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## Conseil des droits de l'homme

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**Promotion et protection de tous les droits de l'homme, civils,  
politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## Communication de la Commission des droits de l'homme des Philippines\*

### Note du secrétariat

Le secrétariat a l'honneur de transmettre au Conseil des droits de l'homme une communication soumise par la Commission des droits de l'homme des Philippines\*\*, qui est distribuée conformément à l'article 7 b) du Règlement intérieur du Conseil (voir résolution 5/1, annexe) et selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées dans sa résolution 2005/74.

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\* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

\*\* La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue de l'original seulement.



## Annexe

# Communication de la Commission des droits de l'homme des Philippines

## Introduction

1. The Commission on Human Rights of the Philippines (hereinafter the “Commission” or “CHRP”) <sup>1</sup> submits its written inputs to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Dr. Morris Tidball-Binz, for his report on investigation, documentation and prevention of deaths in custody in the criminal justice context, which will be presented to the Human Rights Council in June 2023.

2. The inputs from the Commission took into consideration local and international reports from government, civil society, the media, and international non-governmental organizations. This submission also utilized the Commission’s own reports and documentation of independent monitoring activities and statements, which were subjected to the internal deliberations of the Commission En Banc. The Prevention Cluster of the CHRP significantly contributed to this document. Excerpts from the jail visitation reports of the Commission are contained in this main submission. These reports are shared to the SR in confidence.

**Existing practices for data gathering, analysis and reporting of deaths in custody, including the use of statistics and the disaggregation of data (e.g. by different categories and causes of deaths in custody; place of occurrence (e.g. on remand, in prison, in hospital, etc.); types and legal status of affected populations, etc.), including figures of deaths in custody documented in recent years;**

3. To guarantee full respect for the human rights of persons deprived of liberty (PDLs), the Commission has the mandate under the 1987 Philippine Constitution to exercise visitorial powers over jails, prisons or detention facilities.<sup>2</sup> The same visitorial power is also granted to the CHRP under the Implementing Rules and Regulations (IRR) of Republic Act No. 9745 - the Anti-Torture Law, and Republic Act No. 10353 - the Anti-Enforced or Involuntary Disappearance Act of 2012 as well as its IRR. These laws state that the CHR, or any of its duly authorized representatives, can exercise such powers at any time, over jails, prisons, detention facilities, or any other places of detention, in an unrestricted, independent and unannounced manner.

4. The CHRP issues human rights situation reports of its jail visitation activities every year, as well as press statements, advisories and letters to government agencies, particularly when there are urgent cases concerning persons deprived of their liberty. In November 2022 for instance, the Commission released a statement on the high death rate among persons deprived of liberty in the Philippines.<sup>3</sup> In the statement, the Commission cited the 2021 data of the Bureau of Corrections (BuCor) which revealed that 1,166 individuals out of the total 48,501 persons deprived of liberty (PDLs) died within correctional facilities—the highest figure in 32 years. As of September 2022, there have already been more than 700 PDLs who have died in custody. This is tantamount to three to four PDL-deaths every day. According

<sup>1</sup> As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations and recommend steps in advancing the realization of human rights and dignity of all. The Commission has “A”-status accreditation from the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI).

<sup>2</sup> Phil. Const. art. XIII, sec. 18(4).

<sup>3</sup> Statement by Commission on Human Rights of the Philippines, *On the high death rate among persons deprived of liberty* (Nov. 2, 2022), available at <https://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-high-death-rate-among-persons-deprived-of-liberty/> (last accessed Mar. 13, 2023).

to the BuCor, the leading causes of death among PDLs were old age and sickness. BuCor officer-in-charge General Gregorio Catapang Jr. also said that they will review the data [at the time of publication of the CHRP statement] to determine COVID-19-related deaths.

5. The 2022 CHRP statement also emphasized with serious concern the overcrowding of detention facilities—coupled with poor hygiene and ventilation issues—severely endangers the safety of PDLs and jail facility staff alike, even more so when there are imminent threats to their health because of a global pandemic. The Commission also reminded the government’s primary responsibility to properly implement the International Covenant on Civil and Political Rights (ICCPR); the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UN CAT) and its Optional Protocol (OPCAT); and other international instruments protecting the rights of PDL. The government must ensure a humane correctional system that will guarantee the welfare of PDLs as enshrined in the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (‘Mandela Rules’); the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (‘the Bangkok Rules’) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (‘the Havana Rules’). The government must therefore take constitutional actionable steps towards the reformation and possible reintegration of PDL to mainstream society. However, present conditions, which imperil the lives of PDLs, fall short in compliance with these standards.

