



2026 France Prison Nursery Country Report

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This report examines the French prison system’s approach to incarcerated parents and their children. It sets forth the legal background that governs whether and how children may live with their mothers in prison, describes the conditions of prison nursery units, and discusses the support services available to these families. The report also relates the everyday experiences of mothers and children in custody and outlines the roles played by both government agencies and nonprofit organizations. Together, these insights offer a comprehensive overview of how France addresses family life within its correctional system.

I. Background

A. Structure and Capacity of the Prison System

The total rate of incarcerated persons in France in 2024 was about 111 per 100,000—a figure that has been fairly steady in recent years.² France’s incarceration rate is lower than that of the United States and of some European countries like Great Britain and Spain, but significantly higher than the rate in many other Western European countries.³

The prison system in France is centralized and operates under the authority of the Ministry of Justice within the French government. There are four principal categories of prisons: “maisons d’arrêt,” “centres de détention,” “maisons centrales,” and “centres de semi-liberté et structures d’accompagnement vers la sortie.”⁴ These designations refer to facilities that vary from higher-security prisons for persons convicted of serious offenses to others in which incarcerated people may leave during the day for a job or to attend school.⁵ There are also “centres pénitentiaires,” or penal centers, that contain multiple facilities with more than one level of security.⁶

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² “Incarceration Rate in France from 2008 to 2023 (Per 100,000 Inhabitants),” Statista. August 14, 2024, <https://www.statista.com/statistics/1417419/incarceration-rate-in-france>.

³ Michele Barbero, “France’s Jails Are at a Breaking Point,” Jacobin, March 17, 2024, <https://jacobin.com/2024/03/france-prisons-macron-policing-covid>.

⁴ “La Prise en Charge en Détention” [Care in Custody], Ministère de la Justice [Ministry of Justice], <https://www.justice.gouv.fr/justice-france/prise-charge-personnes-condamnees-ou-prevenues/prise-charge-detention>.

⁵ “La Prise en Charge en Détention,” Ministère de la Justice.

⁶ “La Prise en Charge en Détention,” Ministère de la Justice.

With a capacity of only 61,767 inmates, compared to the roughly 75,000 people incarcerated,⁷ French prisons are severely overcrowded.⁸ This problem has persisted for decades and shows few signs of improvement. In fact, since 1990, the official prison density has fallen below 100 percent only once (in 2001).⁹ While the total capacity of French prisons has consistently increased in the last four decades, the prison population has also grown, even though the country's overall crime rate has remained stable during the same time period.¹⁰ As a result, overcrowding is a persistent and pervasive problem in the French prison system.

France's overcrowded prisons have led to legal challenges and calls for reform by activists. In response to the COVID-19 pandemic, French prisons briefly experienced lower density as health priorities caused the government to temporarily release some incarcerated persons.¹¹ Groups like the Observatoire international des prisons (International Prisons Observatory) urged French officials to take this opportunity to decrease the prison population permanently.¹² Instead, after the pandemic abated, French President Emmanuel Macron and other politicians advocated for the construction of more prisons as a solution to overcrowding. The French government's current goal is to add 18,000 units to the existing prison system by 2027.¹³

B. Socioeconomic Information About Incarcerated People

Data on the ages of persons incarcerated in France is limited, but in 2023, the age group with the highest representation was those between 30 and 40 years old.¹⁴ Over three quarters of incarcerated persons in 2023 were French.¹⁵ The number of incarcerated foreign persons in France has remained relatively constant over the last thirty years, while the number of French nationals has nearly doubled in that time.¹⁶ Among the incarcerated foreign persons in France in

⁷ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation [Ministry of Justice Office of Data, Research, and Evaluation] *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024* [Statistical Series of Persons Placed in the Hands of Justice], 9, updated December 16, 2024, <https://www.justice.gouv.fr/documentation/etudes-et-statistiques/series-statistiques-personnes-placees-main-justice-1>.

⁸ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation, *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024*, 11.

⁹ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation, *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024*, 11.

¹⁰ Barbero, "France's Jails Are at a Breaking Point."

