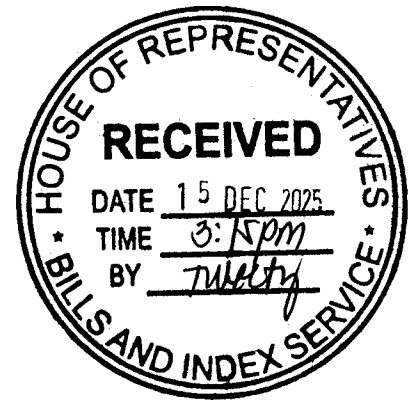


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6880



Introduced by: Kababaihan Kabalikatan para sa Kapakanan at Kaunlaran ng Bayan (4K) Party-list
Representative Iris Marie D. Montes

AN ACT
DEFINING THE RIGHTS OF WOMEN DEPRIVED OF LIBERTY IN JAILS AND
CORRECTIONAL FACILITIES AND PROVIDING FUNDS FOR THEIR ENFORCEMENT

EXPLANATORY NOTE

"The State values the dignity of every human person and guarantees full respect for human rights" (Article II, Section 11 of the Philippine Constitution).

In line with this, the Philippines has signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and enacted Republic Act No. 9710, otherwise known as the "Magna Carta of Women", which includes women in detention under the category of women in especially difficult circumstances and affords them specific services and interventions.

Indeed, detention is gendered and prison systems, especially in the Philippines, are rarely gender sensitive.

Hence, this bill aims to address the indignity and health hazards of women deprived with liberty by considering their distinctive needs as women and mothers.

It seeks to promote certain rights of women deprived with liberty such as the right of pregnant women against restraint; right to stay with their infant children in infirmaries inside correctional facilities; right against punishment by close confinement or disciplinary segregation; and right to legal assistance in filing complaints.

It has been observed that prison systems and prison regimes have historically been designed for men – from the architecture of prisons, to security procedures, to facilities for healthcare, family contact, work and training. Women's gendered needs and specific circumstances are often invisible and unaddressed, rendering them more vulnerable and at risk during detention, specifically in terms of physical and sexual abuse, mental and health issues and the general insensitivity of prison systems and their failure to take into account women's specific needs and experiences.¹

¹Inside Stories: A Report on the Situation of Women Deprived of Liberty from Select Detention Facilities, Commission on Human Rights, Center for Gender Equality and Human Rights <https://chr2bucket.storage.googleapis.com/wp->

Because women deprived of liberty do not lose their dignity nor their humanity upon incarceration, this measure is being filed to define certain rights of women deprived of liberty and take into account their distinctive needs as women.

In view of the foregoing, the approval of this bill is earnestly sought.


IRIS MARIE D. MONTES
Kababaihan Kabalikatan para sa Kapakanan
at Kaunlaran ng Bayan (4K) Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6860

Introduced by: Kababaihan Kabalikatan para sa Kapakanan at Kaunlaran ng Bayan (4K) Party-list
Representative Iris Marie D. Montes

AN ACT

**DEFINING THE RIGHTS OF WOMEN DEPRIVED OF LIBERTY IN JAILS AND
CORRECTIONAL FACILITIES AND PROVIDING FUNDS FOR THEIR ENFORCEMENT**

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

SECTION 1. *Short Title.* - This Act shall be known as the "Dignity for
Women Deprived of Liberty Act".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State
to safeguard the basic rights of every person deprived of liberty, especially
women, taking into account the distinctive needs of women, and to promote
their health, security, dignity, and general welfare.

SEC. 3. *Definitions.* - As used in this Act, the term:

(a) "Woman deprived of liberty" refers to a woman detainee, inmate, or
prisoner, or other women under confinement or custody in any other manner.
However, in order to prevent labeling, branding, or shaming by the use of these
or other derogatory words, this new and neutral term shall be used in
accordance with Article 10 of the International Covenant on Civil and Political
Rights (ICCPR);

(b) "Jails and correctional facilities" shall cover every municipal, city, and
district jails under the jurisdiction of the Bureau of Jail Management and
Penology (BJMP); the various provincial jails under the respective provincial
governments; and the correctional facilities under the jurisdiction of the Bureau
of Corrections, which are charged with the custody or reformation of women
deprived of liberty incarcerated therein;

(c) "Jail and correctional facility employee" means any person employed
by a jail or correctional facility, which includes, but is not limited to, the
uniformed personnel of the Bureau of Jail Management and Penology as
enumerated in Section 12 of Republic Act No. 9263 and the uniformed personnel
of the Bureau of Corrections as enumerated in Section 19 of Republic Act No.
10575;

(d) "Healthcare products" includes the following:

(1) Feminine hygiene products such as sanitary napkins, panty liners, and tampons;

(2) Soap; and

(3) Any other health care product that the jail or correctional facility deems appropriate, as identified or recommended by a gynecologist or a health care professional;

(e) "Infant children" refers to children of women deprived of liberty of the age of zero to twelve (0-12) months old;

(f) "State of undress" means not dressed or not fully dressed.

SEC. 4. *Right to Health Care.* -

(a) Right to Preventive Health Care. - It shall be the right of every woman deprived of liberty to be provided with proper preventive health care.

This includes:

(1) regular preventive medical examination, especially with a gynecologist or obstetrician;

(2) regular sunning (sun exposure) and exercise; and

(3) provision of dietary supplements for pregnant, lactating, elderly and menstruating women. The supplements shall be provided at no cost and shall be determined by a gynecologist, or by an obstetrician for pregnant women.

