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Gender Issues Behind Bars: Insights for a Sustainable Wellbeing Plan

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ABSTRACT

Philippines is one of the countries, where understanding and awareness of gender and development issues and concerns have evolved from a conventional perspective to a more openly discussed topic. This study explored the gender issues and gaps in terms of legal protection, medical care, and religious freedom faced by Persons Deprived of Liberty (PDLs) of the Bureau of Jail Management and Penology (BJMP) Kalibo, Aklan for a sustainable well-being plan. A descriptive-qualitative approach leaning on intrinsic case study design was utilized. A researcher-made interview guide was employed in data gathering. The informants were the twelve (12) PDLs at the BJMP, who have been detained for at least six (6) months through purposive sampling technique. The data gathering was approximately 30 days. The researcher interviewed the informant face-to-face following strict appointment from the authorities of BJMP Kalibo, and health and safety protocols relative to COVID-19. A Thematic Analysis Approach was used. The gender issues found were slow process during trials, delayed service of service, lack of medical facilities inside the jail. Among the gaps were the delay in justice system, bullying, discrimination, other crimes and abuses in BJMP, and unmet needs in terms of medical and health care facilities and services. A Sustainable Wellbeing Plan that would benefit the PDLs of BJMP Kalibo contains comprehensive and inclusive actions to take to at least alleviate the conditions of the PDLs.

Keywords: Gender, Issues, Gaps, Behind bars, Insights, and Sustainable wellbeing plan.

INTRODUCTION:

Understanding and awareness of gender and development issues and concerns, specifically in Philippines have changed from a traditional perspective to a more openly discussed topic. According to the World Economic Forum's Global Gender Gap Report (2020), Asia's top country for reducing the gender gap is the Philippines. The nation has reduced the gap between men and women overall by 78%, earning a score of 0.781, but it still ranks 16th out of 153 nations with the smallest gap.

Gender disparities in women's management in Philippines' vast and fragmented prison system, according to UniversePG | www.universepg.com

Baker and Dignity (2015), reveal a variety of approaches. Gender-sensitive health care and other related services are desperately needed in jails, especially in the areas of reproductive health and sexual health for surviving victims of violence on sexual preference and for substance perpetrators. Women have spoken about gendered dangers and threats which include sexual exploitation, while in custody (Mallillin *et al.*, 2022).

At this stage, one cannot rule out the possibility that gender differences are entirely due to unobserved heterogeneity, even if it seems unlikely considering the high homophile percentage among criminal groups (Grund & Densley 2012; Young, 2011; Jackson and

Stearns, 1995) posited that the research gap in detention facilities is more apparent than in prisons due to lack of resources. Male Persons Deprived of Liberty (PDLs) is the focus of the majority of studies because they are the most dangerous and violent of all prisoners. When research is carried, women are frequently excluded or the data is not disaggregated for women.

Moreover, the criminal justice and prison systems are vulnerable to the needs of Lesbian, Gay, Bisexual, and Transgender (LGBT) individuals. There is a dearth of literature to assess the scope of these gaps and what requirements must be met, despite the fact that it is obvious that this population experiences prejudice and abuse. However, little is known about their special needs in terms of regional setting and demographics. A program, plan, or action to meet the needs of this group may be developed and carried out once these facts are discovered and the vulnerability of LGBT in the penal system is established. It is envisioned that while they are incarcerated, they will have opportunity to take control of their lives, protect themselves from prejudice based on their sexual orientation or gender identity, and make it easier for them to reintegrate into society. Additionally, it is highly likely that gender issues exist in Philippine setting, more so, in the local milieu. This study advanced the assumption that PDLs in the Bureau of Jail Management and Penology (BJMP) experience issues in terms of legal protection, medical care, and religious freedom. These issues may have already led to gaps in the said aspects. With this premise, exploring and analyzing these issues could lead in the crafting of Persons Deprived of Liberty Sustainable Wellbeing Plan. Hence, an in-depth research would merit a more profound discussion on gender concerns in the country's jail condition.