¹¹ Julie Brafman, "Prison: 12 793 Détenus en Moins et une Occasion Sans Précédent" [Prison: 12,793 Fewer Detained and an Unprecedented Opportunity], *Libération*, May 14, 2020, https://www.liberation.fr/france/2020/05/14/prison-12-793-detenus-en-moins-et-une-occasion-sans-precedent_1788348/.

¹² Brafman, "Prison: 12 793 Détenus en Moins et une Occasion Sans Précédent."

¹³ Barbero, "France's Jails Are at a Breaking Point."

¹⁴ "Number of Inmates in Prison Establishments in France in 2023, by Age Group," Statista, October 28, 2024, <https://www.statista.com/statistics/1080474/number-prisoners-by-age-france>.

¹⁵ "Number of Inmates in Prison Establishments in France from 1992 to 2023, by Nationality," Statista, April 2024, <https://www.statista.com/statistics/1078569/number-prisoners-by-nationality-france>.

¹⁶ Statista, "Number of Inmates in Prison Establishments in France from 1992 to 2023, by Nationality."

2022, 17 percent were EU citizens.¹⁷ The number of incarcerated individuals from disadvantaged backgrounds is disproportionately high in the population of prisons in France. A recent publication by Secours Catholique and Emmaüs France, two organizations that are active in the prison reform community, noted that people experiencing poverty and homelessness are overrepresented in French prisons.¹⁸ According to the report, nearly 40 percent of incarcerated individuals were unemployed and 34 percent lacked stable housing before entering prison.¹⁹

II. Text of the statute

The principal statute governing incarcerated parents and their children is Article D216-22 of the penal code. It states that children may be kept with their mother in detention until the age of eighteen months. Specially equipped facilities are reserved for mothers who have kept their child with them. If the mothers are awaiting trial, they may only be transferred to a facility with such accommodations after the agreement of the magistrate in charge of the case. In the event that the child requires urgent care in a healthcare facility, the mother may usually leave prison to accompany the child, subject to certain constraints.²⁰ A government service organizes the child's stay in prison and the child's trips outside the penitentiary facility, and prepares, if necessary, for the separation of the child and the mother in the child's best interest. During the twelve months following the child's departure, the child may be admitted to stay for short periods with the mother.

The following section explains how this and related laws are currently implemented in the French system of incarceration.

III. Current Practices

A. Situation of Parents²¹ with Children in Prison

Between three and four percent of all incarcerated people in France are women.²² Of the 187 French prisons, 57 have facilities for women, and 32 are equipped with nursery quarters.²³

¹⁷Aebi, Cocco, and Molnar, *Prisons and Prisoners in Europe 2022: Key Findings of the SPACE I Survey*, 9.

¹⁸ *Au Dernier Barreau de l'Échelle Sociale: la Prison* [The Last Rung of the Social Ladder: Prison], (Emmaüs and Le Secours Catholique-Caritas France, October 2021), 8, <https://extranet.emmaus-france.org/sites/default/files/upload/prisonpauvret%C3%A9/2021RAPPORTPRISON.pdf>.

¹⁹ *Au Dernier Barreau de l'Échelle Sociale: la Prison*, 8.

²⁰ Code de Procédure Pénale [C. Pr. Pén.] [Criminal Procedure Code] art. D216-22 (Fr.).

²¹ The overwhelming majority of children living in prison with a parent in France are residing with their mothers. For this reason, and because French publications on the subject typically refer to incarcerated mothers rather than parents, this report will typically use the word “mother” rather than “parent.”

²² “France,” World Prison Brief, accessed 2025, <https://www.prisonstudies.org/country/france>.

²³ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation, *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024*, 51. The number of prisons that have separate nursery quarters varies slightly according to the source, but all agree that there are around 30 such facilities.

