



## **Women in prison: the experience of motherhood and interpersonal relationships while serving sentences**

*Women in Prison: Experiencing Motherhood and Interpersonal Relationships While Serving*  
Tim

**Lorena Simioni de Oliveira** - Undergraduate student of Psychology, Ingá University Center - Uningá

**Rafaela Tainara da Silva** - Undergraduate Psychology student, Ingá University Center - Uningá

**Talita Gesuino da Silva** - Undergraduate student of Psychology, Ingá University Center – Uningá

**Thalita Gomes de Azevedo** - Undergraduate Psychology student, Ingá University Center - Uningá

**Flávio Augusto Ferreira de Oliveira** - Professor of the Psychology Course, Ingá University Center - Uningá.

### **Summary**

This article highlights the invisibility of maternal roles within Brazilian prisons, despite existing protective laws. It highlights the neglect faced by mothers, analyzes the relationship between mothers and children in this context, and explores the impact on the relationships of incarcerated mothers and their conception of motherhood. The objective is to understand the perception of women in prison and the dynamics of motherhood, giving visibility to this experience often ignored by society. The research is based on articles, panels, and legislation, with an analysis of official documents, linking the data obtained with descriptive methodology and a qualitative approach.

**Keywords:** Maternity; Prison; Legal Psychology.

### **Abstract**

This article highlights the invisibility of maternal roles within Brazilian prisons, despite existing protective laws. It exposes the neglect faced by incarcerated mothers, analyzes the mother–child relationship in this context, and explores the impact on mothers' interpersonal relationships and their conception of motherhood. The objective is to understand how women in prison perceive motherhood and its dynamics, giving visibility to an experience often ignored by society. The research is based on academic articles, panels, and legislation, with an analysis of official documents, relating the data collected to a descriptive methodology and a qualitative approach.

**Keywords:** Motherhood; Incarceration; Legal Psychology.

### **Introduction**

Data published by the National Council of Justice (CNJ), in September 2022, reveal that only 14% of Brazilian prisons that receive women have a space reserved for pregnant and breastfeeding women, and the vast majority (96.8%) do not even have a nursery. These numbers show that the rights guaranteed in Law 11,942, of May 2009, are not ensured in practice, so that the lack of implementation has a direct influence on mothers who experience life in prison, with repercussions on the emotional sphere, the idea of

motherhood, rehabilitation and relationships with children, family and other female prisoners.

According to a survey by the Ministry of Justice (2020), with regard to dynamics between mothers and children, it is known that more than 35% of women deprived of liberty in Brazil are mothers of children up to 12 years of age. In total, 12,821 women are separated from their children, which constitutes a clear violation of the principle of “intranscendence of penalties”, provided for by Criminal Law, by indirectly punishing children – depriving them of maternal affection – due to the crime committed by the mothers. This rupture of maternal-filial emotional bond raises questions about the effects of imprisonment on family structure and in child development, in addition to raising debates about the social function of punishment and the limits ethics of punishment.

Although these rights are often neglected, social perception about the access of imprisoned mothers to their children is that this would be some kind of privilege, like portray Flores and Smeh (2018). The authors bring to light the emotional and social impacts of separation, as well as the stigmas that fall on incarcerated women, such as blame for abandonment, the disruptions to the family structure and the possibility of perpetuation of cycles of vulnerability and criminality, with the helpless child passing to, supposedly, “to feed back into the criminal career”.

On the other hand, research such as that by Cúnico, Brasil and Barcinski (2015) indicates that mothers with access to their children, who go through the prison experience centralizing and dedicating themselves to motherhood, they face this circumstance in a less painful way and have a greater chance of rehabilitation, because, when they play the maternal role, seen as socially valuable, they feel if they are more encouraged to reframe their prison experience, promoting greater engagement in rehabilitation and contributing to social reintegration. According to the authors, there are also women who choose to avoid the maternal role in this context, either due to guilt social or even due to the difficulty in dealing with motherhood and rehabilitation in parallel.

Given this scenario, this article aims to understand the perception and role of mothers in the Brazilian prison system, as well as the consequences of the maternal relationship (or the lack thereof) for their own rehabilitation experience and for the development of their children. It seeks to investigate how motherhood can influence the rehabilitation process and which the challenges faced by women who experience deprivation of liberty.

## Materials and methods

According to the objectives defined for the development of the article, the chosen design has a bibliographical and documentary basis, since it uses research, publications, panels and legislation published by national and state bodies regarding the theme. It relates the data obtained with the descriptive methodology, analyzing them in a qualitative.

