

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **2127**



Introduced by Representative LEILA M. DE LIMA

AN ACT
PROTECTING WOMEN IN STATE CUSTODY, PRESCRIBING THE
MINIMUM STANDARDS FOR THEIR TREATMENT, PENALIZING ACTS IN
VIOLATIONS THEREOF AND FOR OTHER PURPOSES

EXPLANATORY NOTE

While it is conceded that men outnumber women in places of detention, women face gender-specific abuses, risks, and vulnerabilities during detention, including physical and sexual abuse, mental and health issues, and the overall insensitivity of prison systems, and their failure to consider women's specific needs and experiences. Women in state custody face many challenges, including overcrowding, lack of gender-specific services, and inadequate healthcare.

In a 2023 study by the Commission on Human Rights Center for Gender Equality and Women's Human Rights,¹ it was revealed that the "current situation and conditions of women in detention leave so much space for improvement, and in some instances are already inhumane." There is severe jail congestion and acute shortage of basic necessities like water, health, and sanitation. Issues of access to justice, security, and the burden of women's traditional roles remain prevalent.

In a 2001 Human Rights Advisory by the Commission on Human Rights,² it was reported that 10% women inmates in the Correctional Institute for Women (CIW) had sexual contact with their jailers prior to their transfer to CIW. These women were abused, raped, touched, subjected to excessive pat-downs and strip searches, and traumatized through use of sexualized language by their detention/prison officials.

¹ <https://chr2bucket.storage.googleapis.com/wp-content/uploads/2023/09/08145228/Inside-Stories-Womens-Situation-in-Jails-and-Access-to-Justice-Booklet-as-of-July-31.pdf>

² http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/advisories/pdf_files/abthr029.pdf.

Data in 2017 from the Bureau of Jail Management and Penology (BJMP) even reveals that there are only 58 female dormitories under BJMP throughout the country and three populous regions (4B, 5, and ARMM) do not even have a single female dormitory.

In 2020, the death of Baby River Nasino, born to jailed Filipino activist Reina Mae Nasino, drew significant attention to the inhumane conditions under which women in state custody are placed. In November 2019, Reina Mae, along with two other activists, was arrested during a police raid of their office and was charged with illegal possession of firearms and explosives – charges which they vehemently deny and claim was a police set-up.³ In July 2020, Reina Mae gave birth to Baby River in the Fabella Memorial Hospital.⁴ Prior to the birth, appeals to have Reina Mae released on humanitarian grounds due to higher risks of COVID-19 to pregnant women were denied.⁵ After her birth, appeals were once again made to allow mother and daughter to stay in the hospital for longer period or to have them stay together inside the jail. The Manila Trial Court denied these appeals, citing lack of natal care facilities and limited jail personnel, so on August 13, 2020, Baby River was separated from her mother only after one week of breastfeeding.⁶ On October 9, 2020, Baby River died due to pneumonia complications without being seen by her mother as all appeals for temporary release were denied.⁷ To attend the wake and burial, Reina Mae was only granted release for several hours over three days, where she remained heavily guarded and handcuffed.⁸ The story of Reina Mae and Baby River Nasino is only one of the many stories of women deprived of liberty also having their human rights violated.

Thus, there is a need for a law to ensure full respect of the rights of women in state custody, guaranteeing minimum standards of treatment for women PDLs, given their gender-specific needs and lived realities.

A similar bill, Senate Bill No. 378, was filed by this representation when she was a Senator during the 18th Congress. This current bill builds on that earlier proposed measure, while emphasizing this time that there is a need to legislate and mainstream the Mandela Rules and the Bangkok Rules for the protection of the rights and welfare of women in state custody. While the Mandela Rules set out the minimum standards that the state should follow in the treatment of PDLs in general, the Bangkok Rules respond to and focus on the gender gap and gender blindness of detention spaces, programs, and policies. This bill accordingly enumerates the rights of women

³ <https://www.bbc.com/news/world-asia-54519788>.

⁴

https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2021/10/Factsheet%20-%20A%20Neglected%20Sector_%20WICL.pdf.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

PDLs and prescribes the minimum standard rules for their treatment while in custody. Further, it establishes mechanisms for proper redress of complaints of women inmates and makes the heads of the detention/prison institution directly accountable should he/she fail to act on the complaints.

Early approval of this measure is requested.



LEILA M. DE LIMA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2127

Introduced by Representative LEILA M. DE LIMA

AN ACT
PROTECTING WOMEN IN STATE CUSTODY, PRESCRIBING THE
MINIMUM STANDARDS FOR THEIR TREATMENT, PENALIZING ACTS IN
VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION. 1. *Short title.* – This Act shall be known as the “Women in State
2 Custody Act of 2025.”

3
4 SEC. 2. *Declaration of Policy.* – The State recognizes the rights of every woman
5 under its custody and shall endeavor to protect them from the different forms of abuse
6 and neglect in which they are often being subjected to while under detention or
7 imprisonment.