The percentage of women in the French prison population is much lower - over 25 percent less - than the median across Europe.²⁴ In 2024, out of the 2,537 imprisoned women in France, thirteen lived in nursery cells with their children.²⁵ An additional twelve pregnant women were living in nursery cells.²⁶

While the number of pregnant women in prison nurseries has been fairly steady in the last five years, the number of mothers living with their children in prison nurseries has decreased by over 50 percent.²⁷ The reason for this is unclear, but one contributing factor may be that, since 2014, convicted persons with less than four years of prison remaining may be granted conditional release if they have parental authority (not just visiting rights) over a child under the age of ten.²⁸ This law also applies to women who are more than twelve weeks pregnant.²⁹ Incarcerated mothers in France are on average 29 years old, which is younger than the average age for all women in French prisons.³⁰ Additionally, foreign women (i.e., not French nationals) make up a greater percentage of mothers in French prisons than their proportion in the general female prison population.³¹ Many of these women arrive in prison after having been arrested upon arrival in France for transporting drugs.³² A recent study of women living in French detention centers found that most were single mothers who already had more than one child.³³

Prison nurseries have been available for pregnant women and those with children under eighteen months old since the nineteenth century.³⁴ At the request of the mother, and with permission of the magistrate, mothers may bring their child to prison and be transferred to a prison nursery unit.³⁵ According to standards circulated by the Ministry of Justice in 1999, nursery cells should contain (at minimum) hot water, separate spaces for the mother and the

²⁴ Aebi, Cocco and Molnar, *Prisons and Prisoners in Europe 2022: Key Findings of the SPACE I Survey*, 26.

²⁵ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation, *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024*, 51.

²⁶ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation, *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024*, 51.

²⁷ Ministère de la Justice Bureau de la Donnée, de la Recherche et de l'Évaluation, *Séries Statistiques des Personnes Placées Sous Main de Justice 1980-2024*, 51.

²⁸ *Women in Prison: France Analysis from the National Preventive Mechanism*, (Contrôleur Général des Lieux de Privation de Liberté [General Inspector of Places Depriving Liberty], August 2024), 7, https://www.apt.ch/sites/default/files/2024-12/france_country_report.pdf.

²⁹ *Women in Prison: France Analysis from the National Preventive Mechanism*, 7.

³⁰ Anaïs Ogrizek, "Mères et Bébés en Milieu Carcéral: Étude Qualitative au Sein des Nurseries Carcérales et Cellules Mère-Enfants en France" [Mothers and Babies in Prison: Qualitative Study of Prison Nurseries and Mother-Child Cells in France], (Psy.D. thesis, Université de Paris, 2021), 17, <https://theses.hal.science/tel-04300277>.

³¹ Ogrizek, "Mères et Bébés en Milieu Carcéral: Étude Qualitative au Sein des Nurseries Carcérales et Cellules Mère-Enfants en France," 17.

³² Anaïs Ogrizek et al., "The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study," *Culture, Medicine and Psychiatry* 47, no. 2 (June 2023): 430, <https://doi.org/10.1007/s11013-022-09782-5>.

³³ Ogrizek et al., "The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study," 430.

³⁴ Anaïs Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," *Maternal and Child Health Journal* 26, no. 2 (February 2022): 368, <https://doi.org/10.1007/s10995-021-03254-9>.

³⁵ Code de Procédure Pénale [C. Pr. Pén.] [Criminal Procedure Code] art. D216-22.

child, a space for meal preparation, and an area of at least fifteen square metres.³⁶ Additionally, the doors of prison nurseries must be opened during the day.³⁷ However, while the Ministry of Justice defined these guidelines for prison nurseries 25 years ago, conditions vary greatly between facilities, with some nursery cells falling below the official standards.³⁸ For example, while the guidelines require nursery units to be set apart from the rest of the cells in the prison, some prisons do not separate the nursery units.³⁹ Childcare equipment is not always available, and even authorized items can take weeks to arrive.⁴⁰ Regulation of the environments in individual French prison nurseries can be challenging in part because the guidelines are phrased as recommendations rather than legally binding requirements.⁴¹

While living in prison, the child is legally not considered an inmate, and is therefore not formally registered in the penal system.⁴² Instead, the mother's prison record is amended to include an explanatory phrase such as "accompagnée d'un enfant" (accompanied by a child).⁴³ Children living in prison with an incarcerated mother receive an identification card bearing the name and information of their mother, which is destroyed when they leave.⁴⁴ Nevertheless, although not a prisoner, the child's activities are necessarily affected by prison restrictions. After leaving and returning to the facility, the child may be subject to search, which is often accomplished by the mother changing the child's clothes with prison administrators present.⁴⁵ Many aspects of the child's daily life are also dictated by the prison's requirements regarding nutrition and curfew.

