

「母以子貴」？ 論攜子入監政策的 健康與處遇議題

The Health Issues and Prison Treatment
Policies of Child-raising in Prisons

李翎璋 Lingwei Li*



摘要

攜子入監之收容人因配合嬰幼兒照護需求，與一般的收容人相比，收容的場所設備皆較佳，作業需求也降低，使一般人產生「母以子貴」，攜子入監的受刑人特別受優待的印象。然而事實上，我國攜子入監的政策實況為何？攜子入監的收容人與受攜幼兒的處境為何？受攜幼兒本身因監禁機構的諸多限制，是否影響其身心發展，針對此衝擊，國家與社會應如何因應？本文訪談桃園女子監獄的社工師，側面觀察監所中的幼兒成長環境，並探索兒童最佳利益、與適宜幼兒身心發展的成長環境，在矯正機關中如何可能。

To carry out the caretaking of the children, the facilities of inmates who carry their children to prison are better than

*靜觀法律事務所主持律師（Founder, Zenkuan Law Firm）

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others, as well as the lower operational demands. This gives the general public the impression that “mothers are more valuable due to their children,” as if inmates who carry their children to prison were treated more favorably. What is in fact the actual situation of the policy of bringing children to prison? Are the physical and mental development of the children affected by the limitations of the incarcerated institutions, and how should our government and society respond to this impact? In this paper, we interviewed a social worker at Taoyuan Women’s Prison to observe the growing environment of children in the prison, and to explore how the best interests of the child and a suitable growing environment for children’s physical and mental development are possible in correctional institutions.

壹、前言

為了避免兒童因家長入獄或遭到羈押而受監禁時，無人照顧致生活困難或陷入危險，世界各國矯正機關，大多制定政策，使兒童得以隨同照顧者進入監禁或矯正機構，不至於因家長遭到國家監禁而失去照顧者，我國亦從1950年代許即一直都有攜子入監的收容人。然而，攜子入監服刑，涉及問題甚廣，主要以政策對象概分為二部分，其一為受刑人家長本身，亦即監所處遇政策與矯正機關對於受刑人之裁量權，遇到攜子入監受刑人的對象時應如何因應，受刑人家長應接受如何性質與程度的處遇方為適當；其二為受攜入監之子女之權益，即兒童最佳利益、親職與扶養權權益、子女受教權與適宜的成長環境在矯正機關中如何可能。

我國於2020年1月15日修正公布新監獄行刑法、新羈押