

	<b>MEMORANDUM CIRCULAR</b>		DOCUMENT NO. BJMP-DWD-MC- <u>115</u>
	TOPIC	ISSUE NO.	
	<b>POLICY ON THE CREATION OF CHILD-FRIENDLY VISITATION AREA IN JAIL</b>		1
	<b>GUIDELINES AND PROCEDURES IN THE ESTABLISHMENT OF A CHILD FRIENDLY AREA AND IMPLEMENTATION OF A CHILD FRIENDLY VISITATION POLICY</b>		REVISION NO. 0
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## 1.0 REFERENCES





- a. The 1987 Philippine Constitution - provides that the State values the dignity of every human person and guarantees full respect for human rights;
- b. Mandela Rules – UN Standard Minimum Rules for the Treatment of Prisoners;
- c. Bangkok Rules – UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders;
- d. Republic Act No. 7610 – An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination and for Other Purposes;
- e. Republic Act No. 9262 - Anti-Violence Against Women and their Children Act of 2004;
- f. Revised Policy on Visitation in BJMP-manned Jails dated 02 March 2010; and
- g. Supplemental Guidelines to the Revised Policy on Visitation in BJMP-manned Jails dated 30 May 2011.

## 2.0 RATIONALE

The BJMP is mandated to provide humane safekeeping and development of Persons Deprived of Liberty (PDL) in all city, district and municipal jails nationwide. One of the services offered by the BJMP is the provision of visitation rights for Persons Deprived of Liberty (PDL). The purpose of this provision is to maintain the ties of the PDL with their loved ones who are their main sources of financial and moral support.


Incarceration does not only affect the PDL but their loved ones as well. The children are most likely to suffer when a parent or parents are incarcerated. This greatly affects the child's development in terms of physical, emotional/psychological and intellectual growth. Children need their parents to provide a home, clothing, food and other basic needs. Parents also supply love and support, which children need for proper growth and development.

When a parent is incarcerated, he/she is missing out the opportunity to develop a strong bond with a child while growing up. Research suggests that the "strength or weakness of the parent-child bond and the quality of the child and family's social support system play significant roles in the child's ability to overcome challenges and succeed in life." Studies show that unless the parent is incarcerated due to domestic violence, the absence of a parent predisposes children to run in with the law and become incarcerated themselves in the future. Because of

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Noted By:  <b>FELIXBERTOS JACORIN JR</b> Jail Senior Superintendent Director for Welfare and Development		

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the negative impact on the absence of an incarcerated parent, the Jail Bureau needs to employ a system for a regular and pleasant visitation rights for all PDL.

Visitation on the other hand may instill a negative impression on the minds of children. Being in a highly congested jail with steel bars, drab environment and adults with tattoos could be a frightening and traumatic experience for a child. To make the visitation a memorable and pleasant event, the jails' visitation areas should be converted into child-friendly ones, which are conducive to play and better parent-child engagement. In addition, the manner these children of PDL are ferried inside the jails may likewise affect the outcome of the visit. Hence, handling of the visit of the children from entry to exit must be carefully and appropriately executed.

A child-friendly visitation area must be appealing to both children and adult visitors to mitigate the negative impact of the parent's incarceration. With this in mind, the Gender and Development (GAD) Technical Working Group, in collaboration with the Directorate for Welfare and Development (DWD), crafted this policy which outlines the guidelines in the creation of child-friendly visitation areas in all jails nationwide.

### 3.0 OBJECTIVES

- a. To establish child-friendly visitation areas in all jails nationwide by enhancing the physical environment with embellishments attractive to children and visitors in order to create a positive impression of the jail;
- b. To mitigate the impact of parent incarceration to the children through productive parent-child bonding during visitations; and
- c. To provide the children and visitors of PDL the opportunity to experience a fruitful visit through engagement in family-oriented activities.

### 4.0 SCOPE

This policy applies to all BJMP-manned jails nationwide.


### 5.0 DEFINITION OF TERMS

**Cavity Search** – the physical intrusion into a body cavity for the purpose of discovering any object concealed within the cavity. Body cavity used for concealment includes nostrils, ears, mouth, navel, penis (urethra and foreskin) or vagina and rectum. It is far more invasive than the standard strip search that typically performed on individuals entering the jail facility.