Nursery units are typically located inside prison walls but separated from other inmates by a gate or other enclosure.⁴⁶ A shared kitchen, a playground for children, and an outside patio are common features in the nursery unit wing of a prison.⁴⁷ Pregnant women in prison usually move to these units at six months of pregnancy, and they receive prenatal care in partnership

³⁶ "The Treatment of Mothers in Prison and Their Children—The Situation in Europe and Beyond," Children of Prisoners Europe, February 20, 2023, <https://childrenofprisoners.eu/the-treatment-of-mothers-in-prison-and-their-children-the-situation-in-europe-and-beyond>. See also "NOR JUSE9940062C (1999) Conditions d'Accueil des Enfants Laissés Auprès de leur Mère Incarcérée" [Conditions for the Reception of Children Left with their Incarcerated Mother], Ban Public (June 27, 2005), <https://banpublic.org/nor-juse9940062c-1999-conditions-d> (defining the minimum expectations for the living conditions in nursery units in French prisons).

³⁷ Children of Prisoners Europe, "The Treatment of Mothers in Prison and Their Children—The Situation in Europe and Beyond."

³⁸ Ogrizek, "Mères et Bébés en Milieu Carcéral," 20–21.

³⁹ Ogrizek, "Mères et Bébés en Milieu Carcéral," 22.

⁴⁰ "France," Association for the Prevention of Torture, <https://www.ap.t.ch/global-report/france>.

⁴¹ Ogrizek, "Mères et Bébés en Milieu Carcéral," 22.

⁴² Ogrizek, "Mères et Bébés en Milieu Carcéral," 17.

⁴³ Ogrizek, "Mères et Bébés en Milieu Carcéral," 17.

⁴⁴ Ogrizek, "Mères et Bébés en Milieu Carcéral," 17.

⁴⁵ Ogrizek, "Mères et Bébés en Milieu Carcéral," 17.

⁴⁶ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 368.

⁴⁷ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 368.

with a nearby hospital where they will later give birth.⁴⁸ The child can typically stay in the prison nursery for eighteen months before leaving, at which time the mother can request an 18-month extension or return to the general prison population.⁴⁹ By default, mothers with children younger than eighteen months who become incarcerated are allowed to bring their child with them into prison, subject to the same age limit.⁵⁰

In exceptional circumstances, the child may be allowed to stay past eighteen months if the mother explicitly makes a written request and the regional director of prison services authorizes it following approval by a committee.⁵¹ The mother generally gives her request to a social worker in the prison who relates it to the committee.⁵² This committee consists of the interregional director of prison services or its representative, a psychiatrist, a pediatric physician from a maternal and child protection unit, a psychologist, a head of a prison designated for the detention of women, and a member of the reinsertion and probation staff.⁵³ The committee considers factors such as the child's safety and best interest, the mother's capacity to care for the child, the mental health of those involved, and the existence of external caregiver options.

B. Experience of Mothers and Children in Prison

Incarcerated women in France report feeling depersonalized and inadequately supported.⁵⁴ They also report repression of their cultures, especially in the areas of food, attire, language, and religious practice.⁵⁵ While some aspects of cultural identity for mothers in prison are directly suppressed because of official prison requirements, women often self-censor other cultural practices out of fear of judgment or reprisal.⁵⁶ For example, mothers report refraining from wearing traditional garments or giving their children ritual baths, as well as from using products like coconut oil that are prohibited under prison rules.⁵⁷ Many incarcerated mothers fear that the prison environment will cause long-term alienation from their family and community.⁵⁸

⁴⁸ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 368.

⁴⁹ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 368. *See also* Code de Procédure Pénale [C. Pr. Pén.] [Criminal Procedure Code] art. D216-22 (Fr.) (defining the age until which the child may stay with the mother as 18 months).

