



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Comments of the Philippines on the
recommendations and observations addressed to it
in connection with the Subcommittee visit
undertaken from 3 to 14 December 2023^{*}, ^{**}**

[Date received: 20 December 2024]

^{*} The present document is being issued without formal editing.

^{**} On 20 December 2024, the State party requested the Subcommittee to publish its replies, in accordance with article 16 (2) of the Optional Protocol.



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I. Introduction

1. The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is a treaty aimed at preventing torture globally. It establishes that states must take measures to prevent torture and to provide remedies for victims. The Committee Against Torture (CAT) is composed of independent experts who monitor the implementation of UNCAT.
2. The United Nations Subcommittee on Prevention of Torture (UN SPT) was established through the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UN OPCAT) to carry out a system of regular visits to facilities of Persons Deprived of Liberty (PDLs) to prevent torture and other cruel, inhuman or degrading treatment or punishment. During its second visit to the Philippines, the UN SPT made observations and recommendations regarding the improvement of detention facilities, the establishment of a proactive mechanism, and the sustainability of existing prevention initiatives. The said UN SPT report is bound by Article 16 of the OPCAT which indicates its confidentiality.
3. The UN OPCAT was acceded to by the Philippines on 17 April 2012 to prevent torture and other cruel, inhuman, or degrading treatment or punishment in the country. The Protocol is a supplementary treaty to the UNCAT which the Philippines acceded to on 18 June 1986. The Department of the Interior and Local Government (DILG) was designated as the lead agency coordinating compliance with the UNCAT under Administrative Order No. 163, s. 2006.
4. While the DILG is designated as the lead agency in the reporting of the implementation of measures and compliances with state obligations under the Convention Against Torture (CAT), the direct responsibility to implement the CAT and prevent torture and other cruel, inhuman, or degrading treatment in places of deprivation of liberty lies with the government agencies performing custodial functions such as the Department of Justice (DOJ), Department of Health (DOH), Department of Social Welfare and Development (DSWD), Juvenile Justice Welfare Council (JJWC), Bureau of Jail Management and Penology (BJMP), Bureau of Corrections (BuCor), Philippine National Police (PNP), Armed Forces of the Philippines (AFP), National Bureau of Investigation (NBI), Department of Social Welfare and Development (DSWD), Bureau of Immigration (BI), Philippine Drug Enforcement Agency (PDEA), National Center for Mental Health (NCMH), and Local Government Units (LGUs) having control and supervision over Provincial Jails and Bahay Pag-Asa.
5. Pursuant to the mandate under the Optional Protocol to the Convention against Torture (OPCAT), the United Nations Subcommittee on Prevention of Torture (UN SPT) conducted its second country visit to the Philippines from December 3 to 14, 2023. The delegation was led by Victor Zaharia, Head of Delegation, and included members Aisha Shujune Muhammad, Martin Zinkler, and Satyabhooshun Gupt Domah. The Subcommittee was assisted by two human rights officers from the UN Human Rights Office and one United Nations security officer.
6. The UN SPT conducted visits to 43 places of deprivation of liberty across the National Capital Region and the provinces of Cebu, Iloilo, South Cotabato, and Zamboanga del Sur. These included police stations, jails, prisons, psychiatric institutions, Bahay Pag-asa facilities, military detention centers, migration detention facilities, drug rehabilitation centers, and detention facilities managed by the National Bureau of Investigation (NBI) and the Philippine Drug Enforcement Agency (PDEA). Additionally, the DILG facilitated the UN SPT's requests for meetings with government authorities, the Commission on Human Rights (CHR), members of the judiciary, and members of Congress, including a special meeting with the Secretary of the Interior and Local Government.
7. One of the agenda items addressed the publication of the 2015 UN SPT Report and highlighted the Special Fund established under Article 26 of the OPCAT. The State Party was reminded that the recommendations presented in the report could serve as a basis for applications for funding from this Special Fund.

8. After the visit, the State facilitated an Exit Conference during which the SPT orally presented its confidential preliminary observations to Philippine authorities. The SPT requested the State Party to respond within six months of the transmission of the report, detailing the actions taken to implement the recommendations.