6. The Commission continues to urge the Philippine government to establish a National Preventive Mechanism (NPM) through legislation to address conditions of PDLs that may be tantamount to cruel, inhuman, or degrading treatment or punishment or torture. Presently, CHR assumes as interim NPM to usher the government’s compliance with UNCAT and its OPCAT. Among the main human rights legislative agenda of the CHRP is its advocacy for the passage of an NPM law.

7. Enclosed in this submission are quantitative data from the CHRP Prevention Cluster summarizing the data at hand as a result of the monitoring of deaths in custody in the last ten years.

8. Even before the onset of the COVID-19 pandemic, prison deaths have been alarmingly high. “More than 5,000 inmates from the maximum-security jail in the Philippines known as the National Bilibid Prison (NBP) in Muntinlupa, Metro Manila, die each year, as stated by Dr. Ernesto Tamayo, a prison hospital chief at the NBP. That mortality rate is 20%” for the prison’s population of around 26,000, with most of the deaths occurring due to infectious diseases in overcrowded cells.” This statement was made during a Senate hearing on the Good Conduct Time Allowance law, which allows the early release of prisoners for positive behavior.<sup>4</sup>

9. Civil society organizations have been also actively monitoring and raising concerns over the situations of persons deprived of liberty. Human Rights Watch reported on 28 April 2020 that five inmates they interviewed separately revealed that “since 25 March 2020, at least seven inmates have died in the Quezon City Jail and one in the Cavite Provincial Jail. Human Rights Watch could not determine whether the deaths were Covid-19 related because of the absence of testing in the facilities and the government’s failure to report them. A criminal justice expert and a nongovernmental monitoring group believe more deaths have occurred in the country’s prisons and jails than the government has disclosed publicly.”<sup>5</sup>

10. Section 2 of R.A. 9745 or the Anti-Torture Act 2009 provides that “to ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority or, agent of a person in authority shall be subjected to physical, psychological or

<sup>4</sup> The Guardian, ‘We don’t need the death penalty’: 20% of inmates die each year in Philippines jail, (October 4, 2019), available at “<https://www.theguardian.com/world/2019/oct/04/we-dont-need-the-death-penalty-20-of-inmates-die-each-year-in-philippines-jail>” (last accessed March 13, 2023).

<sup>5</sup> Human Rights Watch, *Philippines: Prison Deaths Unreported Amid Pandemic: Reduce Prisoner Populations to Address Severe Health Concerns* (April 20, 2020), available at <https://www.hrw.org/news/2020/04/28/philippines-prison-deaths-unreported-amid-pandemic> (last accessed March 13, 2023).

mental harm, force, violence, threat or intimidation or any act that impairs his/her free will or in any manner demeans or degrades human dignity.”

11. Section 15 (Institutional Protection of Torture Victims and Other Persons Involved) of the IRR of the Anti-Torture Act states that: A victim of torture shall have the following rights in the institution of a criminal complaint for torture: (a) A victim of torture shall have the right to a prompt and impartial fact-finding investigation within the period of sixty (60) days by the CHR, PNP, DOJ/NBI, AFP and other concerned government agencies where the complaint is lodged. The PAO shall assist the victim/s in the preparation of affidavits and other legal documents. When the case is referred to the DOJ or Ombudsman for preliminary investigation, the 60-day period shall be reckoned from the filing of the complaint before said agencies. (b) A child shall always be accompanied by a social worker from the Local Social Welfare Development Office (LSWDO). It shall ensure that medical examination is conducted, preferably with the presence of the parent or legal guardian. It shall likewise ensure the filing of a complaint to the appropriate agencies.<sup>6</sup>

12. Section 95 (Autopsy and Dissection of Remains) of Presidential Decree No. 856 or the Code on Sanitation of the Philippines,<sup>7</sup> provides that autopsy and dissection of remains are subject to the following requirements: (a) *Person authorized to perform these are: Health officers; Medical officers of law enforcement agencies; and Members of the medical staff of accredited hospitals.* (b) *Autopsies shall be performed in the following cases: Whenever required by special laws- Upon orders of a competent court, a mayor and a provincial or city fiscal; Upon written request of police authorities; Whenever the Solicitor General, provincial or city fiscal as authorized by existing laws, shall deem it necessary to disinter and take possession of remains for examination to determine the cause of death; and Whenever the nearest kin shall request in writing the authorities concerned to ascertain the cause of death.* (c) *Autopsies may be performed on patients who die in accredited hospitals subject to the following requirements: The Director of the hospital shall notify the next of kin of the death of the deceased and request permission to perform an autopsy. Autopsy can be performed when the permission is granted or no objection is raised to such autopsy within 48 hours after death. In cases where the deceased has no next of kin, the permission shall be secured from the local health authority. Burial of remains after autopsy – After an autopsy, the remains shall be interred in accordance with the provisions in this Chapter.*<sup>8</sup>