**Child-friendly visitation area**- a place inside the jail where the visiting children and families will have a productive engagement with the PDL that will help strengthen family ties.

**Children Visitors** – immediate family member/s as stated in Republic Act No. 7438 of a Person Deprived of Liberty with age 1-12 years' old who enters the jail premise to visit an incarcerated parent or relative and can avail of the privileges offered in the child-friendly visitation area.

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**Directorate for Welfare and Development (DWD)** - the directorate responsible for designing, planning, implementing, monitoring and evaluating the different welfare and development programs of the BJMP.

**Gender and Development (GAD)** -refers to the development perspective and process that are participatory and empowering, equitable, sustainable, free from violence, respectful of human rights, and supportive of self-determination and actualization of human potentials.

**Pat Down Search** - is a search wherein a person runs his or her hands along the outer garments of another to detect any concealed contrabands.

**Persons Deprived of Liberty (PDL)** - is the generic term used to refer to detainees who are incarcerated, pending trial and/or final judgment. It includes all persons who are arrested, detained, imprisoned or otherwise under the custody of government authorities. PDL may be held in jails, prisons, detention centers, "lock-ups", hospitals, rehabilitation centers or any authorized facilities.

**Strip Search** - search which requires a person to remove his or her clothing to expose underclothing, breasts, buttocks or genitalia.


**6.0 GUIDELINES/DETAILS/PROCEDURES**

**6.1 General Guidelines**

- 6.1.1 Visitation of child visitors of PDL shall be by appointment only to avoid crowding in the visitation area. Walk-in child visitors shall only be allowed if the number of scheduled visitors for the day can accommodate additional visitors pursuant to jail facility protocols, otherwise, the walk-in visitors shall be denied entry and be scheduled for another day. In addition, the standard parent to child visitor ratio shall be at one (1) parent is to two (2) children only.
- 6.1.2 All child visitors must be accompanied by an adult parent, relative or guardian before they will be allowed to visit an incarcerated parent or relative PDL.
- 6.1.3 Child visitors with age 12 and below shall be subjected to a thorough pat search which shall be carried out in a polite, gentle and respectful manner to avoid traumatizing them. They shall be properly monitored while inside the visitation area to ensure that they will not be used to ferry in contrabands. The child visitors should be empty handed and free from any hand-carried bag/luggage when entering the jail for easy searching. The incarcerated parent of the child/children visitors shall be thoroughly searched and frisked after each visit prior to return to the cells to ensure that no drugs/contrabands would be passed on from the visitors with

  
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children. No strip or cavity search shall be conducted on child visitors.

- 6.1.4 Effective measures shall be undertaken to ensure that the child visitors' dignity and safety are protected during personal searches. This shall be carried out by women staff for female child visitors or male/female searches for male child visitors as long as they have been properly trained in appropriate searching methods specifically for children and in accordance with established jail procedures.
- 6.1.5 Jail personnel shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching child visitors and their mothers and/or female guardians.
- 6.1.6 There shall be no discrimination in the entry of child visitors on grounds of race, color, sex, language, religion, etc. as long as they are accompanied by a parent, relative or a legal guardian eligible to visit a PDL.
- 6.1.7 Child visitor who is deemed sick or whose immune system is compromised as reported by the parent/legal guardian or as assessed by the Jail Medical Officer shall not be allowed to enter the jail premises to avoid contracting any disease or infecting other child visitors.
- 6.1.8 All child visitors shall be within the eyesight of the parent/guardian while inside the jail premises to keep them safe at all times. A statement of undertakings shall be provided to be signed by the accompanying adult visitor to take full responsibility for the child visitor while inside the jail premises. (see Annex A).
- 6.1.9 To maximize the PDL - Child engagement, the visiting period is arranged once a week by means of a prior appointment and shall be allowed for up to four (4) hours per visit. However, a child visitor can be allowed any day at the discretion of the Warden.

