

## I. Introduction:

On 23 September 2019, pursuant to the mandate of the Commission on Human Rights (CHR) to monitor the human rights situation of Persons Deprived of Liberty (PDLs), among others, as well as part of the program for enhancing Gender Ombud reporting and monitoring, **CHR IV-A Team (team)**, composed of the undersigned, namely: Atty. Mila J. Punzalan, Atty. IV; Atty. Jack Benigno A. Diamante, Atty. IV; Mrs. Maribel S. Ong, Special Investigator (SI) III, Mrs. Liberata M. Baluyut, SI II, and Mr. Zigmund G. Sobreviñas, SI I, visited the Bureau of Jail Management and Penology (BJMP) -Tagaytay City Jail - Female Dorm, Tagaytay City, Cavite (TCJFD) to hold an activity in line with the theme: **"Situation of Women in Detention Especially Older Women in Detention"** for 2019. The activity aimed to produce a CHR Baseline Data on women including lesbian, bisexual, transgender (LBT) women, older women, pregnant and persons with disability women in detention (WID).

Two session were held. In the morning, the team simultaneously conducted three (3) Focus Group Discussions (FGD) with WID from different categories, particularly a) Elderly Women, b) Pregnant and PWD women, and c) LBT Women. The afternoon session was spent in the conduct of Capacity Building with Detention facility personnel.

### III. Focus Group Discussion Proper

#### A. Older Women

For purposes of this FGD, detained women forty eight (48) years or older are considered detained older women (DOW). A total of ten (10) DOW participated in the FGD. As an introduction, the team gave every DOW two badges of emotions (happy and sad) from which they were instructed to choose one badge of emotion and explain why they chose such badge of emotion. Expectedly, all DOW chose the sad badge of emotion. All the offenses allegedly committed by DOW were drug-related. Seven (7) DOW are currently charged with Violations of Sec. 5 and 11 of RA 9165, while the other three (3) are charged only with Violation of Sec. 11 of the same law.

##### 1. Current Situation of Detained Older Women

Detained older women (DOW) have no problem when it comes to their food. They said that they eat their meals three times a day. Also, they do not see any problem sharing the lone bathroom with all the other detained woman. However, due to their age, they are easily bothered by loneliness. Most DOW are feeling stressed out and depressed every time they think of their family and loved ones.

According to the DOW, all detained women, regardless of status, are treated equally in all aspects except cleaning where, due to their health and age, DOW are not obliged to clean their cells but rather on a voluntary basis.

As elders, DOW said that the hardest part of being detainees is that they feel the sadness of living away from their families and loved ones. One

DOW even claimed that her family does not know that she is inside the prison. Likewise, she is clueless as to where her family is right now.

## 2. Security

Fortunately, considering that personnel of the TCJFD treat them well and with respect, DOW assured that they feel secured and free from any kind of abuse. In fact, they said that since the day they were committed to TCJFD, they have yet to encounter a single trouble therein. DOW stressed that neither the Jail Officers nor their co-detainees discriminate them. Simply put, they believe that discrimination does not exist in TCJFD. However, when asked if they know to whom should they report if abuses occur in the jail and if they know the processes thereof, majority, if not all, of them were confused and answered in the negative. All they know is that troubles should be reported only to Jail Officers. When confronted with the question of what is their biggest fear as DOW, they gave a unison answer to the effect that they fear that they might be forgotten by their loved ones and family.

## 3. Health Concerns

DOW said that the prison has no designated doctors and nurses and that they experience health-related services only through medical and dental missions conducted by various government and non-government organizations. Early this year, a group comprising of doctors attended to their medical needs. DOW were very thankful with these kinds of services, which happen once a year, as they help avoid and/or lessen the possibility of having chronic diseases. According to DOW, almost all of them have hypertension, but to address this, TCJFD immediately provides them with medicines. There was also a time that, due to heat and congestion of place, some of the DOW experienced having boils. To avoid infecting others, those who have boils were segregated from the others.