(b) Right to Health Care Products. - It shall be the right of a woman deprived of liberty to be provided health care products. Thus, a jail or correctional facility shall make available health care products to each woman deprived of liberty at no cost to the woman without need for a medical referral. A jail correctional facility may not require that a woman deprived of liberty be diagnosed with an illness in order to access health care products.

(c) Right to Medical Examination and Treatment - It shall be the right of a woman deprived of liberty to be examined or treated for an illness. In case a woman deprived of liberty requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male physician or nurse undertakes the examination contrary to the wishes of the woman deprived of liberty, a woman staff member shall be present during the examination.

(d) Right to Mental Health. - It shall be the right of a women deprived of liberty to be provided with mental health care, including the provision of services that shall address post-traumatic stress disorder and risk of suicide and self-harm.

SEC. 5. *Right of Pregnant Women Against Restraint.* - It shall be the right of a pregnant woman deprived of liberty not to be restrained, in any manner, during medical examinations, transport to hospital to give birth, during labor, and immediately after birth.

SEC. 6. *Right to Stay with their Infant Children in Infirmaries Inside Correctional Facilities.* - It shall be the right of a woman deprived of liberty to stay with her infant child in infirmaries located inside correctional facilities, until the infant child shall have attained the age of one (1) year old. The woman deprived of liberty shall undergo postpartum care to ensure physical and mental health and wellness. After the child has attained one (1) year of age, the child may stay with the mother deprived of liberty inside correctional facility if it is advantageous to both the mother and the child, as recommended by the medical officer of the correctional facility or a by a competent health professional and a social worker. Otherwise, the child shall be placed under the care of relatives or in an orphanage if no relative would come to take care of the child.

In case the child of a woman deprived of liberty be placed under the care of relatives or in an orphanage, the Social Welfare Officer shall see to it that the child shall have continuous communication with and periodical visits to the mother deprived of liberty.

SEC. 7. *Right Against Punishment by Close Confinement or Disciplinary Segregation.* - It shall be the right of a woman deprived of liberty who is pregnant, has an infant child, or is a breastfeeding mother not to be punished by close confinement or disciplinary segregation.

SEC. 8. *Right to Legal Assistance in Filing Complaints.* - It shall be the right of a woman deprived of liberty to be provided legal assistance in filing administrative and/or criminal complaints against any jail or correctional facility employee or fellow person deprived of liberty who have committed rape, sexual harassment or physical and mental abuse against her. During the process, the complaining woman deprived of liberty shall be protected from any kind of mental and physical torture, threats, ill treatments and other possible harm from any party and shall be provided immediate medical assistance.

All administrative complaints must be acted upon with dispatch, prompt and impartial investigation and findings must be submitted to the respective Superintendent in charge of the jail or correctional facility within forty-eight (48) hours from receipt of the complaint or any incident report.

Thereafter, the Superintendent shall, within twenty-four (24) hours, make the appropriate administrative action against the guilty jail or correctional facility personnel.

SEC. 9. *Restrictions on Male Employees of Jails and Correctional Facilities.*

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(a) A male jail or correctional facility employee may not conduct a pat down search or body cavity search on a woman deprived of liberty unless the woman presents an immediate risk of harm to herself or others and a female jail or correctional facility employee is not available to do the search. No woman deprived of liberty shall be required to strip completely during the search.

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

(b) A male jail or correctional facility employee may not enter an area of the jail or correctional facility in which woman deprived of liberty may be in a state of undress or an area where a woman deprived of liberty in a state of undress may be viewed, including, but not limited to, restrooms, shower areas, and medical treatment areas. If a female jail or correctional facility employee is not available or if a female jail or correctional facility employee requires assistance, a male jail or correctional facility employee may enter such area only in the event of a medical emergency or if a woman deprived of liberty presents an immediate risk of harm to herself or others.

SEC. 10. *Separate Prison Cells and Facilities.* - Women deprived of liberty shall, at all times, be held separately from men deprived of liberty. For this purpose, separate cells and facilities for women shall form part of the standard design in the construction and improvement of jails and correctional facilities;

Provided, That in institutions which presently receives both men and women deprived of liberty, there shall be a section or part allocated exclusively for women deprived of liberty.

SEC. 11. *Control and Supervision of Jails and Correction Facilities with Women Deprived of Liberty.* - In institutions having both men and women deprived of liberty, the section or part set aside for women deprived of liberty shall be under the authority of a woman prison officer who shall have control and supervision of such section.

SEC. 12. *Hiring and Training of Additional Women Prison Personnel.* - To ensure the effective implementation and to carry out the full intent of this Act, the jails under the jurisdiction of the Bureau of Jail Management and Penology and the provincial governments, and the correctional facilities under the jurisdiction of the Bureau of Corrections, are hereby mandated to maintain the women custodial personnel-to-women deprived of liberty ratio of 1:7 and women reformation personnel-to-women deprived of liberty ratio of 1:24.

All staff assigned to work with women deprived of liberty shall receive training relating to the gender-specific needs and human rights of women deprived of liberty.

SEC. 13. *Appropriations.* - The amount necessary for the implementation of this Act insofar as it refers to the municipal, city, and district jails and to correctional facilities shall be charged to the current appropriations of the Bureau of Jail Management and Penology and Bureau of Corrections, respectively. Thereafter, such sum as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

The provincial governments shall be responsible for appropriating the necessary amount needed for the implementation of this Act with regard to provincial jails.

SEC. 14. *Implementing Rules and Regulations.* - Within ninety (90) days after the approval of this Act, the Secretary of Justice and the Secretary of Interior and Local Government shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 15. *Repealing Clause.* - All laws, executive orders, and other issuances inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 16. *Separability Clause.* - If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

SEC. 17. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,