METHODOLOGY:

This study used the descriptive-qualitative research with an emphasis on intrinsic case study design, in which the experiences of people or groups of individuals were thoroughly gathered, documented, and analyzed. The instrument in the form of an interview guide served as the data gathering instrument and contained relevant questions that provided essential information for the thematic analysis of the results of the event or phenomenon being investigated. This study focused on exploring and discussing the gender issues and gaps as encountered and identified by PDLs of BJMP in Kalibo, Aklan. This study considered purposive sampling to determine the informants. To gather the qualitative data, the researcher interviewed the PDLs in BJMP Kalibo. The qualitative data in the form of narratives of the informants were recorded, transcribed, coded, and the matized. The informants of this study were the twelve (12) PDLs at the BJMP Kalibo composed of six (6) males, three (3) females, and three (3) LGBT, who have been detained for at least six (6) months and majority of them were involved in drug-related cases. The present jail population is one hundred sixty-two (162) males and eight (8) females. The highest jail population is five hundred eighteen (518) PDLs due to war on drugs. The male PDLs were only separated from female PDLs in May 28, 2021. The data were gathered through key informant interviews. The data gathering timeline was approximately 30 days. Interviews were conducted following strict appointment granted to the researcher by the authorities of the BJMP Kalibo. It was done face-to-face, following the prevailing health and safety protocols relative to COVID-19. The following steps were taken by the researcher during the data gathering and data analysis. After the interview guide was validated, the researcher prepared and submitted a letter, requesting the approval from the Head of BJMP Kalibo to conduct the study. Upon the approval from the Head of the BJMP Kalibo, the researcher scheduled an appointment with the identified PDLs. Since the researcher could not conduct the interview in just one date, she scheduled several visits to accommodate all informants. Only those informants who met the requirements for exclusion and inclusion were identified to take part in this study. The researcher ensured the PDLs that the research is voluntary and that only those who were

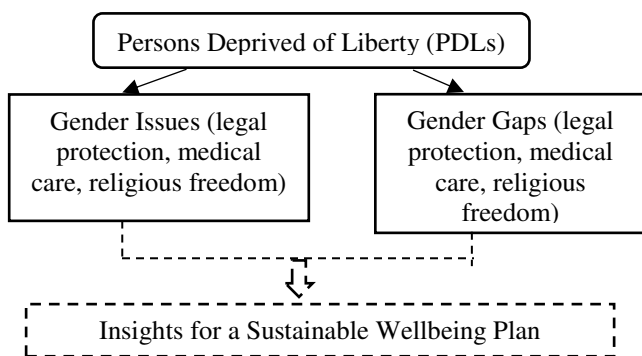


Fig. 1: The research paradigm.

willing to be interviewed were invited to participate. Further, they were also guaranteed that their privacy would be protected and that their identity would be concealed for their safety and protection. The interview was done individually, following the approved time and date of interview. A voice recorder was used to document the discussion. The researcher made some necessary note-taking if she thought there are really important ideas that popped up her mind, especially her observations that were not recorded in the voice recorder. After the interview, the researcher transcribed the discussion verbatimly. Afterwards, she coded and thematized these narratives. The direct statements were translated in English. The responses were categorized thematically and analyzed predicated on commonalities observed. The themes that came out from the patterns of responses were noted and reviewed to find its relevance and implication to the study. The researcher used a case study approach and conducted documentary analysis to obtain the essential and reliable information. The researcher also reviewed available documents that were used to validate the information gathered from the Key Informant Interviews. Subsequently, the data gathered was used in emphasizing, identifying, and analyzing patterns of meaning within the data. With this, a Thematic Analysis Approach by (Lester *et al.*, 2020) was used. Consequently, a narrative analysis was employed, which procedurally includes the gender issues and gaps experienced and identified by PDLs in BJMP Kalibo, Aklan.

RESULTS AND DISCUSSION:

Based on the findings, the experiences of the PDLs on gender issues in terms of legal protection were legal representations, legal process, and problems inside the BJMP. For legal representation, there were PDLs who were either resorting to state sponsored lawyers or private lawyers. As to the legal process, they found it to be slow and a delay in the delivery of justice. Nonetheless, there still exists communication and access to legal advice since they were provided with the right to contact their own lawyers. In terms of problems inside the BJMP, bullying and abuse were identified. In terms of medical issues, health, financial, access to health care service and medicine, environmental condition, and safety and security were deemed to be the issues

found. The PDLs were susceptible to physical and mental health concerns because they had no financial means; likewise, because of the limited medical provisions available. Nevertheless, the BJMP had doctors and nurses, who regularly check on the health condition of the PDLs. Nonetheless, mental health issue was ascertained as the problems that plague them, added to that were their outdated facilities, which served as threat to their wellness. For religious issues, diversity in religious affiliation among the PDLs existed. No major issue was identified as to their religious freedom and the practice of religious rituals.