8
9 The responsibility of government authorities for the custody of prisoners and or
10 the protection of society against crime shall be discharged in keeping with the State's
11 other social objectives and its fundamental responsibilities in promoting the well-being
12 and development of all members of society, specifically of women in state custody,
13 who by their inherent special circumstances, are more susceptible to various kinds of
14 abuses and vulnerabilities.

15
16 Towards this end, this Act shall prescribe and adopt the minimum standards
17 for the treatment of women in state custody, while penalizing acts made in violation
18 thereof. This Act aligns with the principles and objectives of the Mandela Rules
19 (officially as the “United Nations Standard Minimum Rules for the Treatment of
20 Prisoners”) and the Bangkok Rules (officially known as the “United Nations Rules for
21 the Treatment of Women Prisoners and Non-custodial Measures for Women
22 Offenders”).

1 SEC. 3. *Coverage.* – This Act shall apply to all women in state custody, whether
2 under detention for investigation and/or trial for an alleged commission of an offense
3 or crime, or have already been sentenced with imprisonment by final judgment,
4 irrespective of the place of their detention or imprisonment. It shall cover all detention
5 and prison facilities where there are women inmates, such as those operated by the
6 Bureau of Corrections (BuCor), the Bureau of Jail Management and Penology (BJMP),
7 the Local Government Units (LGU), the Philippine National Police (PNP), the Armed
8 Forces of the Philippines (AFP), and the Department of Social Welfare and
9 Development (DSWD).

10
11 SEC. 4. *Registry.* – In every place where women are detained or imprisoned,
12 there shall be kept a bound registration book with numbered pages, exclusively
13 dedicated to women detainees and prisoners in which hereunder information shall be
14 entered in respect of each woman detainee or prisoner received:

- 15 a) Information concerning her identity;
16 b) The reasons for her commitment and the authority therefor; and
17 c) The day and hour of her admission and release.

18
19 SEC. 5. *Separate Detention/Prison Cell and its Facilities.* –

- 20 a) Female detainees or prisoners shall at all times be held separately from
21 male detainees or prisoners. For this purpose, separate cells and
22 facilities for women shall form part of the standard design in the
23 construction and improvement of jails and its facilities; *Provided*, that, in
24 an institution which presently receives both men and women, there shall
25 be an entirely separate building in which the whole of the premises shall
26 be allocated exclusively to women detainees or prisoners.
27 b) There shall be special accommodation in every women's institution for
28 all necessary pre-natal and post-natal care and treatment, preventive
29 health care for diseases like STDs (sexually transmittable diseases) and
30 UTIs (urinary tract infections), and even counselling. Arrangements shall
31 be made, whenever practicable, for children to be born in a hospital
32 outside the institution. If a child is born in prison, this fact shall not be
33 mentioned in the birth certificate.

34
35 SEC. 6. *Rights of Women in State Custody.* – In addition to the existing rights
36 provided for by law in favor of persons deprived of their liberty (PDLs) or are under
37 detention or in prison, all women in state custody shall have the following rights:

- 38 a) Every woman in state custody shall be treated in a humane manner and
39 with respect for the inherent dignity of the human person and with
40 particular regard to the special circumstances of womanhood;
41 b) Detention or imprisonment shall only be carried out strictly in accordance
42 with the provisions of the law and by competent officials or persons
43 authorized for that purpose;

- c) No woman under any form of detention or imprisonment shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment, and no circumstance whatever may be invoked as a justification for such acts;
- d) No detained or imprisoned woman shall be subjected to any sexual abuse such as, but not limited to, having carnal knowledge or making any other form of sexual advancements or harassment;
- e) Any woman shall, at the commencement of detention or imprisonment, or promptly thereafter, be provided by the authority responsible for her detention or imprisonment with information on and an explanation of her rights and how to avail herself of such rights;
- f) The State must take active steps to ensure that, where possible, female lawyers are available to represent women detainees or prisoners; and
- g) Except for those rights the exercise of which is necessarily precluded by the fact of her detention or imprisonment, or the exercise of which has been temporarily or permanently denied to her as a result of, or as an accessory to the penalty imposed upon her, no woman deprived of liberty shall be barred from exercising rights that she would otherwise have been entitled to were it not for her detention or imprisonment, such as but not limited to, the right to access reproductive and maternal health services and rights relating to marriage and family relations.

SEC. 7. *Treatment of Women in State Custody.* – Each of the governmental agencies cited in Section 3 hereof shall at all times strictly implement the following:

- a) Female security personnel shall always be present during the interrogation of women detainees;
- b) At no time shall male security personnel be allowed entry to detention/prison facilities of women without the presence of female security personnel; and
- c) In no case shall male security personnel or male inmates be allowed to stay in the premises allocated for women during nighttime.

SEC. 8. *Mandatory Visit and Inspection of Women Detention/Prison Cells and Facilities.* – In order to supervise the strict observance of relevant laws and regulations in places of detention and imprisonment, the Commission on Human Rights (CHR) shall regularly visit and inspect the various women detention or prison cells and facilities, which shall be made without prior announcement to the agency or facility concerned, *provided*, however, that independent women organizations may likewise inspect such places, with prior coordination with the CHR. A detained or imprisoned woman shall have the right to communicate freely and in full confidentiality with the persons who visit and inspect the places of detention or imprisonment in accordance with the preceding paragraph of this section, subject to reasonable conditions to ensure security and order in such places.