⁵⁰ Anais Ogrizek, Jonathan Lachal, & Marie Rose Moro, "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 370 (describing two study participants as mothers whose children had been born outside of prison and had subsequently lived with them in a nursery after incarceration began).

⁵¹ "NOR JUSE9940062C (1999) Conditions d'Accueil des Enfants Laissés Auprès de leur Mère Incarcérée" [Conditions for the Reception of Children Left with their Incarcerated Mother], Ban Public (June 27, 2005), <https://banpublic.org/nor-juse9940062c-1999-conditions-d>.

⁵² "Prison: Droits Familiaux, Sociaux et Civiques d'un Détenu" [Prison: Family, Social, and Civic Rights of a Detainee], République Française (Nov. 21, 2023), <https://www.service-public.fr/particuliers/vosdroits/F14154>.

⁵³ "Prison: Droits Familiaux, Sociaux et Civiques d'un Détenu" [Prison: Family, Social, and Civic Rights of a Detainee], République Française (Nov. 21, 2023), <https://www.service-public.fr/particuliers/vosdroits/F14154>.

⁵⁴ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 367.

⁵⁵ Ogrizek et al., "The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study," 430.

⁵⁶ Ogrizek et al., "The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study," 431.

⁵⁷ Ogrizek et al., "The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study," 431.

⁵⁸ Ogrizek et al., "The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study," 431.

However, some mothers also report feeling a sense of support from the other women in their prison.⁵⁹ Being a mother may also positively affect interactions between mothers and guards. Prison officials may see incarcerated mothers as more than just inmates, giving them special attention and care.⁶⁰

Mothers in prison also describe the environment as “sensorially aggressive,” which may cause negative emotions like anger and sadness.⁶¹ Loud noises, prevalent in prisons, can disrupt daily rhythms for children.⁶² The restrictive environment means that many children with their mothers have never been outside the prison or even seen a man.⁶³ Visits from family and other outsiders are usually too short to develop close relationships.⁶⁴ On the other hand, mothers report that their children frequently develop friendships with other prisoners and even prison staff.⁶⁵

C. Visitation and Role of Fathers

Guidelines for prisons allow for both parents to decide whether the mother will keep the child with her in prison, but most often the mother decides.⁶⁶ She may also choose to allow the child to live outside the prison in daycare or with family members. The mother may also sometimes choose to place her child with a host family outside of prison, and such a placement may be ordered by the court.⁶⁷

If an incarcerated woman is pregnant, she may choose to have the father present for ultrasounds (of which three are guaranteed).⁶⁸ However, this option is rarely exercised because the mother is often not in close contact with the father.⁶⁹ Additionally, incarcerated women are

⁵⁹ Ogrizek et al., “The Cultural Hybridization of Mothering in French Prison Nurseries: A Qualitative Study,” 433.

⁶⁰ Ogrizek et al., “The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study,” 374.

(“Looking at us taking care of our child makes [the prison staff] realize that we are not just inmates, but we are also mothers.”).

⁶¹ Anaïs Ogrizek et al., “Incarcerated Mothers’ Views of Their Children’s Experience: A Qualitative Study in French Nurseries,” *Child: Care, Health and Development* 47, no. 6 (2021): 851, <https://doi.org/10.1111/cch.12896>.

⁶² Ogrizek et al., “Incarcerated Mothers’ Views of Their Children’s Experience: A Qualitative Study in French Nurseries,” 853.

⁶³ Ogrizek et al., “Incarcerated Mothers’ Views of Their Children’s Experience: A Qualitative Study in French Nurseries,” 855.

⁶⁴ Ogrizek et al., “Incarcerated Mothers’ Views of Their Children’s Experience: A Qualitative Study in French Nurseries,”.

⁶⁵ Ogrizek et al., “Incarcerated Mothers’ Views of Their Children’s Experience: A Qualitative Study in French Nurseries,” 856.

