Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1469 (2000)[1]

Mothers and babies in prison

Parliamentary Assembly

1. Assembly Recommendation 1257 (1995) on conditions of detention in Council of Europe member states recommends more limited recourse to prison sentences.

2. Despite this, the number of women being sent to prison under sentence and on remand is increasing in many Council of Europe member states. The overwhelming majority of women sent to prison are accused of, or convicted of, relatively minor offences and they do not represent a danger to the community.

3. It is not known how many babies and young children are separated from their mothers in prison. There are about 100 000 women in prison in European countries, and the Howard League for Penal Reform, a non-governmental organisation in the United Kingdom, estimates that this means that some 10 000 babies and children aged under 2 are affected by this situation.

4. Experts agree that early maternal separation causes long-term difficulties, including impairment of attachments to others, emotional maladjustment and personality disorders. It is also recognised that the development of young babies is retarded by restricted access to varied stimuli in closed prisons.

5. In view of the adverse effects of imprisonment of mothers on babies the Assembly recommends that the Committee of Ministers invite member states:

5.1. to develop and use community-based penalties for mothers of young children and to avoid the use of prison custody;[2]

5.2. to develop education programmes for criminal justice professionals on the issue of mothers and young children, using the United Nations Convention on the Rights of the Child and the European Convention on Human Rights;

5.3. to recognise that custody for pregnant women and mothers of young children should only ever be used as a last resort for those women convicted of the most serious offences and who represent a danger to the community;

5.4. to develop small scale secure and semi-secure units with social services support for the small number of mothers who do require such custody, where children can be cared for in a child-friendly environment and where the best interests of the child will be paramount, whilst guaranteeing public security;

5.5. to ensure that fathers have more flexible visiting rights so that the child may spend a little time with its parents;

5.6. to ensure that staff have appropriate training in child care;

5.7. to develop appropriate guidelines for courts whereby they would only consider custodial sentences for pregnant women and nursing mothers when the offence was serious and violent and the woman represented a continuing danger;

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1. Assembly debate on 30 June 2000 (24th Sitting) (see Doc. 8762, report of the Social, Health and Family Affairs Committee,rapporteur: Mr Vis). Text adopted by the Assembly on 30 June 2000 (24thSitting).

2. Community sentences can include probation, community service, restorative measures like mediation, compensation to victims, or suspended prison sentences which only come into force if further offences are committed.

5.8. to report back on the progress made by the year 2005.