**6.2 Establishment of Child-friendly Visitation Areas in Jails**


- 6.2.1 Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including staff attitudes, and shall allow open contact between parent and child. Whenever a visit is accompanied by a child, no conjugal visit can be availed to the PDL and the visiting spouse.
- 6.2.2 All jails nationwide shall provide a dedicated visitation area for family members and visitors of PDL with accompanying children if a space is available. It should be a separate area from the regular visitation area. A custodial officer shall be assigned to oversee the visitation activities of visitors with accompanying children.

  
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- 6.2.3 The space allocated for this purpose will vary from jail to jail and will depend upon the jail population and the expected number of children visitors. The visitation area should be able to accommodate all qualified visitors.
- 6.2.4 The visitation area shall be able to provide the parent PDL and children the opportunity to play, read or do activities together.
- 6.2.5 If no space is available to be converted for this purpose, the Warden has the discretion to allow the child visitor and the incarcerated parent to spend time, have the opportunity to play, read or do activities together in enclosed space or room such as, but not limited to, DWD room, chapel, ALS and livelihood area that must be away from the general population of PDL. Installation of CCTV Camera in child-friendly visitation area is a must for security purposes.
- 6.2.6 The visitation area shall be converted into a child-friendly structure with embellishments that are attractive and pleasing to children, providing an environment that is cheerful and welcoming. Walls shall be painted with bright or pastel colors and thematic murals appropriate for children. The figures on the walls may include Disney or cartoon characters, flowers, animals or pictures of smiling children. This is only applicable to jails with available space convertible to a permanent child-friendly visitation area.
- 6.2.7 The room shall also provide colored benches where visitors may sit and a mini playground where the children are allowed to play. If the space allows, the room should have playground set such as a mini slide and swing. Age-appropriate toys should be available except for toys with tiny parts that may cause harm to the child when swallowed or inhaled. The Warden has the discretion to provide additional concepts in the design to make the room more appealing that will add to a more positive visiting experience for the child/children. This is only applicable to jails with available space convertible to a permanent child-friendly visitation area.
- 6.2.8 A "kiddie" corner shall be provided where children's books are properly stacked and displayed in a book shelf.
- 6.2.9 The safety of visiting children is of utmost importance hence, the visitation areas shall be properly maintained and tidy at all times and be free from clutters. It must be well-ventilated and free from contaminants that may pose hazards to the children's health.
- 6.2.10 A restroom must be available to all visitors and their children.

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## 7.0 MONITORING CLAUSE

- 7.1 The Unit WD Officers (WDO) shall submit a report of established child-friendly area to the Regional WDO and shall be an integral part of the Annual Accomplishment under the Gender Awareness and Development (GAD). It must also be reflected in the Program Review and Analysis (PRA) of the Regional Office. The Regional WDO shall consolidate the statistical data prior submission to the DWD.
- 7.2 The DWD and the RWDO shall conduct inspections to the jails nationwide to determine if this policy is being properly implemented.

## 8.0 FINANCIAL CLAUSE

The funding for this program is chargeable to respective Regional Budget and Expenses, such as: Repair and Improvement of Jail Facilities, Maintenance of other structures, etc. It must also be included in the regional budget estimates for their planned Program, Project and Activity (PPA) and to be included in the Regional Annual Operation Plan and Budget (OPB) for implementation.

## 9.0 SEPARABILITY CLAUSE

In the event that any provision or part of this policy is declared invalid by competent authority, all other provisions not affected by such declaration shall remain valid and effective.

## 10.0 REPEALING CLAUSE


All other existing issuances that are inconsistent with this policy are hereby amended or modified accordingly.

## 11.0 EFFECTIVITY

This Circular shall take effect fifteen (15) days after its filing at the Office of the National Administrative Register (ONAR), University of the Philippines Law Center in consonance with Sections 3 and 4, Chapter 2, Book VII of Executive Order No. 292, otherwise known as the "The Administrative Code of 1987".