II. Cooperation and Facilitation of Visit

9. The DILG through the Office of the Undersecretary for Public Safety (OUSPS) and the Presidential Human Rights Committee Secretariat (PHRCS) took a proactive role in ensuring the successful visit of the United Nations Subcommittee on Prevention of Torture (UN SPT) authorities. This involved coordinating with relevant agencies to align their efforts and facilitate seamless collaboration. Additionally, the OUSPS managed the dissemination of key communications to ensure that all logistical, procedural, and security requirements were efficiently addressed, thereby contributing to the overall smooth execution of the visit.

10. As regards item nos. 12, 13, and 14, the Department of the Interior and Local Government (DILG), in collaboration with the Philippine Human Rights Committee Secretariat (PHRCS), facilitated a series of comprehensive orientation sessions aimed at engaging all relevant agencies, including Local Government Units (LGUs). These sessions were designed to provide a thorough understanding of the mandate and objectives of the United Nations Subcommittee on Prevention of Torture (UN SPT).

11. Despite these preparatory measures, during the actual visit, there were instances when the SPT team experienced minor delays. These occurred primarily because certain facilities implemented internal security protocols in response to potential threats. This was particularly evident in facilities located in rural areas and conflict zones, where heightened security measures were necessary to safeguard personnel and visitors. While these delays were brief, they underscored the challenges faced in balancing security considerations with the need to ensure uninterrupted access for the SPT team.

12. In light of the foregoing, the State Party reaffirms its commitment to upholding the principles and obligations under the OPCAT and ensuring full cooperation with visiting mandates. Measures will be undertaken to address and prevent any obstacles to such visits, including improved coordination with relevant authorities, capacity-building initiatives, and clear communication of the requirements for unimpeded access. The State Party remains steadfast in its dedication to promoting transparency and accountability in adherence to its international human rights obligations.

III. Implementation of the Recommendation Made in the Previous Visit Report

13. The agencies involved in the first visit of the United Nations Subcommittee on Prevention of Torture (UN SPT) in 2015 provided comprehensive updates during the entry conference held on December 4, 2023, at B Hotel in Quezon City, Metro Manila, Philippines.

14. These updates highlighted the progress made in addressing the observations and recommendations previously raised by the UN SPT. The presentations detailed the measures implemented to strengthen compliance with international human rights standards, including policy reforms, capacity-building initiatives, and improvements in facility operations. The conference served as a platform for constructive dialogue, enabling the participating agencies to reaffirm their commitment to transparency, accountability, and the continued enhancement of human rights practices in the country.

15. On the “Fragmented system of prison management governance”, the State wishes to inform your office that currently there is a Senate Bill No. 2352 (SBN 2352) also known as the Jail Integration Act sponsored by Senator Ronald “Bato” Dela Rosa. The said Senate Bill is intended to transfer the control and supervision of the provincial jails and sub-provincial jails to the Bureau of Jail Management and Penology (BJMP) and it was already approved on its third and final reading.

16. The custodial agencies under the supervision of DILG are consistently implementing projects, programs, and activities, i.e. conjugal visitation for women PDLs, GAD facilities, provisions of supply and needs of pregnant PDLs, and adequate healthcare within jail facilities in line with the international standards promulgated in Bangkok Rules and Beijing Rules.

17. Further, there is a bill pending in the House of Representatives which was introduced by Hon. Brian Raymund S. Yamsuan, “An Act Instituting a Unified Corrections and Jail Management System, Integrating the National Prisons and Penal Farms, the Provincial, SubProvincial, City, District, and Municipal Jails, and the Probation, Pardons and Parole System, Establishing for the Purpose the Department of Corrections and Jail Management, Appropriating Funds Therefor and for Other Purposes”.

18. The State Party acknowledges the observations made by the UN SPT that some initiatives to address the 2015 recommendations have been partially implemented. The State Party notes that the delays and challenges in full implementation were significantly impacted by the COVID-19 pandemic, which diverted resources and attention toward emergency response efforts and public health priorities. Despite these challenges, the State Party remains committed to addressing the recommendations and will continue to work towards their full realization.