The selection of materials that make up the bibliographic references is based on data obtained from the Scielo website, selecting scientific journals related to Legal Psychology and Sociology. The terms researched were: "motherhood and prison", "motherhood in prison", "interpersonal relationships in prison", "women's prisons and family", "children of women incarcerated", "homosexuality in women's prisons", "pregnancy in prison", "legislation on women's prisons", "data on women's prisons in Brazil".

Articles focusing on chemical rehabilitation, prison situations, aspects not related to motherhood and, furthermore, with repeated data or in disagreement with their references. Therefore, eight articles on the topic were found.

## Bibliographic review

### Female incarceration and pregnancy

Piccinini *et al.* (2008) highlight that physical and psychological changes are inherent to the gestational period. Although they are not considered a pathological condition, such changes represent a delicate moment in a woman's life, causing weight gain, tension muscle, breast growth and other physiological factors that often cause discomfort to pregnant women. In this same perspective, Alves and Bezerra (2020) state that, in emotional field, instability and exacerbated sensitivity arise, emotional crises, marked irritability, mood swings, fluctuations in self-esteem and anxiety in the face of new phase of a woman's life.

For Chavez and Araújo (2020), these transformations take on more serious contours when they occur in prisons, increasing the gestational risk of women in such conditions. In fact, prison environments are not suited to the real needs of pregnant women who compose, presenting failures in containing violence and maintaining health, the which, according to Furlan and Souza (2020), constitutes an unworthy condition for development



of a healthy pregnancy.

Law No. 14,326 of April 2009, which modified Law No. 7,210 of July 11, 1984 (Penal Execution Law), with the purpose of ensuring humane treatment to pregnant women and postpartum women, in its article 2, § 4, establishes that:

Humane treatment will be ensured to pregnant women during the preparatory medical and hospital procedures for childbirth and during labor, as well as to women in the postpartum period, with the public authorities being responsible for providing comprehensive care for their health and that of the newborn.

However, Chaves and Araújo (2020) reveal that reality does not match rights mentioned above, as many pregnant women deprived of liberty have access to only one consultation throughout the pregnancy and, not infrequently, they give birth handcuffed and unaccompanied. The authors argue that the inhumane scenario persists after birth, affecting not only the puerperal women, but also newborns, exposed to an environment unsuitable for breastfeeding and other care, without any professional support or assistance in the postpartum period. Chaves and Araújo (2020) further add that quality food insufficient, offered in the prison system, negatively impacts the health of mothers and children babies, demonstrating that the penalization of women ends up unfairly extending to their son.

In view of this, it is clear that pregnancy in the prison context is crossed by a clear violation of fundamental rights, which requires the effective implementation of the rules legal and the guarantee of decent conditions to ensure the adequate development of families, even in a difficult, complex and challenging scenario.

### **The practice of motherhood in prison**

Regarding parental relationships, it is known that the possibilities of bonding between mothers and children in the context of prison, are currently more flexible. In principle, the Law 13,769, of December 2018, in its article 1, establishes the replacement of preventive detention of pregnant women under house arrest, in addition to disciplining the compliance regime of deprivation of liberty for convicted women in the same situation. This Law allows this right only for women who: 1) have not committed a crime involving violence or serious threat to person; and 2) have not committed the crime against their own child or dependent.

In fact, women who can experience this benefit end up enjoying

the possibility of establishing and maintaining the maternal bond for longer, in addition to all the developments that may minimize the fact that the mother is associated with a crime scene. In However, Chaves and Araújo (2020) also recognize that the Judiciary usually denies this benefit even to women who meet such legal requirements, preventing the “relief” of overcrowded prison units (which would be one of the intended objectives by Law) and highlighting glaring disparities between the established standards and their application practice.

It is worth highlighting that Law No. 11,942/2009, in its article 2, determines that female penal establishments must be equipped with a nursery, allowing the convicted women care for and breastfeed their children until at least six months of age. In addition, article 89 provides for the existence of a specific section for pregnant women and parturients, in addition to daycare for children aged six months to seven years, in order to assist helpless minors while the person responsible is in prison. Such measures, when respected and in places where these regulations are in force, they allow the strengthening maternal bonds and promoting the social and emotional development of children.

