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*Standards of imprisonment for pregnant women
and mothers with children in the Polish
penitentiary system*

SUMMARY

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This paper deals with the difficult issue of the deprivation of liberty of women during the period of their maternity, and is therefore concerned with pregnant women deprived of liberty, as well as with women who, as mothers, take care of their children and at the same time combine this function with serving a prison sentence in one of the two existing prison Houses for Mothers and Children in Poland, namely, the House for Mother and Child at the Penal Institution No. 1 in Grudziądz or the House for Mother and Child at the Penal Institution in Krzywaniec.

Polish criminal executive law provides that - as a rule - the period of joint residence of a child and mother in a Home for Mother and Child ends when the child reaches the age of three.

The subject matter addressed in this dissertation is very important from a practical point of view, for the number of women serving prison sentences is increasing every year. Currently in Poland, about 5% of those deprived of liberty are women, where just a few years ago it was about 3.5%. According to U.S. crime statistics, women's crimes against the family and children are also on the rise. Comparing statistics from 1991 and 2000 in this regard, it can be said that crimes against the family and children committed by women have increased by almost 100%, which is very alarming.

It is to be expected that cases of women being sent to prisons during maternity will also become more frequent. In the perspective of the next few years, perhaps the two existing Homes for Mothers and Children in Poland will no longer be sufficient. Another noteworthy problem is also the often excessive distance between the place of residence of the relatives of a woman mother sentenced to imprisonment and one of the two Homes for Mothers and Children. This, in turn, raises problems of disturbed emotional ties especially on the part of the children, who are too rarely able to see their fathers. This is because it is not always possible for families to have regular visits with their deprived loved ones.

Another very important, if not the most important issue raised by the author of the work is the question of the welfare of children who, due to the deprivation of their mother's freedom, bear the enormous emotional costs of such a state of affairs. The most difficult - in the opinion of the author of the work - is the situation in which there is a separation of mother and child, when the deprived woman has to continue her sentence, while her child is then sent to various places and people who are not always properly able to continue caring for him. So far, no solution has been invented so that the welfare

of the child does not suffer from this situation. The efforts made are basically limited to minimizing these harms. An important element in the effort to provide imprisoned women with mothers is also the post-penitentiary assistance offered to them, which will be provided after they have served their sentences, since a significant number of women manifest adjustment disorders to the new reality.

This doctoral dissertation is based on the results of a study that helped to illustrate the actual condition in which women in maternity are serving their prison sentences. And while the surveyed respondents did not raise any major objections to the present conditions under which their stay in the Mother and Child Home takes place, possibly when they are in the only gynecological and obstetric ward within the Penitentiary Institution No. 1 in Grudziądz, the surveyed women expressed concerns about their and their child's future, especially after they leave the penitentiary. Thus, the concerns and problems treated in this paper overlapped in many places with the results obtained from the survey. Many interesting conclusions and opinions are also included in the conclusion of the work.

The dissertation consists of introductory issues, five chapters and a summary.

The first chapter of the dissertation treats the phenomenon of female criminality as a certain phenomenon, given the circumstance that prisons are an area that is almost exclusively the domain of men. The chapter points out the main motives of women's crime, their background, as well as the influence of emotions and life situation on the circumstance of women committing criminal acts.

The second chapter of the work oscillates around the issues related to the execution of prison sentences against women during maternity. Here are indicated the legal regulations normalizing the situation of convicted women, including the issue of prison Homes for Mothers and Children, the mode of admission to them, as well as the issue of the legal situation of children whose mothers have been deprived of freedom is discussed.

The third chapter presents the main problematic trends arising from the need to reconcile the execution of a prison sentence against women who are expecting a child or have a child with the fact of taking care of a child in isolation. For comparison, the work presents how the situation of women mothers deprived of their liberty looks like in

some selected European countries and how they reconcile imprisonment with raising a child and caring for its welfare.

The fourth chapter of the work is extremely important from the author's point of view, as it touches on very difficult areas relating to the various problem situations faced by women deprived of their liberty during motherhood, as well as considerations in this matter relate to how the Polish penitentiary system has dealt with, or is unable to deal with, certain issues, taking into account two opposing objectives, for on the one hand, the need to satisfy social justice through the execution of the sentence of deprivation of liberty, and on the other hand, such a way of carrying it out that it has the least possible adverse effect on the welfare of the young child, for whom the mother is the most important person in its first months of life.

The fifth chapter of the work touches on the sphere of research, through which the author of the work wanted to present as much as possible the problems faced by women deprived of liberty, who in these realities can be considered "single mothers," because although the penitentiary system, as a rule, meets their existential needs, there are still too few steps taken to take care of the proper emotional state of women deprived of liberty, including meeting their contacts with their loved ones, who, like no one else, bestow hope for improvement of the situation.

The questionnaires of the questionnaires were addressed to two groups of respondents: to women who had given birth in solitary confinement and to women who were already residents of prison Homes for Mothers and Children at the time of the survey.

The results of the study, presented in the last chapter of the work, became an excellent inspiration for in-depth diagnostics of the topic undertaken in this work.

In conclusion, the author of the work included many thoughts on combining imprisonment with the upbringing of children, who from birth are almost exclusively in the company of their mother, and later are exposed to experiencing many unpleasant emotions when it becomes necessary to separate from their mother. Also indicated are possible directions for changes in the Polish penitentiary system so that the welfare of children and women deprived of their liberty suffers as little as possible.