⁶⁶ Ogrizek, “Mères et bébés en milieu carcéral: étude qualitative au sein des nurseries carcérales et cellules mère-enfants en France,” 25. See also “NOR JUSE9940062C (1999) Conditions d’Accueil des Enfants Laissés Auprès de leur Mère Incarcérée” [Conditions for the Reception of Children Left with their Incarcerated Mother], Ban Public, (June 27, 2005), <https://banpublic.org/nor-juse9940062c-1999-conditions-d> (providing the guidelines under which French prisons are to operate with regard to incarcerated mothers and their children).

⁶⁷ Olivier Sannier, “La Maternité en Détention” [Maternity in Detention], *Bulletin de l’Académie Nationale de Médecine* 202, no. 1-2 (Winter 2018): 30, [https://doi.org/10.1016/S0001-4079\(19\)30338-3](https://doi.org/10.1016/S0001-4079(19)30338-3).

⁶⁸ Ogrizek, “Mères et Bébé en Milieu Carcéral,” 26.

⁶⁹ Ogrizek, “Mères et Bébé en Milieu Carcéral,” 26.

not allowed to know the details of a scheduled ultrasound in advance so as to minimize the chance of escape.⁷⁰ As a result, fathers usually are not present at ultrasounds.⁷¹

Once a baby is born, fathers living outside prison must obtain a visitor's permit to see their child.⁷² If the father is also incarcerated, he is typically housed in a separate facility, which makes seeing the child even more difficult.⁷³ A 2022 study of the experience of French incarcerated mothers found that prison significantly disrupts family structure.⁷⁴ One mother who lived with her child in a prison nursery told the study's authors, "I consider that I've raised my son alone, even though his father was close, I raised him alone, and he knows it."⁷⁵ Several other participants particularly lamented the absence of their child's father during ultrasounds and at birth, with one stating that the "emotions are not the same" when sending pictures of her child to the father instead of having him physically present at those moments.⁷⁶

The word "parloir" is used variously in the French penal system to describe visiting rooms, visitors, and the overall visiting experience.⁷⁷ Conjugal visits are typically prohibited in French prisons.⁷⁸ The parloir is considered a public space and attempts at intimacy can result in sanctions like the removal of visiting rights for long periods of time.⁷⁹ However, some prisons contain Unités de Vie Familiale or Family Life Units, which an inmate can reserve to spend private time with family for up to 72 hours.⁸⁰ In reality, though, for parents with children, conjugal visits may be virtually impossible because of the need for childcare (though some facilities, particularly the Maisons d'Arrêt, have temporary childcare available).⁸¹ Visits can also be challenging for other reasons, especially for incarcerated mothers who may experience jealousy from their fellow inmates. Overall, 40 percent of French prisoners report not receiving any visitors.⁸²

D. Support Systems for Women and Children in Prisons

⁷⁰ Ogrizek, "Mères et Bébés en Milieu Carcéral," 26.

⁷¹ Ogrizek, "Mères et Bébés en Milieu Carcéral," 26.

⁷² Ogrizek, "Mères et Bébés en Milieu Carcéral," 26.

⁷³ Ogrizek, "Mères et Bébés en Milieu Carcéral," 26.

⁷⁴ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 373.

⁷⁵ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 373.

⁷⁶ Ogrizek et al., "The Process of Becoming a Mother in French Prison Nurseries: A Qualitative Study," 373.

⁷⁷ Gwénola Ricordeau, "Entre Dedans et Dehors: les Parloirs" [Between Inside and Outside: Visiting Rooms], *Politix* 97 (April 2012): 102, <https://doi.org/10.3917/pox.097.0101>.

⁷⁸ Ricordeau, "Entre Dedans et Dehors: les Parloirs," 118.

⁷⁹ Marie Piquemal, "l'Amour au Parloir" [Love in the Visiting Room], *Libération*, April 17, 2015, https://www.liberation.fr/societe/2015/04/17/l-amour-au-parloir_1246740.

⁸⁰ "Patrice, Surveillant Pénitentiaire en Unité de Vie Familiale" [Patrice, Prison Guard in a Family Life Unit], Ministère de la Justice [Ministry of Justice], <https://lajusticerecrute.fr/actualites/patrice-surveillant-penitentiaire-en-unite-de-vie-familiale>.

⁸¹ Ricordeau, "Entre Dedans et Dehors: les Parloirs," 118–19.