About the gaps on gender in legal protection, the gaps found included the legal access such as LGBT and disable are more priority than other gender, low progression of case, unfairness of justice system, gender inequality, localization or no family support, priority of female PDLs, inequality of treatment due to number of PDLs population (male vs female), relationship problems between male and LGBT, and LGBT are more close to personnel than other PDLs. About medical care, they said that among the gaps were in areas involving access to health care, medical treatment, and impact on health. As to religious freedom, religious practice/activities came out. Also, they practiced mass, prayer, preaching and religious meeting, and diversity all popped up.

The insights towards a development plan for PDLs in BJMP Kalibo are inclusive with consideration on legal protection, medical and health care provision, and gender orientation. One issue, as well, was the fact that medical and health concerns are a big issue among the PDLs. Among the particular health issues, likewise include the psycho-social wellbeing. There is no doubt that there are PDLs who endure bullying and discrimination, as evidenced by the information gathered by the researcher with one of the PDLs in BJMP Kalibo, who is a member of the LGBT community. While it is good that BJMP Kalibo has a nurse and a medical officer, who regular conducts health check on the PDLs, more could be done to ensure that the PDLs are in a safe and healthy space. Perhaps, the improvement of its health care facilities may be considered, or that the agency may resort to strengthening its partnerships with various government and non-government agencies, where health and wellness of PDLs are concer-

ned. The BJMP Kalibo, may design a plan to have a clearer guidance on the trajectory of its initiatives and programs towards long-term benefits of PDLs, considering the legal, medical/health, and spiritual issues and constraints. The plan will have greater weight when anchored on gender and development paradigm earlier posited in this study.

Insights on PDLs for a Sustainable Wellbeing Plan

The information gathered in this research provides a case that may reflect the same, or differing, scenario with other BJMP facilities in the Philippines. Through literature review, on the other hand, it is understood that common and long-pressing concerns and real issues have been existing not only in BJMP Kalibo, but also in other parts of the Philippines, or even the world, such as, slow justice system or protracted trials, especially those PDLs who subscribe to public lawyers provided for the state. It is for this reason that many PDLs, especially those who could afford it; would prefer to hire their own lawyers so that they could have someone concentrate on their case and, in some ways, speed up the process (Demiessie *et al.*, 2021).

One issue, as well, was the fact that medical and health concern was a big issue among the PDLs. As provided in the review of related literature and verified by the findings, the height of COVID-19 has unleashed a series of medical concerns, particularly to the vulnerable groups, like the elderly, those with comorbidity, and the pregnant. Among the elderly group, hypertension and diabetes are common, while those pregnant required specialized natal attention and care. A subset of health care concerns, likewise include the psycho-social well-being. There is no doubt that there are PDLs who endured bullying and discrimination, as evidenced by the information gathered by the researcher with one PDLs in BJMP Kalibo, who is a member of the LGBT community. While it is good that BJMP Kalibo has a nurse and a medical officer, who regular conducts health check on the PDLs, more could be done to ensure that the PDLs are in a safe and healthy space. Perhaps, the improvement of its health care facilities may be considered, or that the agency may resort to strengthening its partnerships with various government and non-government agencies, where health and wellness of the PDLs are concerned.

While the progress of pending cases is not in the hands of those in authority in BJMP Kalibo, they can collaborate with family members, the local government units, academe, medical facilities, and health care associations, for the benefit of the PDLs. For example, livelihood skills training and workshop may be further strengthened as a way a part of rehabilitating the PDLs, in partnership with Technical Education and Skills Development Authority (TESDA) or higher education institutions. For psycho-social and mental wellness activities may be initiated together with psychological associations, guidance and counselling groups, or mental health advocates. Health literacy may be advanced in partnership with health or medical associations. The authorities may also schedule regular physical activities, like exercises, zumba, dance, meditation, or yoga for the physical and mental benefit of the PDLs. To sum and to have a clearer vision of insights like these, BJMP Kalibo, may design a plan to have a clearer guidance on the trajectory of its initiatives and programs towards long-term benefits of PDLs, considering the legal, medical/health, and spiritual issues and constraints. The plan will have greater weight when anchored on gender and development paradigm.

