



***‘Prison context for children and their parents.
Perspectives and implementation tools.The
Italian experience’.***

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Italian law for children of Prisoners

- In Italy the legislation on the topic addressed in this Workshop is in line with the indications provided for in the Council of Europe CM/Rec(2018)5 of the Committee of Ministers to member States, concerning children with imprisoned parents.
- Italian prison legislation (Law no. 354 of 1975) recently amended (in October 2018), ensures the right of children to maintain emotional links with their imprisoned parents.
- Imprisoned parents are placed in prisons close to their home in order to ensure the continuation of family relationships. Closeness to the family is also taken into account in case of transfer to another prison.



Contacts and visits

- Imprisoned parents can call their family members to inform them of their imprisonment and may be allowed to make extraordinary phone calls.
- When minors are present, the duration of the visits may be prolonged. Such visits can be carried out also on Saturdays and holidays to allow minors to attend school.
- During the pandemic, due to the suspension of visits in presence, family members and therefore minors were able to keep contact with family members in prison also via Skype calls or Whatsapp with mobile phones made available to the Prison Administration.
- Permits are granted to enable parents to take part in particular events in their children's lives (baptism, first communion) or to visit them in hospital in case of prolonged illness.

Visiting areas

- In prisons there are outdoor green areas where visits can be held (usually in warm seasons) to allow a more serene interaction between parents and children.
- Prison waiting rooms and visiting rooms are usually painted with light colors and murals that make the environment more welcoming for adults and minors.
- To this purpose, a project is ongoing with the *Bambinisenzasbarre onlus* (*Children without bars onlus*) Association of which the Department of Prison Administration is partner. Thanks to it, 10 yellow spaces will be prepared in as many prisons to welcome children in suitable environments to prepare them for the meeting with their parents.

Children and mothers in prison

- The Italian Prison Law provides that mothers in prison can keep their children with them until they reach the age of three. Mothers and children are assigned to dedicated detention units called «*Nurseries*».
- At these units, the rooms are open throughout the day. Entertainment activities for mothers and children are also favored thanks to the contribution of voluntary associations.
- In some cases, such associations may take children from nurseries to municipal public kindergartens or let them exercise outdoor activities.



Care for children and mothers in prison

- Activities aimed at encouraging the development of the parenting skills of mothers (cooking meals, playing with their children, etc.), are promoted by the Penitentiary Administration with the cooperation of voluntary associations.
- All healthcare services for minors are ensured by the National Healthcare Service.
- Specific meals are ensured for all age groups and at some facilities there is a childcare professional who supports mothers in the daily management of minors.



In Rome Rebibbia remand prison, the Ma.ma. "House for family relationships" given by the famous Architect Renzo Piano

At this facility surrounded by green areas, family members can meet with their children and their partners in a prison context as a house-like structure.
A kitchen is made available to allow the family to prepare and consume a meal.



«A red, very small and simple house, as if it had come out of a child's pencil. But with everything inside that reminds life outside and family relationships»

I.C.A.M. – Low Security Custody for mothers in prison

- A Law dating back to 2011 provided for two dedicated facilities for the care of children of prisoners:
 - ✓ **Low Security Custody for mothers in prison (I.C.A.M.);**
 - ✓ **Safe Family Houses**
- The law has established that the Judicial Authority can't order the pre-trial detention in prison towards pregnant women or mothers of children aged up to six years living with them, or towards the father, when the mother has died or cannot give assistance to their children.
- In case of precautionary requirements of exceptional importance (such as: danger of escape, re-offending, etc.), the Judicial Authority assigns prisoners with children to I.C.A.M.



I.C.A.M.- peculiarities

- I.C.A.M. can admit:
 - ✓ pregnant women and parents with children up to six years (mothers and fathers in case of absence/impossibility of the mother) in pre-trial detention;
 - ✓ parents of children up to 10 years serving the final sentence and even under special home detention regime (alternative measure).
- These facilities provide comfortable and bright rooms without bars, infirmary, playroom, library and training room, visiting rooms and some outdoor green areas.



Statistical data

- **The Penitentiary Administration implements a database (SIAP/AFIS) in which the following data are included:**
 - ✓ the number of children in prison with mothers;
 - ✓ the number of minors visiting detained parents.
- In October 2021, 11,905 children entered prisons to visit their parents.
- The 2018 legislation introduced the obligation for penitentiary institutions and low security custody for mothers in prison (I.C.A.M.), to send every six months the list of all minors placed with them to the Juvenile Court, with a specific indication, for each of them, of the place of residence of their parents, their relationship with the family and the child's psychophysical conditions.



HISTORICAL SERIES

NURSERIES AND MOTHERS IN PRISON

Six-month historical series referred to the years: 2016 - 2021

Survey date	Working nurseries and low security custody for mothers in prison	Non working nurseries	Mothers in prison with children	Children in prison	Pregnant female prisoners
31/12/2016	17	5	34	37	9
30/06/2017	18	1	49	58	10
31/12/2017	18	1	50	56	7
30/06/2018	17	2	57	66	6
31/12/2018	17	2	47	52	3
30/06/2019	14	0	50	54	6
31/12/2019	13	2	44	48	2
30/06/2020	13	1	30	33	3
31/12/2020	8	1	28	29	2
30/06/2021	12	0	26	28	7

Source: Department of Penitentiary Administration – Office of the Head of Department – Statistics Unit

Situation at 31° October 2021

MOTHERS IN PRISON AND NURSERIES

DETENTION REGION	WORKING NURSERIES	LOW SECURITY CUSTODY FOR MOTHERS IN PRISON	MOTHERS IN PRISON WITH CHILDREN	CHILDREN IN PRISON
CALABRIA	1			
CAMPANIA		1	11	14
LAZIO	1			
LIGURIA	1			
LOMBARDIA	1	1	3	3
PIEMONTE		1	2	2
PUGLIA	1		1	1
SICILIA	1			
TOSCANA	1		1	1
UMBRIA	1			
VENETO		1	1	1
Total	8	4	19	22



Safe Family Houses

- The safe family houses are outside residential structures managed by the local authorities where access to territorial, socio-healthcare and hospital services is possible and that can benefit from an integrated network supporting both children and their parents.
- The offenders (mothers or fathers, either in pre-trial detention or assigned to alternative measures) may be admitted to safe family houses in the following cases:
 - ✓ when it is not considered necessary to resort to prison for the type of offence committed ;
 - ✓ there is no danger of escape;
 - ✓ They do not have an habitual place of residence.
- Up to date, safe family houses in Milan and Rome have been built, with the active cooperation of the Penitentiary Administration.

Safe Family Houses

- To implement other Safe Family Houses on the territory, the Legislator has provided for the funding of such Houses, allocating a fund of 1,5 million euro for each of the years 2021, 2022 and 2023.



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• Thank you for your attention

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