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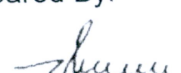
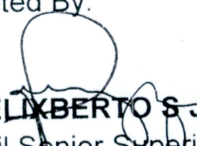

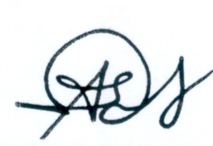
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**12.0 ANNEXES**

- Annex A: Statement of Undertaking from the parents and visitors
- Annex B: Floor Layout

  
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PAGPAPATUNAY

Ako si, \_\_\_\_\_, nasa hustong gulang, at nakatira sa \_\_\_\_\_ (Pangalan ng bisita) \_\_\_\_\_ (Tirahan) ay bumibisita kay \_\_\_\_\_ (Pangalan ng bibisitahin) na nakakulong sa QUEZON CITY JAIL kasama si \_\_\_\_\_ (Pangalan ng bata), ay nagpapahayag na nauunawaan ko't sinasang-ayunan ang mga patakaran at alituntunin sa pagbisita kung saan pangangalagaan ko, susubaybayan at babantayan ang aking kasamang bata sa pagbisita. Ako rin ay pumapayag na sumailalim sa cavity search kung kinakailangan.

Ang pamunuan at kawani ng QUEZON CITY JAIL ay walang pananagutan sa anumang aksidente o pangyayari sa bata na maaaring maganap dahil sa aking pagkukulang at kapabayaan.

Ito ay patunay at aking nilagdaan sa araw ng \_\_\_\_\_, sa \_\_\_\_\_ (Petsa at oras ng pagdalaw) Quezon City Jail.