13. Section 95(b)(1) can be interpreted to mean that conducting autopsies is discretionary, and there are no existing laws in the country that require mandatory investigation of deaths in custody. Proposed legislation has been put forward to create or enhance laws that mandate such mandatory investigation and strengthen forensic investigation mechanisms in the country.

14. Senate Bill No. 1453, An Act Mandating the Reporting of Deaths and Illnesses of Persons Deprived of Liberty and Detained Children in Conflict with the Law, Penalizing Non-reporting and False Reporting of Deaths Thereof, and for Other Purposes was filed by Senator Ramon Bong Revilla Jr. in November 2022 at the 19th Congress. “The bill seeks to address the seemingly lack of laws regarding the reporting of deaths and illnesses of PDLs and detained children in conflict with the law (CICL) by enacting a mandatory reporting of the deaths of PDLs and CICLs to the Supreme Court, Executive Department and and the Commission on Human Rights [of the Philippines] (CHR). The bill also proposes the automatic investigation regarding the deaths of PDLs and CICLs who died under suspicious circumstances and mandatory autopsy of PDLs and CICLs who have been charged or convicted of a heinous crime or crimes punishable by death, reclusion perpetua or life

<sup>6</sup> Rules and Regulations Implementing the Anti-Torture Act of 2009, Republic Act No. 9745, sec. 15 (2010), available at <http://hrlibrary.umn.edu/research/Philippines/IRR%20of%20the%20Anti-Torture%20Act.pdf> (last accessed Mar. 13, 2023).

<sup>7</sup> Office of the President, Code on Sanitation of the Philippines, Presidential Decree No. 856, s. 1975, sec.95 (Dec. 23, 1975), available at <https://www.officialgazette.gov.ph/1975/12/23/presidential-decree-no-856-s-1975/> (last accessed Mar. 13, 2023).

<sup>8</sup> An Act mandating the reporting of deaths and illnesses of persons deprived of liberty and detained children in conflict with the law, penalizing non-reporting and false reporting of deaths thereof, and for other purposes, S.B. No. 1453, 19th Cong., 1st Reg. Sess. (2022), available at <https://legacy.senate.gov.ph/lisdata/39772362791.pdf> (last accessed Mar. 13, 2023).

imprisonment, or one who died unexpectedly or under suspicious circumstances. This bill was previously filed by Senator Richard J. Gordon in the 18th Congress.” The proposed legislation is still pending at the Senate Committee on Justice and Human Rights.

15. House Bill No. 10620 or An Act Requiring Mandatory Autopsy on Bodies of Crime Victims, Deaths Under Mysterious and Suspicious Circumstances, and For Other Purposes, filed on December 2021, aims to “require mandatory autopsy on certain cases with the end view of using forensic science that will enable law enforcers to gather competent and objective evidence needed in criminal investigations, especially in the resolution of mysterious or serious deaths. Further, the said bill also contains provisions on confidentiality of records and prohibition on cremation that are subject of investigation to protect the identity and integrity of the body.”<sup>9</sup>

16. House Bill 9072 or the Mandatory Autopsy Law requires mandatory full autopsy and prohibits the unauthorized disposition of human remains arising from deaths under investigation or mysterious and suspicious circumstances. The bill was approved on second reading in the 18th Congress in 2019. However, there is no movement at the 19th Congress on both HB 10620 and 9072.

17. On establishing a forensic or DNA database system, there are seven (9) bills pending in the 19th Congress in the House of Representatives and four (4) at the current Senate<sup>10</sup>:

(a) HB00094 - An Act Providing for the Establishment of the Philippine DNA Database System

Date Filed: 2022-06-30

Principal Author/s: 1. Barbers, Robert Ace S.

Bill Status: Pending with the Committee on Public Order And Safety since 2022-07- 26

(b) HB00540 - An Act Establishing A Forensic DNA Database in the Philippines

Date Filed: 2022-06-30

Principal Author/s: 1. Fernandez, Dan S.

