



**National Council of  
Women of New Zealand**

Te Kaunihera  
Wahine O Aotearoa

National Office  
Level 4 Central House  
26 Brandon Street  
PO Box 25-498  
Wellington 6146  
(04) 473 7623  
[www.ncwnz.org.nz](http://www.ncwnz.org.nz)

8 September 2006

S06.39

**Submission to the Law and Order Select Committee on the  
Corrections (Mothers with Babies) Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 38 Nationally Organised Societies. It has 31 branches throughout the country attended by representatives of those societies as well as some 150 other societies, and many individual members. The Council's function is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action.

This submission has been prepared by the Justice and Law Reform Standing Committee, based on wide consultation with NCWNZ members through the circulation of questions by mail and email.

**Introduction**

NCWNZ, over the 110 years of existence, has made many submissions on the welfare of women, children and families. In 1921 the Council recognised the many reforms which had been made in connection with the prison system in the Dominion, and stated the Council was of the opinion that a training home or institution, other than gaol, should be established for young female offenders. Again in 1966 NCWNZ requested that the Minister of Justice be asked to treat as urgent, provision of improved accommodation for women prisoners and provide separate accommodation for first offenders. In general NCWNZ has always sought the rehabilitation of offenders and for sufficient funding for early recognition and care of children at risk including the provision of education in parenting.

**Clause 5 : New sections 81A and 81B inserted**

The following sections are inserted after section 81.

**81A Approval for placement of baby with mother**

Within the 32 written replies received to the questionnaire, there was no decisive answer to the question concerning the recommendation to change to 24 months the current Corrections Act which requires the removal of the child at 6 months. There was an equal number of respondents who were in favour of leaving the time to a 6 months period as those who preferred up to 2 years: several thought that 12 months would be adequate. A few were undecided as to the length of time a mother should be able to have her baby with her. A proportion of those favouring raising the time of two years did not always state their reasoning. Those who preferred to allow a child the longer period with its mother, acknowledged that this was accepted in other countries of the world and that this would enable New Zealand to comply with the World Health Organisation's recommendations.

All respondents commented that there should be no distinction between mothers who are able to breastfeed and those who cannot: it is the bonding process that is vitally important.





Prisons are perceived to be not a good place for a child to start its life. They are necessarily harsh places although with the provision of regular food and discipline they may be better than some homes.

All respondents stated that the well-being of the child was of paramount importance whatever the length of time the mother was serving as a sentence. One Branch suggested that where the sentence is long, extending well beyond the child's second birthday, separation at this older age may be more damaging to the child. We are therefore pleased to note the parameters that are proposed to safeguard the best interests of the child.

Members were very aware that two years is a long time for any child to be in an enclosed environment, and deprived of father/extended family, siblings both male and female. Babies have fathers who also have rights of contact and shared parenting and it will be important that this relationship is able to develop, as well as that with the mother. Furthermore the young child needs to bond with other family members particularly siblings. In later years there could be a stigma attached to the child having begun life in prison.

It was noted that breaking the bond between mother and child could be traumatic for both and have ongoing consequences: separation may cause depression and a complete sense of failure by the mother.

It was suggested that another complication could be created between fellow prisoners if one section was provided with separate accommodation and perceived better treatment as this could cause jealousy amongst other inmates.

NCWNZ strongly supports having suitable separate and safe accommodation for nursing and non-breast feeding mothers and their children, no matter how long the children remain with their mothers. This is seen as being essential to the baby's long-term wellbeing even if only for the first 6 months. It is understood that only 13 mothers are presently accommodated in prisons. Research has showed that after the six month period babies have been relocated to family, mostly grandparents, and shortly thereafter reunited with the mother who was serving out her sentence in Home Detention. What is not known is the reaction of the imprisoned mother in both health and behaviour after the child is taken away.

### **81B Parenting agreements and parenting education**

Members fully support parenting programmes about which many suggestions were made. But this should not be limited to mothers with young babies. Many women prisoners would benefit from parenting skills.

Mothers and children would benefit from time together with other mothers and children; for play and socialising, as normal as possible to the mother at home in the suburbs. That is feeding, washing and cleaning, both child and house, playing, reading and singing, having fun together but also getting up in the night to feed and settle the child, i.e. being on 24 hours duty. Many agencies e.g Plunket, Family Social Workers, Family Start, have suitable programmes which are readily available. Members also suggested Life Skills courses as there must be many who would benefit from Smoke Free, Drug Addiction, Violence counselling and importantly Literacy and Budgeting. These issues raise the question of financing, which will be considerable if the proposal is to function effectively, but there will be outcomes of long term value.

**Conclusion**

As the leading women's organisation National Council of Women was pleased to be able to make a submission to this Bill: so many were the replies to our questions that Utopia would be achieved if all the suggestions could be carried out. With responses from Kaitaia to Southland this topic created a worthy subject for consideration. Some respondents would prefer that prisoners with babies serve their sentences in their home environment ie. Home Detention where normal family life could be established but with the requirement to participate in reformatory programmes. The emphasis should be on parenting and home making skills. Ideally there should be ongoing monitoring after release - otherwise the benefits of the programmes may be lost.

While the response regarding the age of separation from the mother was diverse and spanned the spectrum, all respondents were as one regarding the well being of the child being paramount. Members were also concerned about the rights of access by fathers, siblings and extended family for the child both while in prison and when separated from its mother.

Thank you for the opportunity to respond to this Bill.

Christine Low  
National President

Joan Howse  
Convener, Justice & Law Reform Standing Committee