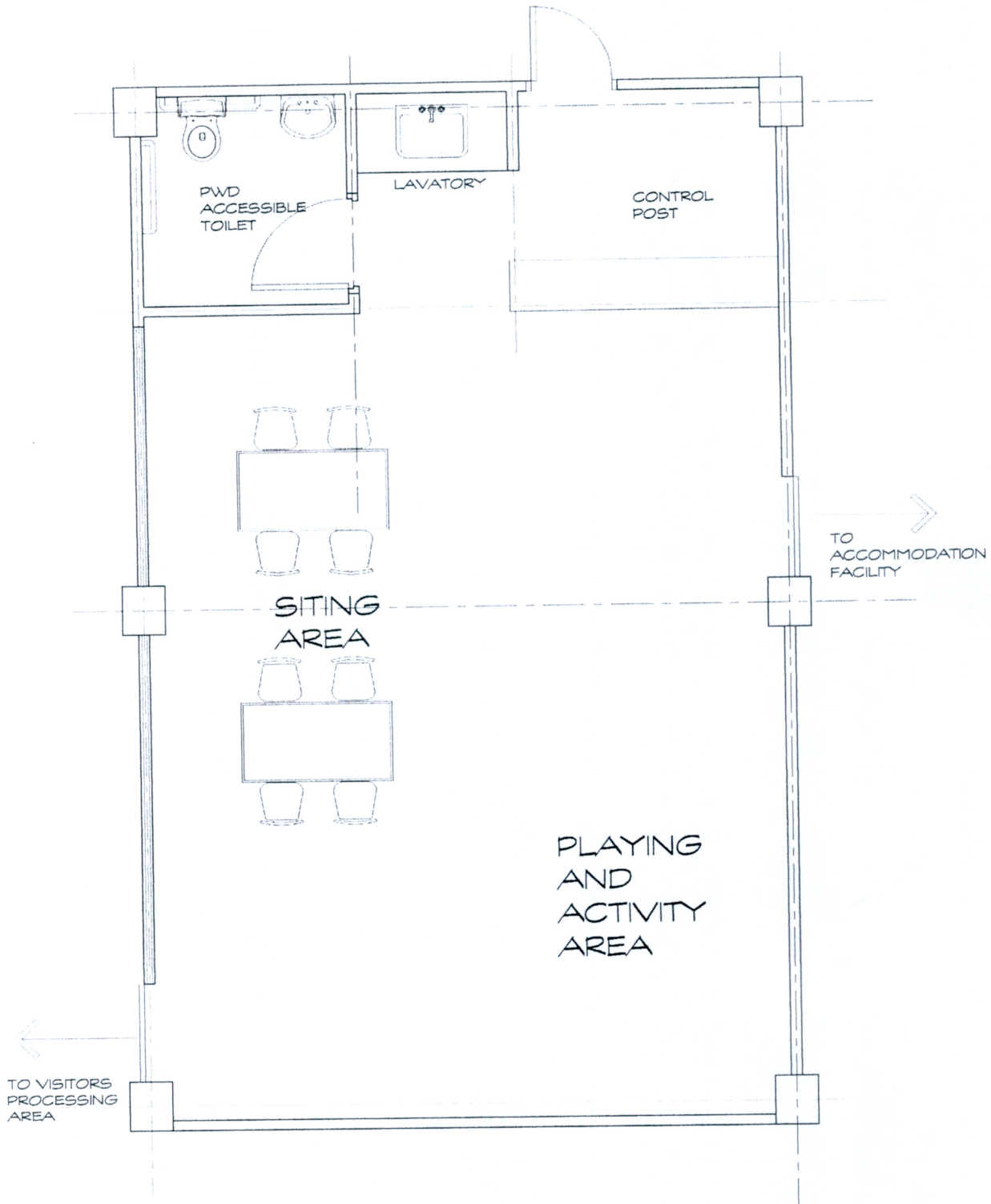
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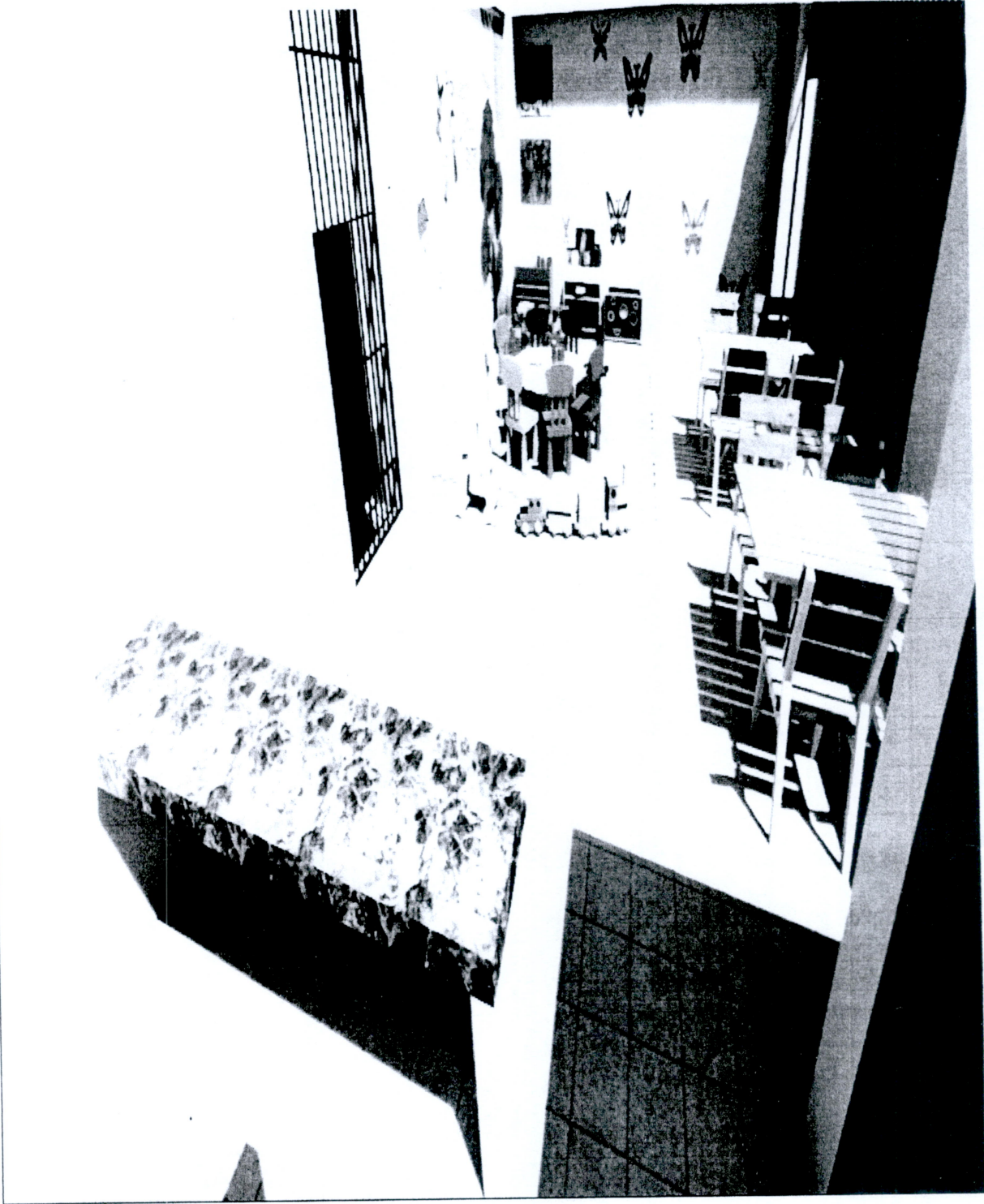
ANNEX B