Bill Status: Pending with the Committee on Public Order And Safety since 2022-07-27

(c) HB00913 - An Act Improving and Sustaining Genomics and Forensic Science Facilities, and Establishing Separate Databases for Genomics and Forensic DNA in the Country and for Other Purposes

Date Filed: 2022-07-01

Principal Author/s: 1. Mariño, Mario Vittorio "Marvey" A.

Bill Status: Pending with the Committee on Science And Technology since 2022-07-27

(d) HB05129 - An Act Providing A Comprehensive, Undergraduate- To - Graduate Studies Scholarship for Students Training to Become Forensic Pathologists

Date Filed: 2022-09-23

Principal Author/s: 1. Delos Santos, Alfred C.

Bill Status: Pending with the Committee on Higher And Technical Education since 2022-09-27

(e) HB05270 - An Act Establishing a Forensic Deoxyribonucleic Acid (DNA) Database in the Philippines, Appropriating Funds Therefor, and for Other Purposes.

Date Filed: 2022-09-2

Principal Author/s: 1. Atayde, Juan Carlos "Arjo" C.

Bill Status: Pending with the Committee on Public Order And Safety since 2022-11-07

<sup>9</sup> An Act requiring mandatory autopsy on bodies of crime victims, deaths under mysterious and suspicious circumstances, and for other purposes, H.B. No. 10620, 18th Cong., 3rd Reg. Sess. (2021), available at [https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic\\_18/HB10620.pdf](https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB10620.pdf) (last accessed Mar. 13, 2023).

<sup>10</sup> Senate of the Philippines, 19th Congress list of bills, available at [https://legacy.senate.gov.ph/lis/leg\\_sys.aspx?congress=19&type=bill&p=1](https://legacy.senate.gov.ph/lis/leg_sys.aspx?congress=19&type=bill&p=1) (last accessed Mar. 13, 2023).

(f) HB05544 - An Act Establishing a Forensic DNA Database in the Philippines  
 Date Filed: 2022-10-13  
 Principal Author/s: 1. Rodriguez, Rufus B.  
 Bill Status: Pending with the Committee on Public Order And Safety since 2022-11-07

(g) HB07083 - An Act Providing for the Establishment of the Philippine DNA Database System  
 Date Filed: 2023-02-06  
 Principal Author/s: 1. Olivarez, Edwin L.  
 Bill Status: Pending with the Committee on Public Order And Safety since 2023-02-08

(h) HB07346 - An Act Establishing a Forensic DNA Database in the Philippines, Appropriating Funds Therefor and for Other Purposes  
 Date Filed: 2023-02-28  
 Principal Author/s: 1. Primicias-Agabas, Marlyn L.  
 Bill Status: Pending with the Committee on Public Order And Safety since 2023-03-06

(i) HB07429 - An Act establishing a Forensic Database in the Philippines  
 Date Filed: 2023-03-06  
 Principal Author/s: 1. Gomez, Richard I.  
 Bill Status: Pending with the Committee on Public Order And Safety since 2023-03-08

(j) SBN-1456: Forensic DNA Database Act  
 An Act Establishing a Forensic DNA Database in the Philippines, Appropriating Funds Therefor and for Other Purposes Filed on November 3, 2022 by Revilla Jr., Ramon Bong

(k) SBN-726: Forensic DNA Database Act  
 An Act Establishing a Forensic DNA Database in the Philippines, Appropriating Funds Therefor and for Other Purposes Filed on July 18, 2022 by Dela Rosa, Ronald "Bato"

(l) SBN-694: Forensic Science Institute Act  
 An Act Establishing the Forensic Science Institute in the University of the Philippines System, Defining its Functions and Appropriating Funds Therefor Filed on July 18, 2022 by Revilla Jr., Ramon Bong

(m) SBN-222: Forensic DNA Databank Act Of 2022  
 An Act Providing for the Establishment of a Forensic DNA Databank Filed on July 7, 2022 by Villar, Mark A.

**Investigation procedures and accountability mechanisms for deaths in custody (e.g. administrative, judicial or other investigatory body, External oversight)**

18. Paragraphs 19-26 are excerpts from the CHRP's *Baseline study on the Philippine penal conditions: nurturing a human rights based approach to penal management*, outlining the responsible government agencies with penal mandates.<sup>11</sup> The manual was written by Dr. Raymund E. Narag for the CHRP with support from the United Nations Development Programme (UNDP).

