



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### **MOTHERS IMPRISONED AND MINOR CHILDREN: THE ROLE OF PARENTAL RESPONSIBILITY BETWEEN AFFECTIVITY AND PROTECTION OF HUMAN RIGHTS**

The reform law of the penitentiary order, dated 26 July 1975, n. 354, *Rules on the penitentiary law on the enforcement of custodial measures and restrictions on freedom*, among the fundamental rights about significant protection to motherhood, as it provides that in every women's prison are applied special health care services for pregnant women and new mothers. This protection is carried out above all in the individualization of a different treatment for the detained mothers compared to all the other prisoners. The law of July 26, 1975, n. 354, has undergone an important evolution especially following the law n. 62 of 2011, amending the provisions regarding the relationship between mothers-prisoners and children dependent on them; further innovated by legislative decrees October 2, 2018, n. 123 and n. 124.

The purpose of this paper is to outline the delicate relationship between the subjection to a restricted provision against the detainee mother and the existence (in terms of continuity or fading) of parental "responsibility".