 FLOOR LAYOUT

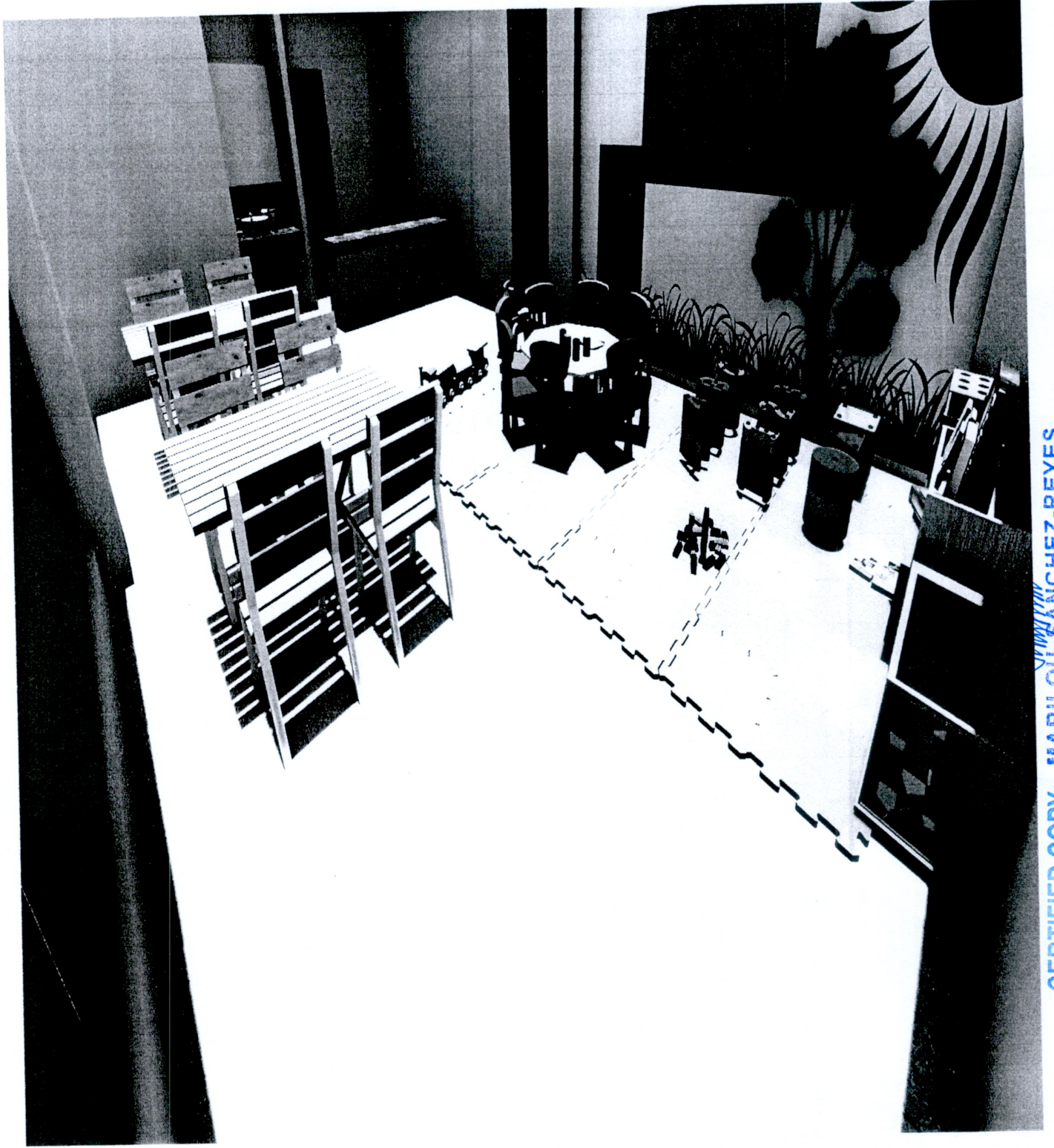
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