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September 2006

To: The Law & Order Select Committee

Re: Corrections (Mothers with Babies) Amendment Bill

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1. Introduction

Child Poverty Action Group (CPAG) advocates for better policies for children. We thank the committee for the opportunity to make a submission

We would like to make oral submissions (in Auckland).

This submission is on behalf of the members of Child Poverty Action Group. This Bill directly affects the well-being of children whose mothers are in prison, and CPAG urges the Committee to place the interests of these children at the centre of their considerations. Child Poverty Action Group supports repeal of the regulations presently allowing children to stay with their mothers for a period of six months, in favour of legislation extending that period to two years, for the reasons set out below.

- With rare exceptions breastfeeding for children is best. Nutrition is absolutely critical to children's development and mother's milk is specifically designed to give children their nutritional requirements at this early and important stage of their development. Damage suffered at this stage through poor nutrition is difficult or impossible to reverse.
- In 2002 the World Health Organisation adopted the World Health Assembly's resolution to "protect, promote and support exclusive breastfeeding for six months, and to provide safe and appropriate complementary foods, with continued breastfeeding for up to two years and beyond." The effect of the current practice of removing babies from their imprisoned mothers at the age of six months is to deny them the opportunity to be breastfed until the age of two years, contrary to the recommendation in the World Health Assembly's resolution. The two-year period proposed in the Bill will bring New Zealand into line with internationally-accepted best practice in this regard.
- The detrimental impact on the behaviour of children deprived of parental care is significant, and a study in the United Kingdom (Murray J and Farrington DP, *Journal of Child Psychology and Psychiatry* 2005; 46, 12: 1269-1278) has shown that this is greater where the deprivation has occurred through parental imprisonment than for children who lose or are separated from their parents in other ways.
- Keeping babies with their mothers for periods of longer than the six months offered in New Zealand is common overseas – in fact New Zealand is a laggard in this respect. In Australia the equivalent period varies between 6 years (Victoria) and one year (Tasmania). Other examples are Malaysia and Canada (4 years), Singapore, Hong Kong, Thailand (3 years), Indonesia, Vietnam (2 years), Korea, Republic of Ireland (18 months) and Japan (one year).

- International experience indicates that it is frequently considered to be in the best interests of both the child's health and development and the rehabilitation of the mother for the child to be accommodated with the mother in prison for a period of up to two years or more.
- In *The Children of Women in Prison: A New Zealand Study*, criminologist Dr Venezia Kingi found that a significant proportion of imprisoned women reported problems prior to their imprisonment with misuse of drugs and/or alcohol (64%) and histories of victimisation (30%). The study also revealed that most placements of children while their mothers were imprisoned were with family/whanau, and that most such caregivers were welfare dependent. The removal of young children from their imprisoned mothers therefore is likely to place them in the same environment that has impacted adversely upon their mothers. Dr Kingi also found that many of the caregiving arrangements were fragile, and that the instability of such placements has implications for the well-being of the children.
- As regards placing children in benefit-dependent families, there is now a great deal of evidence that the low level of benefits impacts adversely on children's well-being (*Ministry of Social Development Living Standards Report 2004*). Studies have shown that in order to develop the capability to deal with adversity children must be nurtured for their first three to five years. While spending time in a prison environment is not ideal, nurturing by a mother during the first two years will greatly increase the prospects for these children when compared with placement in households where resources are stretched and caregiving may well be unstable or indifferent.
- Prisons that accommodate women prisoners in New Zealand are located only in Christchurch, Wellington and, for short sentences, Auckland. With babies being removed from their mothers in these prisons at the age of six months, there is a real danger that many caregivers will lack the financial resources to enable the babies to have any regular contact with their imprisoned mothers. This is neither humane nor sensible. The two year period that proposed by the Bill means that in many instances mothers of young babies will be paroled from the prison before separation from their baby would occur.
- Dr Kingi's research found that imprisoned mothers needed (and in fact desired) services to empower them as parents and increase their parental decision-making capabilities, and that there is a need for parent education programs and services supporting parent-child relationships. The parenting agreements provided under the Bill will form a structure within which this can occur. It is in everyone's interests that the mothers of babies receive encouragement and

learning for their role as parents, and two years is an adequate time period for this to occur.

- The Department of Corrections itself acknowledges that research shows a significantly lower rate of recidivism among mothers who have been able to keep their babies with them.
- CPAG acknowledges that prison is not the ideal environment for a young baby, however we note the Bill requires appropriate facilities be provided to accommodate babies and their mothers. CPAG submits that although it appears additional costs would be incurred setting up systems whereby babies can stay with mothers for two years, better physical and emotional development of the children and lowered recidivism rates make this an attractive investment in our country's children.
- We stress again the fact that when young babies are separated from their imprisoned mothers, they are often placed into environments where abuse and drugs and alcohol are prevalent – the very same environment that has often led to the mother's offending. For many babies, the structured and stable environment provided by a prison and the parenting agreements proposed by the Bill will be much better for a young baby than the unstructured environment into which he or she may be placed if separated from his or her mother. Babies, it should be noted, are indifferent as to whether they are in a prison or not. What is important for them is warmth, food, nurturing, and being able to bond with their mothers.
- Ultimately, extending the period babies can stay with their mothers is a children's rights issue – taking babies from their mothers at six months punishes the baby and is an additional, not necessarily warranted, punishment for the mother. If the welfare of the child is paramount then in most cases this means they must spend as long as possible with their mothers when they are born. While there is an argument that mothers of young children or expectant mothers should not receive prison sentences, that discussion is beyond the scope of this submission. In the immediate future, however, CPAG believes that rather than punishing babies for their mothers' crimes, we must make the investment necessary to help babies stay with their mothers for the two year period, under the conditions set out in this Bill.