Prison (North Rhine-Westphalia)

Considered by some as “the most child-centered system,”⁵⁷ Fröndenberg Prison accommodates pregnant women and women with children under the age of six.⁵⁸ This open facility features a residential apartment building with a fenced garden and playground, across the street from the prison hospital.⁵⁹ It has space for 16 mothers and 20 children.⁶⁰ Each mother and her children have an individual apartment with a living room/bedroom, kitchen, bathroom and balcony.⁶¹ Communal spaces include playrooms, a kitchen, TV rooms, and an outdoor area with a playground.⁶² Mothers are provided jobs, and children may attend a nearby daycare.⁶³ Staff organize playgroups and activities for the mothers and children, and parenting programs and support groups are offered.⁶⁴

JVA Vechta (Lower Saxony)

The mother-child house opened in 1997 to accommodate mothers and their newborns. The open department has 13 places, and children can stay with their mother up to age six.⁶⁵ The closed department has five places, and the child’s age should not exceed three

⁵⁰ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁵¹ Warner, “Infants in Orange.”

⁵² Warner, “Infants in Orange.”

⁵³ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁵⁴ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁵⁵ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁵⁶ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁵⁷ Melanie Paurus, “International Report on the Conditions of Children of Incarcerated Parents: A Survey of Prison Nurseries, with Recommendations,” *Children of Incarcerated Caregivers*, (n.d.), <https://cicmn.org/wp-content/uploads/2017/03/Melanie-Report-Edited.pdf>.

⁵⁸ “Mutter-Kind-Einrichtung,” Justizkrankenhaus Nordrhein-Westfalen, accessed August 27, 2025.

⁵⁹ “Mutter-Kind-Einrichtung.”

⁶⁰ “Mutter-Kind-Einrichtung.”

⁶¹ *Mutter-Kind-Einrichtung des offenen Frauenvollzuges NRW* (Justizkrankenhaus Fröndenberg/Ruhr, n.d.), https://www.jvk.nrw.de/aufgaben/mke/25-0239-MKE-Mutter-Kind-Einrichtung_Flyer_K7.pdf.

⁶² *Mutter-Kind-Einrichtung des offenen Frauenvollzuges NRW* (Justizkrankenhaus Fröndenberg/Ruhr).

⁶³ *Mutter-Kind-Einrichtung des offenen Frauenvollzuges NRW* (Justizkrankenhaus Fröndenberg/Ruhr).

⁶⁴ *Mutter-Kind-Einrichtung des offenen Frauenvollzuges NRW* (Justizkrankenhaus Fröndenberg/Ruhr).

⁶⁵ “Das Mutter-Kind-Haus der JVA für Frauen in Vechta,” Justizvollzugsanstalt für Frauen in Vechta, accessed August 27, 2025,

https://www.jva-fuer-frauen.niedersachsen.de/wir_ueber_uns/mutterkindhaus/das-mutter-kind-haus-der-jva-fuer-frauen-in-vechta-240552.html.

years.⁶⁶ Mothers must participate in educational and parenting programs.⁶⁷ Children are supervised by teachers or nannies in a playgroup while their mothers work, and they may leave for activities and events in the community, like swimming classes.⁶⁸

IV. Other Policies & Alternatives

Diversion from prosecution and non-custodial sentences—like probation and electronic home monitoring—exists in Germany. We could not determine if pregnant people and new mothers are provided special access to these alternatives to incarceration. In some states, pregnant women may be temporarily released to give birth.⁶⁹

Past research indicated that German mothers with children could apply for a work release/home leave option, colloquially called the “Hausfrau⁷⁰ programme.”⁷¹ Parenting was viewed as employment, and eligible women could travel home for the day to care for their children and return to the prison at night. It is unclear if it is still offered or used in any states; current public information about the program could not be ascertained. BAG-S however advises that the program be revived.⁷² The association also floats the idea of developing “parent training” to build parents’ skills, in place of imprisonment.

For parents and caregivers whose children do not reside with them in prison, most facilities permit visiting hours. A handful of states extend their standard visit time for child visits,⁷³ and some hold “parent days” for extended family visits. Some facilities have restrictions on physical contact and limit the number of family members, while certain facilities have special visit areas where physical contact between children and prisoners is allowed or family visit rooms that are child-friendly and equipped with toys.

⁶⁶ “Das Mutter-Kind-Haus der JVA für Frauen in Vechta.”

⁶⁷ “Grundlage für die Aufnahme,” Justizvollzugsanstalt für Frauen in Vechta, accessed August 27, 2025, https://www.jva-fuer-frauen.niedersachsen.de/startseite/wir_ueber_uns/mutter_kind_haus/grundlage_fur_die_aufnahme/grundlage-fur-die-aufnahme-240554.html.

⁶⁸ “Grundlage für die Aufnahme.”

⁶⁹ *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁷⁰ “Hausfrau” means “housewife” in German.

⁷¹ Lord Farmer, *The Importance of Strengthening Female Offenders’ Family and Other Relationships to Prevent Reoffending and Reduce Intergenerational Crime* (UK Ministry of Justice, June 2019), <https://assets.publishing.service.gov.uk/media/5d078d37e5274a0b879394c7/farmer-review-women.PDF>.

⁷² *Mutter-Kind-Vollzug des deutschen Strafvollzugssystems* (BAG-S).

⁷³ Claudia Kittel, *Children’s Right to Contact with Their Incarcerated Parent: Chapter 5 of the Report to the German Federal Parliament on the Development of the Human Rights Situation in Germany, July 2016-June 2017*, (Deutsches Institut für Menschenrechte, Monitoring-Stelle UN-Kinderrechtskonvention, 2018), https://www.ssoar.info/ssoar/bitstream/handle/document/57823/ssoar-2018-kittel-Childrens_right_to_contact_with.pdf?sequence=1.