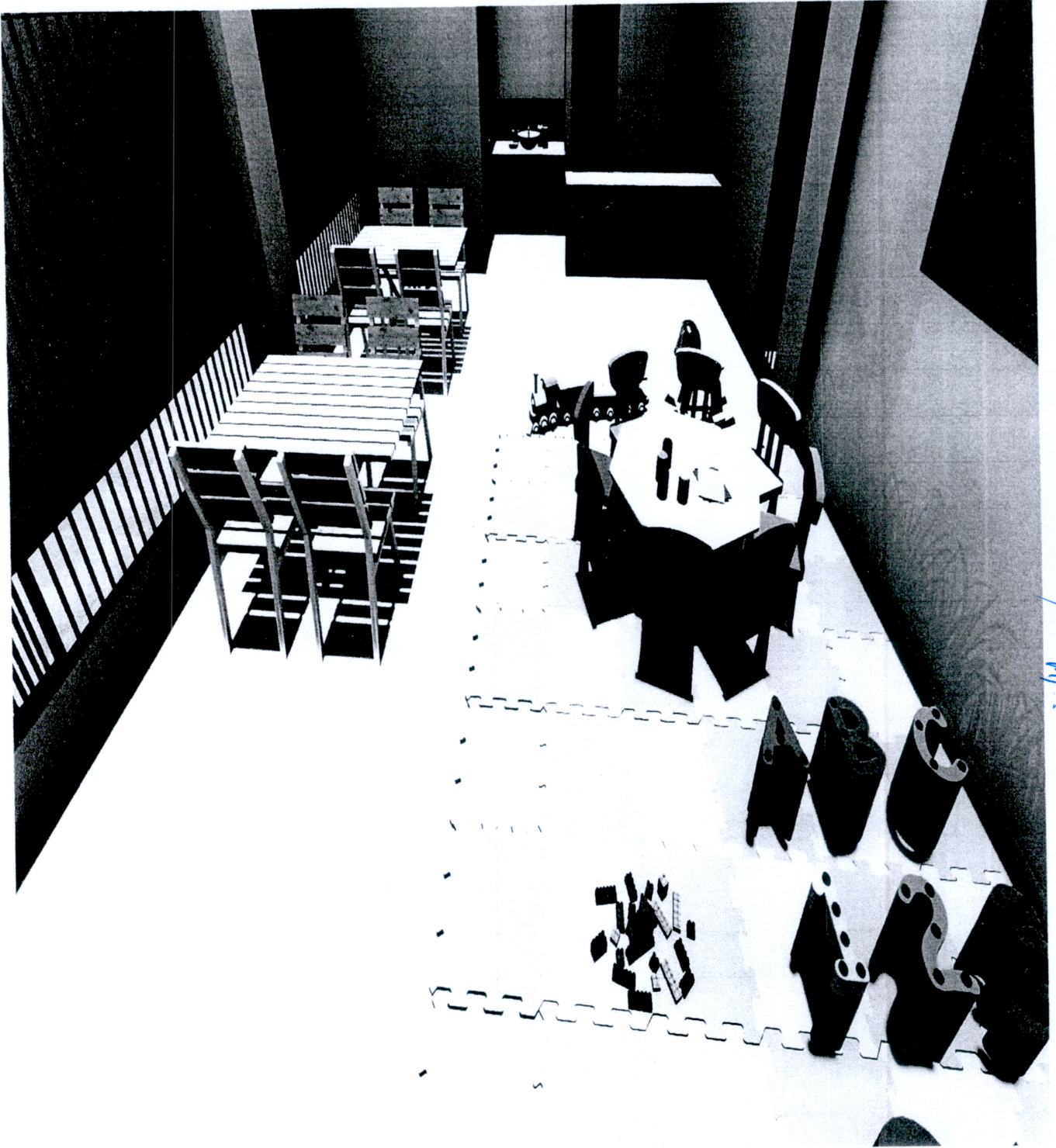


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