It is a common misnomer to lump all the penal facilities in the Philippines into one category. When laypersons and the media refer to "prisons", "jails", and "detention centers", they usually talk of places of incarceration (*kulungan*, *presohan*, *bilibid*) and consider them as the same entities. As such, when a raid happens in the Maximum Security Compound in the New Bilibid Prison, and the raiding team discovers the presence of a luxurious *kubol*<sup>12</sup> with a Jacuzzi, laypersons and media usually jump into a conclusion that the nearby City Jail also harbors inmates with such amenities. Little do they know that City Jails are managed and run by a different governmental department and bureau. This lack of understanding on the intricacies of the penal system suggests that solutions proposed to the identified problems may not be appropriate.

<sup>11</sup> Commission on Human Rights of the Philippines, et al., *Baseline Study on the Philippine Penal Conditions: Nurturing a Human Rights-Based Approach (HRBA) to Penal Management*, pp. 9-11 (2016), available at <https://elibrary.chr.gov.ph/cgi-bin/koha/opac-retrieve-file.pl?id=66fefb43b08e8e1c35310fb3e485a595> (last accessed Mar. 13, 2023).

<sup>12</sup> make-shift dwellings to maximize cell space



19. A good starting point is the fact that there are multiple government agencies that have penal mandates. The most popular and the oldest penal agency is the Bureau of Corrections (BuCor) which is administratively supervised by the Department of Justice (DOJ). The BuCor supervises the administration and operation of seven (7) national prisons or penal farms with a total population of 49,515 PDLs.<sup>13</sup> PDLs under the care of the BuCor are those who are convicted and meted a sentence ranging from three years to life imprisonment, and thus called “national prisoners”. BuCor prisons are therefore designed for long-term confinement. The New Bilibid Prison (NBP) is BuCor's flagship facility and is located in Muntinlupa, Metro Manila. The NBP has a population of 28,642 inmates as of December 2021,<sup>14</sup> making it the biggest mega-prison complex in the world. The NBP has a Maximum Security Compound, a Medium Security Compound, and a Minimum Security Compound.

20. “Jails” are managed and run by two types of agencies in the Philippines. The Bureau of Jail Management and Penology (BJMP) has administrative and operational supervision over District, City and Municipal Jails. The BJMP, in turn, is under the administrative supervision of the Department of the Interior and Local Government (DILG). Currently, the BJMP supervises a total of 461 District, City, and Municipal Jails nationwide, with a grand total of 131,311 inmates as of September 2022.<sup>15</sup> While the BJMP and the BuCor share similar mandates, they operate under different operating manuals and are supervised by different sets of department personnel.

21. Provincial governments, on the other hand, independently manage and run their respective Provincial Jails. It is the provincial governors who appoint their respective provincial jail wardens. While the DILG exercises supervision over provincial governments, the DILG does not have a direct control over the Provincial Jails. Unlike the BJMP Jail wardens, Provincial Jail wardens have more leeway in administering their jail facilities, as there are no central agencies that supervise their tasks.

“Jail” institutions in the Philippines take into custody PDLs that are undergoing trial in their respective courts and those PDLs who have been convicted with a penalty of not more than three years. However, due to the lengthy court trial procedures, where some inmates undergo trial for 3 years or more, the BJMP Jails and Provincial Jails, by default, also cater to inmates with long-term confinement. This muddles the philosophical and legal differences between “prisons” and “jails”.

22. Two other developments have blurred the specific functions of agencies managing the jails. First, there are “Municipal Jails” that are still being managed by the Philippine National Police and their transfer to the BJMP has not occurred due to the lack of BJMP personnel and facilities. Second, there are some provincial governments who inked a Memorandum of Agreement with the BJMP so that the Provincial Jails under their care are currently being managed by the BJMP. The public and the media therefore are clueless as to why the Batangas Provincial Jail is managed by a warden appointed by the Provincial Governor, whereas the Batangas City Jail is managed by a warden who is a career officer from the BJMP.