⁸² *Au Dernier Barreau de l'Échelle Sociale: la Prison*, [The Last Rung of the Social Ladder: Prison], Emmaüs & 71.

According to directives from the Ministry of Justice, medical care is guaranteed for incarcerated mothers.⁸³ The prison system is also required to provide medical care to women who learn they are pregnant while they are incarcerated.⁸⁴ Children in prison with their mothers have a guarantee of adequate medical care as well.⁸⁵ Several entities coordinate to provide the medical care provided by law: agences régionales de santé (ARS, or regional health agencies); directions interrégionales des services pénitentiaires (DISP, or the General Directorate for Prisons and Rehabilitation); public interest organizations; and health insurance agencies.⁸⁶ The mother may choose a doctor for her child, as she retains parental authority even if she is a minor.⁸⁷ The doctor chosen by the child's mother must have access to the prison, and the mother is permitted to accompany the child to medical visits outside the prison, provided her offense level and prison behavior allow it.⁸⁸

Social workers are also available in prison, and one counselor is often dedicated particularly or exclusively to the nursery section.⁸⁹ The service pénitentiaire d'insertion et de probation (prison assistance program for reintegration and probation) administers the work of these professionals.⁹⁰ Social workers plan activities for mothers and their children while in prison.⁹¹ They also help mothers to find lodging with their children when they leave prison, and they assist in arranging childcare if the mother will still be incarcerated after the child leaves.⁹² One of the principal goals of these counselors is to prepare women and their children for societal reintegration and assist them in achieving it.

The prison and justice systems themselves also have support roles for parents and children. For example, while women are awaiting a verdict before they have been convicted, a judge can choose to place them in prison provisionally or to allow them conditional release for family reasons.⁹³ And once the mother and child are incarcerated, prison officials are tasked with

⁸³ See "Instruction Interministerielle N° DGS/SP/DGOS/DSS/DGCS/DAP/DPJJ/2017/345," Légifrance, Dec. 19, 2017: 317–25, <https://www.legifrance.gouv.fr/download/pdf/circ?id=42889> (describing the standard support system for pregnant women and children in prison).

⁸⁴ "Instruction Interministerielle N° DGS/SP/DGOS/DSS/DGCS/DAP/DPJJ/2017/345," Légifrance, Dec. 19, 2017: 320, <https://www.legifrance.gouv.fr/download/pdf/circ?id=42889> (describing the standard support system for pregnant women and children in prison).

⁸⁵ "Instruction Interministerielle N° DGS/SP/DGOS/DSS/DGCS/DAP/DPJJ/2017/345," Légifrance, Dec. 19, 2017: 323, <https://www.legifrance.gouv.fr/download/pdf/circ?id=42889> (describing the standard support system for pregnant women and children in prison).

⁸⁶ Ogrizek, "Mères et Bébés en Milieu Carcéral," 23.

⁸⁷ "Instruction Interministerielle N° DGS/SP/DGOS/DSS/DGCS/DAP/DPJJ/2017/345," Légifrance, Dec. 19, 2017: 323, <https://www.legifrance.gouv.fr/download/pdf/circ?id=42889> (describing the standard support system for pregnant women and children in prison).

⁸⁸ "Instruction Interministerielle N° DGS/SP/DGOS/DSS/DGCS/DAP/DPJJ/2017/345," Légifrance, Dec. 19, 2017: 323, <https://www.legifrance.gouv.fr/download/pdf/circ?id=42889> (describing the standard support system for pregnant women and children in prison).

⁸⁹ Ogrizek, "Mères et Bébés en Milieu Carcéral," 24–25.

⁹⁰ Ogrizek, "Mères et Bébés en Milieu Carcéral," 24–25.

⁹¹ Ogrizek, "Mères et Bébés en Milieu Carcéral," 24–25.

⁹² Ogrizek, "Mères et Bébés en Milieu Carcéral," 24–25.