As regards social services, not all DOW have accessed thereto. Only three (3) DOW are members of the SSS, and only two (2) have PhilHealths and are beneficiaries of *Pantawid Pamilyang Pilipino Program* (4Ps).

## 4. Needs of a Mother and of a Child

As earlier mentioned, the hardest part of being DOW is that they live their lives away from their family. While some of their family members visit them, still such visit is not on a regular basis. Emotionally, for some, they

said that they considered themselves lucky if their family visits them once a month.

With their detention, DOW could no longer perform their duties and obligations as mothers, and what is more disheartening is that they feel that the affection of their loved ones towards them is slowly fading. To add more baggage to their ailing hearts, some of DOW's children stray from their paths and become prone to vices. These DOW could not help but cry every time they think that their once happy family is now broken.

## **B. Pregnant and Persons with Disability Women**

A total of thirteen (13) women composed of one (1) pregnant women and twelve (12) PWDs participated in the FGD. Similar to the group of Elderly Women, each detained PWD woman (DPW) was given two (2) badges of emotion. The chosen badges of DPW differs as some provided the sad badge while some the happy badge - explaining that they are sad with their current situation, particularly the food supply and the lack of space in their detention cells while they are happy as they are treated well by the TCJFD personnel.

### **1. Current Situation of Detained Pregnant and Persons with Disability Women**

The main issue raised by DPW is the issue on food. They complained that the food provided to them is not sufficient. They cited that their usual viand is vegetables such as squash or beans which they find to be insufficient. They also averred that the TCJFD management does not consider the needs of DPW as to the food being served. They also asserted that although the management submits a menu with a variety of viands, the same is not followed and the food remains the same.

As regards drinking water, DPW maintained that the facility provides potable and continuous supply.

Space for sleeping is not much of an issue since according to them, PWDs and women are given an apportioned place in their cell. They still, however, find it inappropriate for someone with a condition or disability. The facility remained non-compliant with UN standards as presently, the facility houses eighty-six (86) female detainees who are placed in only three (3) cells.

DPW had no issues with the use of comfort rooms. According to them, they are given preferential treatment as regards the use of CRs as they do not have to go in line in using one. They even get to bathe twice a day.

Essentials such as toothpastes and soaps are of scarcity. It is only during missions by religious groups that they get to receive toiletries. They averred however, that lately, visits from these groups become seldom hence they had to purchase these items should they need them.

## **2. Security**

Collectively, DPW mentioned that they do not experience any form of abuse, i.e. physical, verbal, psychological or mental abuse, from the management and members of the facility.

They, however, in very few instances, experience abuse from their co-detainees. According to them, there is a prevalent imposed rule in their respective cells that should one detainee commit an infraction, everyone in the cell would be disciplined. Sanctions include pumpings. Only the elderly women were exempted from such rules hence, even PWDs were included.

## **3. Health Concerns**

The only pregnant woman averred that she was well taken care of and she has regular medical check-ups. Other DPW, however complained that they do not have mandatory check-ups and get to be checked only during medical missions.

Should however any of them experience any sickness, the jailers attend to their medical needs. Each cell has a stock of medicines which is facilitated by an "elder". Hence, should they feel any mild headache, stomach ache or dizziness, they are given medicine.

Jailers are informed if a detainee is sick and needed to be brought to the hospital. A court order is requested before a sick detainee is brought to the hospital.

Presently, the facility has a medical nurse and two (2) doctors, all members of the facility who attends to the medical needs of the detainees.

Women giving birth are brought to the hospital. They are allowed to be with their newly-born child for one day. Thereafter, the child is given immediately to the detainee's family.

#### **4. Needs of a Mother and of a Child**

Most of the DPW have children ranging from 15 years old to 1 year old. Since they are detained, the custody and parental responsibility is transferred to their husband or parents. At times, their children would visit them but sadly in their cells.