23. Additionally, there are some governmental agencies whose main tasks are law enforcement but are saddled with penal work. The Philippine National Police (PNP), the National Bureau of Investigation (NBI), and the Philippine Drug Enforcement Agency (PDEA) are agencies that also maintain their own detention facilities (also called “holding cells”). By law, PDLs who stay in these facilities should not extend for more than 36 hours,

<sup>13</sup> As of September 2022 from <https://www.prisonstudies.org/country/philippines> BuCor facilities include the New Bilibid Prison, Correctional Institution for Women, Iwahig Prison and Penal Farm, Davao Penal Colony, Correctional Institution for Women-Mindanao, San Ramon Prison and Penal Farm, Sablayan Prison and Penal Farm, and the Leyte Regional Prison. Source: World Prison Brief, Philippines, available at <https://www.prisonstudies.org/country/philippines> (last accessed Mar. 13, 2023).

<sup>14</sup> Bureau of Corrections, Statistics on Prison Congestion as of December 2021, available at <https://bucor.gov.ph/wp-content/uploads/2022/01/PDL-Congestion-01312022.pdf> (last accessed Mar. 13, 2023).

<sup>15</sup> World Prison Brief, Philippines, available at <https://www.prisonstudies.org/country/philippines> (last accessed Mar. 13, 2023).

or up to the time that criminal charges are lodged against them in court. These inmates should be immediately transferred to either a BJMP Jail or a Provincial Jail. However, many PDLs end up in jails for longer periods (1 month to 3 years), and some inmates actually end up serving their sentences in these facilities. As such, though intended as places of short-term or temporary incarceration, Detention and Holding cells of the PNP, NBI, and PDEA had become synonymous with BJMP/Provincial “jails” and BuCor “prisons.”

24. Two other agencies are mandated to detain people going against the law. These include the Bureau of Immigration (BI) and the Armed Forces of the Philippines (AFP). While traditionally these agencies have very specific functions and cater to unique types of PDLs, more recent developments point to their engagement with the other penal agencies of the country. For example, most BI detainees are transferred to the BuCor prisons prior to their deportation to their countries of origin, and most insurgents and terrorists, who were initially held in AFP holding cells, are transferred to the BJMP Jails / Provincial Jails and BuCor prisons. Additionally, the long duration of the trial process, where it takes years for a case to be decided upon by the local courts, inadvertently turns the BI and AFP Detention Centers into long-term places of incarceration, which make them indistinguishable from the other “detention facilities”, “jails”, and “prisons.”

25. The Department of Social Welfare & Development (DSWD) is tasked to administer “Bahay Pag-asa” centers for children in conflict with the law.<sup>16</sup>

### Recommendations

26. Based on recent statements, reports and advisories of the CHRP, the Commission requests the SR to recommend to the Philippines the following:

(a) Remind the government of its obligation to treat all prisoners with respect for their inherent dignity and value as human beings. The ICCPR states that, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

(b) Prioritize and expedite decongestion efforts, consider the use of non-custodial alternatives to incarceration for nonviolent, non-serious offenders and uphold their fundamental right to a fair trial and speedy disposition of their cases. Also refer to the 2019 statement of the Commission with recommendations on decongestion: <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-recommending-concrete-measures-to-address-jail-congestion/>

(c) Grant executive clemency for qualified detainees, especially the elderly and the ailing. The release of PDLs—provided that they have demonstrated good behavior, pose no threat to society, and meet the legal standards for clemency—will further the government’s decongestion efforts.

(d) Review of cases of individuals allegedly being targeted because of their political affiliations

(e) Deliberate and pass proposed legislation that will enhance forensic investigation in the country, in accordance with international human rights treaties such as the ICCPR and CAT and international norms and standards such as the The Minnesota Protocol on the Investigation of Potentially Unlawful Deaths.<sup>17</sup> and the ICRC Guidelines for Investigating Deaths in Custody.<sup>18</sup> The CHRP can provide advisories on the matter through its human right’s legislative agenda and position papers.

<sup>16</sup> World Prison Brief, Philippines, available at <https://www.prisonstudies.org/country/philippines> (last accessed Mar. 13, 2023).

<sup>17</sup> Office of the United Nations High Commissioner for Human Rights, Minnesota Protocol, available at <https://www.ohchr.org/en/special-procedures/sr-executions/minnesota-protocol> (last accessed Mar. 13, 2023).

<sup>18</sup> International Committee of the Red Cross, Guidelines for Investigating Deaths in Custody, available at <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-4126.pdf> (last accessed Mar. 13, 2023).



(f) Accept the standing invitation of the SR on EJK and relevant Special Procedures mandate holders. The Commission reiterates the importance of independent experts that provide valuable contributions to international human rights protection mechanisms. Their international standing and expertise enable them to assess our country's human rights situation and provide objective, constructive, and specific recommendations to the government.

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