However, Chaves and Araújo (2020) report that in many cases in the prison system Brazilian, mothers are forced to carry out work activities at the same time as maintain contact with their children, taking them with them to the different services, as they are not professionals are available to care for the children while the mothers clean and the maintenance of the unit. According to the authors, not even the postpartum period is respected in the prison, so that breastfeeding ceases to be a maternal choice and even crying of the baby now has limits in prison, which, if exceeded, can result in punishments for mothers, thus constituting yet another violation of the rights of women prisoners, which transforms the benefit into an extension of the sentence, especially in the psychological sphere.

According to Furlan and Souza (2020), inmates who do not have contact with their children experience feelings of guilt, abandonment of the minor, failure to fulfill their role maternal, fear of losing legal custody, and beliefs that their children may also follow the path of crime. Even so, there are inmates who avoid visits from their dependents to the institution, as they consider such a place to be a hostile environment, seeking preserve their mental and emotional health.

5

From the perspective of a child or adolescent, we often live, as they explain Flores and Smeh (2018), the loss of their only affective reference, apart from the fact that it is common to have more than one criminal record in the same family nucleus, highlighting situations of judgment, social exclusion and inferior academic development compared to classmates, due to

to the emotional impacts that such circumstances bring.

In short, despite the various difficulties and challenges, Barcinski et al. (2015) suggest that the maternal-filial bond can serve as a motivating factor for the honest fulfillment of punishment, encouraging the search for punitive benefits – such as prison labor – and for rehabilitation processes, including chemical dependency treatments, in order to enable social and family reintegration.

### **Women in prison: relationships beyond motherhood**

According to Guedes (2006), the maternal scenario in the context of prison also encompasses, the family environment, especially because women deprived of liberty see the family as a form of connection with the outside world. They maintain an emotional memory of loved ones, presenting a nostalgic and affectionate perspective of them, despite the feeling of guilt for having embarrassed relatives by committing crimes and, mainly, for being in prison conditions. For these reasons, it is common for them to prepare carefully for visits, in order to preserve their insertion in the family nucleus as much as possible.

The author explains that women deprived of liberty, in general, are punished, firstly, for the unlawful act they committed and, soon after, for not fulfilling their function what is socially expected of them. This reality is reflected in the visitation rate in units female prisons, since, according to Becker *et al.* (2016), 60% of women in detention do not receive any type of visit, and possible explanations include the location remote from many establishments – fewer and more dispersed than the male ones –, the financial difficulties of family members in maintaining travel to penitentiary centers and the limits faced by those willing to go to prison.

For the authors, in addition to the difficulty of getting to the location, there are very strict rules for those who are allowed to enter, often limited by their level of parenting, or that is, to the child (child or adolescent), which prevents the person responsible from also carrying out the visit. Another point that stands out, according to Guedes (2006), is the embarrassment that occurs in the inspection process – a mandatory procedure to enter the prison –, something described as humiliating or, at the very least, uncomfortable for visitors, putting many off meeting with the detained relative.

As for intimate visits, the numbers are even lower, as data published by Becker *et al.* (2016) indicate that only 9.68% of incarcerated women receive this type of visitation, so many of them report that their partners do not

want to submit to mandatory searches, they become absent after complying with the pity or abandon their married life, leading them to the realization that they have been betrayed.

In view of this, Guedes (2006) concludes by saying that it is precisely this distant relationship between spouses and family members that fosters many relationships between the inmates themselves, establishing not only occasional partnerships, friendships, but also affectionate, loving ones, making so that homosexuality is not always seen by these women as a type of sexual orientation, but rather as a state of companionship that fills the emotional-sexual void left by people who were once close, serving as a form of support emotional and social to facilitate compliance with the sentence.

### **Final considerations**

It can be concluded that the experience of motherhood among inmates is permeated by contexts of pregnancy, living with the child or not, family relationships beyond motherhood and the development of affection among incarcerated women.

In this way, the State's duties towards this population were highlighted and what is really exercised in their favor, the pros and cons, in the view of the prisoners, in relation to the contact with children and family, the circumstances that such an environment entails, health emotional state of these women and the impacts and repercussions in these contexts.

The analysis of the literature shows that female incarceration, when crossed through the experience of pregnancy and motherhood, it creates a field of tensions between the guarantee legal rights and the concrete reality experienced by women deprived of liberty. This way, although the Brazilian legal system includes provisions that ensure the humanized treatment of pregnant women, postpartum women and incarcerated mothers, it is observed that such normative predictions often do not materialize in prison daily life, resulting in violations that affect not only the physical and psychological health of these women, but also the comprehensive development of their children.