Anchored on *Leaving No One Behind in Prison* framework (Ismail *et al.*, 2020), the goal is to present a responsive, inclusive, and holistic plan of actions that BJMP Kalibo can implement to reduce violence on women and members of the LGBTQ+ community, while building the literacy through skills development programs and fostering a physically, emotionally, and spiritually healthy environment. Concerning the gaps on gender, BJMP may use the findings of this study as baseline information or indicator in the intensity of action needed considering the sustainable wellbeing plan to implement. The Bureau may also look into the appraisal and implementation of gender issues and concerns that affect the life of the PDLs. The researcher posits that a sustainable wellbeing program for the PDLs is anchored on four factors: Health Care Access, Mental Health Support, Legal Access, and Gender Equality.

Health Care

Many prison and jail PDLs are poor, lack insurance, and are in need of health services. Under the Mandela

Rules, all PDLs must be treated with respect due to their inherent dignity and value as human. Furthermore, it is a requisite that they be provided with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served; and (2) drinking water available whenever the Persons Deprived of Liberty (PDLs) need it. Adequate sanitary installations, including sufficient washing and shower facilities, may also be provided so that PDLs can meet the needs of nature in a hygienic and respectful way. All areas of the incarceration facilities used on a regular basis by PDLs must be maintained properly and continued to keep hygienically clean all the time. As to health, PDLs may enjoy health care with similar standards to those available in the community and may have access to necessary health-care services free of charge and without discrimination. These services could be set up closely with the public healthcare management in such a way that guarantees consistency of treatment and care, including for HIV, Tuberculosis, and other infectious diseases, as well as for drug dependence.

Mental Health Support

Ideally, PDLs significantly benefit from good basic prison care, but the same could not be said for the case of BJMP in Aklan or the Philippines. Indeed, the mental wellbeing of any PDLs can deteriorate if his or her needs are not met. As mentioned in some researches, the prevalence of poor mental health among PDLs is could considerably affect the overall health of the PDLs and their relationships with their fellow PDLs. Therefore, the BJMP may be mindful of mental health services according to the medical necessities of PDLs.

This might require more intensive and integrated services than in the wider community. Additionally, PDLs with mental health issues frequently experience other vulnerabilities, such as issues with substance abuse, relationship issues, poor physical wellness, learning difficulties, poor life skills, and histories of trauma, housing instability, poor education, and limited work experience. Units providing the treatment of mental health may focus on the psychosocial and physical needs of the PDLs. The PDLs may be asked on their views on their needs and how these might be met. It would help to partner with other organizations

or agencies that provide psychosocial support to minimize if not mitigate the problems.

Gender Equality

Philippine prison populations are becoming increasingly complex and diverse, especially when it comes to gender demographics. In this regard, BJMP may be instructed to offer humane PDLs development and safe-keeping in all city, district, and municipal jails across the nation. No matter their age, gender, religion or ethnicity, education level, socioeconomic status, or gender orientation even their gender identity or gender expression-PDLs may receive these services. The present jail condition may not be ideal in terms of facilities and amenities but the Bureau has initiated measures to ensure the safety of the members of the LGBTQ PDLs. Jails could be traumatizing for LGBTQ people and anyone who identifies as gender non-conforming due to the perception and attitude that fellow PDLs and even personnel have toward them due to their preference and behavior. This situation is made worse by an environment that may be discriminatory and even hostile towards the LGBTQ PDLs. They are perceived as different; therefore, often suffer from discrimination and degrading treatment. Most LGBTQ people experience distress caused by social stigmatization rather than their sexual orientation or gender expression. Because of this stigma, they are more likely to be the targets of abuse such as physical, psychological, and sexual abuse as well as harassment, violence, and many other kinds of abuse. Hence, there is a need for BJMP Kalibo to implement a comprehensive policy guideline on PDLs treatment belonging to the LGBTQ community. Among others, the BJMP Kalibo may consider gender sensitive admission, segregation/ housing, welfare and development programs, safety and security, and uphold the rights of the LGBTQ PDLs with respect to all other PDLs. With this, it is hoped for that equal rights, opportunities, and access may be granted to LGBTQ PDLs to participate in programs devoted to the wellbeing and improvement for BJMP Kalibo. Because of their sex and gender inequalities, women in prison make up a unique group within the prison population. Despite this, there are more women in prison than men, and their numbers are rising at a faster rate. Women in prison frequently come from underprivileged backgrounds, and many of

them had prior histories of sexual or physical abuse, substance or alcohol dependency, and poor health care. Women are typically jailed for non-violent, drug- or property - related offenses. As a result, women PDLs frequently serve brief sentences, contributing to the high rate turnover in women's prisons.