### **C. Lesbian, Bisexual and Transgender Women**

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At present, there are six (6) women who are members of the LBT Community. All of them are professed lesbians. Unlike the other groups, the detained LBT women (DLW) gave both the happy and sad badges. The reason behind this that they are happy and at the same time sad during their stay at the facility. They are happy because they found a new set of family and they are being treated well by the jailers. On the other hand, they are sad because they are away from their loved-ones.

#### **1. Current Situation of Detained Lesbian, Bisexual, and Transgender Women**

Among the struggles faced by DLW is home-sickness. The detainees could not help but miss their families who mostly get to visit them only a few times a year.

Another issue raised is the lack of privacy in the bathrooms. As LBTs, they find it awkward to be seen naked by other women and at the same time to see other nude women taking baths.

Issues on food was also raised during the discussion. DLW find the food served to them as unpalatable and insufficient. They made mentioned that their viand in a meal may include a small fish or a small hotdog, or

simply tasteless vegetables. As such, they rely mainly on the food brought by their visitors.

There is also presently no cell designated for members of the LBT community. DPW are housed together with heterosexual women.

## **2. Security**

Similar with the other groups, DPW averred that they never experienced any form of abuse from the jailers or any member of the facility. They neither experienced abuses from their fellow detainees.

If they encounter any problem within the jail, the detainees are aware that they may report the same to the jailer on duty or they may directly address this to the jail warden through their "feedback box".

As regards sanctions in case of any infractions, the detainees are forced to do pumpings. In fact, all of the respondent DLW has experienced doing pumping except for one.

## **3. Health Concerns**

Detainees undergo medical examinations but not on a regular basis. No dental check-ups are scheduled. They only get to have their dental needs checked during medical missions.

Detainees have immediate access to medicines. They averred that they had experienced being sick, *i.e.* simple headache, fever, while in jail and they were given medicines to get better.

## **4. Needs of a Mother and of a Child**

None of the respondent DLW has a child.

#### IV. Hope through Art

In closing, each participant of the three (3) simultaneous FGD sessions were tasked to draw and paint their answers to the question "*Ano ang nagbibigay sa iyo ng lakas at pag-asa kahit na nasa loob ng kulungan?*" They were instructed to paint what keeps their hope alive. Each drawing would be part of a quilt showing the aspirations and dreams of women in detention.

The participants stressed that despite all their problems, they are hoping that one day, they will be reunited with their family. This hope was shown by each of the respondent-detainees through art. Present in all of the participants' paintings were symbols of faith and family. With the help of the Lord, through prayer, they believed that there will come a time, sooner than later, that everything will eventually end well. And someday they will be reconnected with their loved-ones with a better and changed lives.

#### V. Capacity-building on Mandela and Bangkok Rules with Detention Personnel

The activity was concluded with the discussion of the Mandela Rules and Bangkok Rules (Rules) with TCJFD staff. The capacity-building was attended by twenty-nine (29) personnel. The staff were apprised of the United Nations (UN)

Standard Minimum Rules for the Treatment of Prisoners and the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders focusing on their origin, rules and application.

Participants were particularly interested on the mandate of CHR in relation to the application of both the Rules. Questions related to implementation of the Rules has arisen as well specifically on the Rule 24 of the Bangkok Rules which provides that "Instruments of restraint shall never be used on women during labour, during birth and immediately after birth." Clarification was raised as to how the situation would be handled should the detainee giving birth becomes hysterical. Personnel were reminded to consult the medical doctor for the restriction necessary for such instances.

As a final note, the participants appreciated the discussion of the Rules and maintained that some of these are already in place and practiced in the facility. To better improve TCJFD, several recommendations were raised including the development of the facility infrastructure. Plans were already made on building another floor in the facility exclusively for women detainees. Also, a separate place for child visitors with a home-like environment was also recommended. Lastly, a continuous and strengthened cooperation and collaboration with other government agencies tasked to protect women PDLs rights was also suggested.