In the context of Legal Psychology, it becomes evident that motherhood in prison is not can be understood only as a question of material assistance, but as a psychosocial phenomenon that involves affective bonds, maternal identity, subjectivity and fundamental rights. The precariousness in structural terms, the lack of support specialized and neglect of such rights intensifies feelings of guilt, of abandonment and helplessness among mothers, directly impacting their mental health and bonds with children.

Furthermore, the analysis of family and emotional relationships in prison reveals that punishment feminine goes beyond the penal sphere, extending to the symbolic and social field, in which women is doubly penalized: first, for the crime committed and, second, for non-compliance with the social expectations of motherhood and care.

For these reasons, it is concluded that the realization of the rights of incarcerated women and of their children requires not only the strict application of current legislation, but also a paradigm shift, through which motherhood is recognized as an essential dimension of female subjectivity, even in contexts of deprivation of liberty. Legal Psychology, in this sense, it contributes to giving visibility to rights violations, to the defense of dignity of women and to build more humanized practices in the prison system.

## References

ALVES, FR; BEZERRA, LS Emotional changes during pregnancy: a theoretical review. *Brazilian Journal of Maternal and Child Health*, Recife, v. 20, n. 3, p. 645–652, 2020.

BARCINSKI, M.; CÚNICO, D.; BRASIL, M.V. Motherhood in the context of prison: a systematic review. *Studies and Research in Psychology*, Rio de Janeiro, v. 15, n. 2, p. 556–575, 2015.

BECKER, A.; SPESSOTE, DV; SARDINHA, L. da S. et al. Prison and abandonment: imprisonment, punishment and gender relations. *Journal of Psychology, Diversity and Health*, Rio de Janeiro, v. 5, n. 2, p. 195–205, 2016.

BRAZIL. Law No. 11,942 of May 28, 2009. Amends Law No. 7,210 of July 11, 1984 (Penal Enforcement Law), to ensure minimum conditions of care for imprisoned mothers and newborns. *Official Gazette of the Union: section 1*, Brasília, DF, May 29, 2009.

Available at: <https://www.gov.br/planalto/pt-br/assuntos/etica-publica/legislacao>. Accessed on: June 18, 2023.

CHAVES, LH; ARAÚJO, ICA Pregnancy and motherhood in prison: health care from the perspective of women incarcerated in a maternal and child unit. *Physis: Journal of Collective Health*, Rio de Janeiro, v. 30, n. 2, p. e300208, 2020.

NATIONAL COUNCIL OF JUSTICE (CNJ). CNJ launches panel with data on mothers, fathers, and guardians in the prison system. Brasília, September 28, 2022. Available at: <https://www.cnj.jus.br/cnj-lanca-painel-com-dados-sobre-maes-pais-e-responsaveis-no-sistema-prisional/>.

Accessed on: March 30, 2023.

PARANÁ STATE PUBLIC DEFENDER'S OFFICE (DPE-PR). CNJ launches dashboard with data on maternity and paternity in the prison system: learn about DPE-PR's work in this area. Curitiba, October 12, 2022. Available at:



<https://www.defensoriapublica.pr.def.br/Noticia/CNJ-lanca-painel-com-dados-sobre-maternidade-e-paternidade-no-sistema-prisional-Conheca>. Accessed on: March 30, 2023.

FLORES, NMP; SMEH, LN Imprisoned mothers, helpless children: motherhood and interpersonal relationships in prison. *Physis: Journal of Collective Health*, Rio de Janeiro, v. 28, n. 1, p. e280115, 2018.

FURLAN, AV; SOUZA, MAG The female prison system and its impact on the motherhood of incarcerated women. *ETIC Journal – Toledo Prudente University Center*, Presidente Prudente, v. 16, n. 2, p. 90–105, 2020.

GUEDES, M.A. Psychosocial interventions in the female prison system. *Psychology: Science and Profession*, Brasília, v. 26, n. 2, p. 276–289, 2006.

JUSBRASIL. Article 318 of Decree-Law No. 3,689 of October 3, 1941. *Code of Criminal Procedure*. Available at: <https://www.jusbrasil.com.br/topicos/10651535/artigo-318-of-decree-law-n-3689-of-october-3,1941>. Accessed on: March 30, 2023.

PICCININI, CA et al. Pregnancy and the constitution of motherhood. *Psychology in Study*, Maringá, v. 13, n. 1, p. 63–72, 2008.