Considering the lifestyles, many women led prior to being incarcerated, their time in prison may mark the first moment in their lives that they have received access to medical care, social support, and counseling. To ensure a gender-sensitive care system, the prison service might also pay close attention to the unique needs of women, including their unique health care requirements, while also acknowledging the potential for empowerment and encouraging healthy lifestyle choices. During the initial medical examination, a thorough examination to ascertain the need for health care may be performed.

Additionally, it may reveal: blood-borne or sexually transmitted illnesses, such as HIV; the need for mental health care; a woman's reproductive history and any associated health problems; the presence of substance dependency; and sexual abuse and other acts of violence endured prior to admission. Staff working with female PDLs must receive gender-sensitive training that is mindful of their unique vulnerability and medical requirements. For women, who frequently serve very brief sentences but have long-term needs for physical and mental health care, continuity of care is crucial.

Legal Access

The PDLs deserve a just and timely trial. Even though the outcome of their case is entirely up to the judiciary and their individual attorneys, the BJMP may help to ensure that PDLs rights are upheld even while they are in custody. The PDLs too are citizens, though their ability to exercise some rights, such as the right to privacy and travel, has been restricted by the State. Nevertheless, they are still entitled to the same fundamental freedoms as other citizens in a free society. The PDLs are entitled to certain rights, including the freedom from abuse and protection from being deprived of their basic needs, the prohibition of physical violence or solitary punishment, the right to exercise one's religion, access to medical care, rehabilitation services,

visiting rights and postal services, free legal advice, and the right to make complaints with the appropriate authorities. Additionally, they are entitled to good conduct time allowance (GCTA) for proper conduct. Without bias to male doctors and other male staff performing their duties in the facilities, women PDLs have a right to be attended by female staff. Foreign nationals held in Philippine jails and prisons have a right to contact their respective diplomatic representatives.

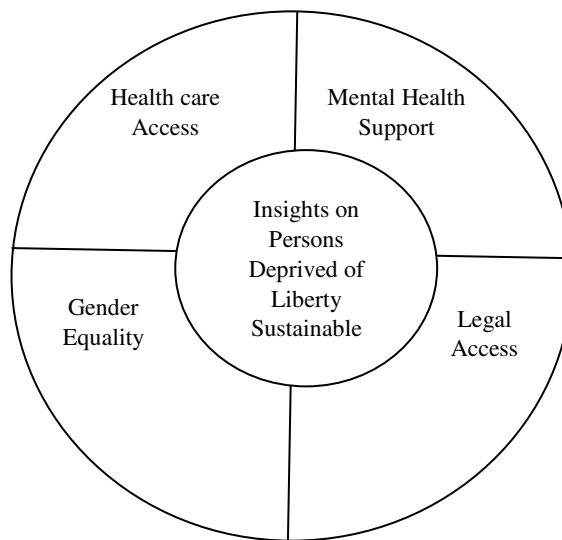


Fig. 2: Framework for insights on PDLs sustainable wellbeing.

CONCLUSION:

The gender issues experienced by PDLs in Kalibo, such as slow process during trials, delayed service of service, and lack of medical facilities inside the jail, among others, resonate to nationwide and worldwide issues that are affecting the PDLs not just in BJMP Kalibo. The failure to address longstanding issues experienced by PDLs in BJMP Kalibo may have steered to the rise of gaps that have been afflicting them. Among these gaps they faced are the delay in justice system, bullying, discrimination and some other abuses and crimes inside the BJMP, and unmet needs in terms of medical and health care facilities and services. A sustainable wellbeing plan that would benefit the PDLs in BJMP Kalibo contains comprehensive and inclusive actions to take to at least alleviate the conditions of the PDLs. As to gender issues, it is imperative that the BJMP may implement proactive, integrative, and proactive responsive plans and guidelines, formats and systematic schemes, and strategies to provide concrete,

doable, measurable, and time-bound initiatives in improving the situations of the PDLs as to legal, medical, and spiritual aspects. Partnership with the local government unit, the Department of Health, hospitals, medical associations, and other private and Non-Government Agencies may also be explored to craft and implement programs and activities that would benefit the overall wellbeing of the PDLs. The family of the PDLs may seek assistance from lawyers' groups or associations for legal guidance of their detained relatives.

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CONFLICTS OF INTEREST:

Author declares no conflicts of interest.

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