⁹³ Ogrizek, "Mères et Bébés en Milieu Carcéral," 26.

preserving their health and safety. While mothers are encouraged to take responsibility for the daily care of their child, prison officers must closely monitor them and intervene to protect the children.⁹⁴ Some prisons offer trained nannies in prison to provide care for children living with their incarcerated mothers.⁹⁵ These nannies may be allowed to take children out of the prison for recreational activities.⁹⁶

Outside organizations, both governmental and independent, also provide important additional support services for parents in prison and their children. While governmental organizations are primarily responsible for meeting the needs of incarcerated parents and their children living in prison, nongovernmental entities often work with families with a parent who is incarcerated and one or more children living outside prison.

For example, Relais Enfants Parents organizes visits between incarcerated parents and their children living outside prison, as well as sociocultural events and support groups.⁹⁷ Another organization, Enjeux d'Enfants Grand-Ouest, also facilitates encounters in the western part of France between incarcerated parents and the children from whom they are separated in the form of recreational activities like soccer games.⁹⁸ Unfortunately, the organization declared bankruptcy this year and will soon be ceasing operations.⁹⁹

However, other nongovernmental organizations continue to promote the welfare of children of incarcerated parents, including Children of Prisoners Europe (COPE), which is an international network that partners with several French groups working in this area. COPE advocates on behalf of the estimated 2.1 million children separated from an incarcerated parent across Europe each year.¹⁰⁰ The organization focuses on the best interests of children, promoting access to information and the right of each child to be involved in decisions affecting them.¹⁰¹ COPE has partners across France including Relais Enfants Parents and private individuals that work together to promote its goals.¹⁰²

⁹⁴ Ogrizek, "Mères et Bébés en Milieu Carcéral," 24–25. *See also* "NOR JUSE9940062C (1999) Conditions d'Accueil des Enfants Laissés Auprès de leur Mère Incarcérée" [Conditions for the Reception of Children Left with their Incarcerated Mother], Ban Public (June 27, 2005), <https://banpublic.org/nor-juse9940062c-1999-conditions-d> (describing the role of prison officials in protecting the health of children, despite no formal training).

⁹⁵ Jo Taylor et al., "Are Custodial-Based Mothers and Children's Units Evaluated, Effective and Aligned with a Human Rights-Based Approach?—A Systematic Review of the Evidence," *The Lancet* 69 (March 2024): 8, <https://doi.org/10.1016/j.eclinm.2024.102496>.

⁹⁶ Taylor et al., "Are Custodial-Based Mothers and Children's Units Evaluated, Effective and Aligned with a Human Rights-Based Approach?—A Systematic Review of the Evidence," 8,

⁹⁷ "Accueil" [Welcome], Relais Enfants Parents Île de France, <https://www.relaisenfantsparents.org>.

⁹⁸ "Nos Actions pour les Familles" [Our Work for Families], Enjeux d'Enfants Grand-Ouest, <https://www.enjeuxdenfants.org/index.php/nos-actions/nos-actions-pour-les-familles>.

⁹⁹ "Accueil" [Welcome], Enjeux d'Enfants Grand-Ouest, <https://www.enjeuxdenfants.org/>.

¹⁰⁰ "Who We Are," Children of Prisoners Europe, <https://childrenofprisoners.eu/who-we-are>.

¹⁰¹ "The Network," Children of Prisoners Europe, <https://childrenofprisoners.eu/the-network>.

¹⁰² "Our Current Members and Affiliates," Children of Prisoners Europe, <https://childrenofprisoners.eu/the-network/our-current-members>.

IV. Conclusion

Prison is a hostile environment for families. Relationships between incarcerated parents and their children can become strained because of their forced separation. Prisons in France are overcrowded and not very conducive to healthy family life. However, allowing children to live with their mothers in prison can mitigate some of the negative effects of incarceration. French prisons allow mothers to keep their children with them until they are 18 months old, and there is a trend toward allowing greater interaction between incarcerated parents and their children after that time. Prisons in France also guarantee healthcare for mothers and children, and mothers retain their right to choose a doctor for their children. Some prisons also support mothers by offering paid childcare and allowing visits with family members in private units for up to 72 hours. Governmental and nongovernmental organizations should continue to work to promote the health and wellbeing of children of incarcerated parents in France.