1 SEC. 9. *Recruitment and Training of Police, Military, and Prison Personnel.* –
2 Each detention/prison institution shall recruit an adequate number of women police
3 officers to specialize in cases of violence against women. All detention or prison
4 personnel of the government agencies referred to in Section 3 hereof shall receive
5 mandatory training and information about unlawful discrimination, sexual harassment
6 and standards for the protection of women's rights, and how to respect and enforce
7 them properly, which shall be conducted by the CHR or by duly registered non-
8 governmental organizations in the field of women's rights.

9
10 SEC. 10. *Complaints of Alleged Abuse against Women in State Custody.* – A
11 detained or imprisoned woman or her counsel shall have the right to make a complaint
12 regarding her treatment or violation of her rights, in particular in cases of sexual abuse,
13 torture or other cruel, inhumane or degrading treatment, to the authorities responsible
14 for the administration of the place of detention or imprisonment or other proper
15 authorities. In those cases where neither the detained or imprisoned person nor his
16 counsel is able to exercise her rights under this Section, a member of the family of the
17 detained or imprisoned woman or any other person who has knowledge of the case
18 may exercise such rights. Confidentiality concerning the complaint shall be maintained
19 if so requested by the complainant. Every complaint shall be promptly dealt with and
20 replied to without undue delay. Neither the detained or imprisoned woman nor any
21 complainant under the preceding paragraph of this Section shall suffer prejudice for
22 making a complaint.

23
24 SEC. 11. *Duty to Report Alleged Abuse against Women in State Custody.* –
25 Prison officials and employees who have reason to believe that a violation of this Act
26 has occurred or is about to occur shall have the duty to report the matter to their
27 superior authorities and, where necessary, to other appropriate authorities. Any other
28 person who has grounds to believe that a violation of this Act has occurred or is about
29 to occur shall have the right to report the matter to the superiors of the officials involved
30 as well as to other appropriate authorities.

31
32 SEC. 12. *Accountability of the Head of the Prison Institution.* –

- 33 a) The respective heads of institutions responsible for the custody of
34 women detainees/prisoners shall take effective steps to protect women
35 detainees who report rape, sexual harassment, and other forms of
36 abuses, threats, reprisals or intimidation.
- 37 b) The immediate respective heads of the detention or prison institutions
38 are *prima facie* presumed to have knowledge of the abuse committed
39 against the women prisoners if:
- 40 i. A complaint has been made before him or such other authority
41 receive such complaint, or if abuse was openly performed or well-
42 known among her co-inmates or prison personnel; and
- 43 ii. The head of the detention or prison institution has failed to act on
44 the same.

1 SEC. 13. *Investigation of Alleged Abuse against Women in State Custody.* – All
2 complaints of rape, sexual abuse, torture or any unlawful advancement or violation of
3 the rights provided in this Act, committed by any person against a woman detainee or
4 prisoner must be investigated promptly and independently by the CHR. A medical
5 examination and adequate legal services should be provided immediately for any
6 woman in custody who alleges that she has been abused. Whenever the abuse has
7 resulted to death or unexplainable disappearance of a detained or imprisoned woman,
8 an inquiry into the cause of death or disappearance shall be conducted by the CHR,
9 at its own instance or at the instance of a member of the family of such woman or any
10 person who has knowledge of the case. When circumstances so warrant, such an
11 inquiry shall be held on the same procedural basis whenever the death or
12 disappearance occurs shortly after the termination of the detention or imprisonment.
13 The findings of such inquiry or a report thereon shall be made available upon request,
14 unless doing so would jeopardize an ongoing criminal investigation.

15
16 SEC. 14. *Penalty Clause.* – Any person who shall be guilty of violation of this
17 Act shall suffer a penalty of six (6) months and one (1) day but not exceeding six (6)
18 years, without prejudice to other criminal and administrative charges for which he may
19 be held liable.

20
21 SEC. 15. *Mandatory Evaluation and Reporting.* – Every four (4) years, each of
22 the governmental agencies cited in Section 3, as well as CHR and duly registered
23 nongovernmental organizations in the field of women's rights, shall conduct a
24 mandatory review of the implementation of this Act and submit a report of its findings
25 to Congress.

26
27 SEC. 16. *Separability Clause.* - If any provision of this Act is declared invalid or
28 unconstitutional, the provisions not affected thereby shall continue to be in full force
29 and effect.

30
31 SEC. 17. *Repealing Clause.* - All laws, executive orders, presidential decrees,
32 presidential proclamations, letters of instruction, rules and regulations or parts thereof
33 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
34 accordingly.

35
36 SEC. 18. *Effectivity.* - This Act shall take effect fifteen (15) days following its
37 publication in the Official Gazette or in two (2) newspapers of general circulation in the
38 Philippines.

Approved,