IV. National Preventive Mechanism

19. Regarding item nos. 21, 22, and 23, the Senate of the Philippines, through the initiatives of Senator Francis “Tol” Tolentino, Senator Ronald “Bato” Dela Rosa, and Senator Manuel “Lito” Lapid, promptly filed two (2) proposed bills aimed at establishing a National Preventive Mechanism (NPM). These legislative efforts demonstrate the Senate’s commitment to addressing the country’s obligations under international human rights instruments, particularly the Optional Protocol to the Convention Against Torture (OPCAT).

20. Similarly, the House of Representatives is actively pursuing this agenda, with two (2) bills on the establishment of an NPM currently pending deliberation. These proposed measures underscore the legislative branch’s unified approach to ensuring compliance with international standards for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment. This coordinated effort signifies the government’s proactive stance on strengthening institutional frameworks to safeguard human rights.

21. Further, the DILG recommended the inclusion of the NPM Bill as a Common Legislative Agenda (CLA). At the onset, the DILG requested the favorable endorsement of the NPM bill by the national government agencies, especially the custodial agencies. In addition, the DILG sought the interventions of Congress for the establishment of NPM in the Philippines.

22. For recommendations nos. 24 and 25, the 4th Philippine Human Rights Plan includes focused efforts on advocating for the passage of the NPM Bill. These efforts involve both legislative initiatives and lobbying activities aimed at establishing a framework to prevent torture and other forms of inhumane treatment in places of detention.

23. The plan underscores the importance of aligning the country’s human rights policies with international standards, particularly the Optional Protocol to the Convention Against Torture (OPCAT). Through collaboration with lawmakers, civil society organizations, and other stakeholders, the plan seeks to build momentum and consensus for the enactment of the NPM Bill as a critical step toward strengthening human rights protections in the Philippines.

V. Normative and Institutional Framework for the Prevention of Torture

A. Nominative Framework

24. For item no. 26, the SPT observed that the State party has a comprehensive legal framework in the field of torture prevention, criminalizing torture, and providing in law fundamental legal safeguards that largely correspond to international standards. Similar to its previous findings, however, the Subcommittee found a serious gap between the provisions in the law and their application in practice.

25. For item no. 27, the SPT noted a notable discrepancy encountered by the Subcommittee between law and practice regards arbitrary detention. While Article 125 of the Revised Penal Code requires that a detained person be presented before a judicial authority within 12, 24, or 36 hours, according to the nature of the offense, all authorities encountered considered this obligation to be satisfied by lodging charges against the accused with the National Prosecution Service. The Subcommittee highlights that this fundamental legal safeguard requires that a judicial authority, not prosecution, review the legality of detention in an unbiased way as referenced in law. And for item no. 28, the SPT is concerned that using the Revised Penal Code as the primary means of ensuring against arbitrary detention results in the imposition of an unjust burden of proof on the accused, as they must show that their detention is arbitrary beyond a reasonable doubt.

26. Regarding item nos. 27 and 28, the Department of Justice responded that arbitrary detention is committed by any public officer or employee who, without legal grounds, detains a person. There must be actual confinement or restriction of the person of the offended party and the deprivation of liberty must be proved. Just as the intent of the accused to deprive the victim of his liberty must also be established by indubitable proof.

27. There must be uncontroverted proof of both intents to deprive the victim of his liberty, as well as actual confinement or restriction. The SPT observation appears to be geared toward remedies that are available to the accused in instances when there appears to be an abuse of authority or misconduct committed by the arresting officers. This brings us to the three-fold liability rule of public officers in which any act or omission of any public official or employee can result in criminal, civil, or administrative liability, each of which is independent of the other.

28. The accused or victim in this case may opt to avail of criminal, administrative, or civil cases within the proper forum to demand liability from his or her arresting or detaining officers. Further, the quantum of evidence varies depending on the type of case that will be filed.

29. For item nos. 29,30, 31, 32, 33, and 34, the SPT recommended that the State party should ensure that all persons deprived of liberty are presented before a judge following their apprehension and it is the onus of the detaining authority to justify the legality and necessity of an individual's detention. According to figures provided by the State party, approximately 70% of all remanded and sentenced detainees have been charged with or convicted of offenses under Republic Act No. 9165, known as the Comprehensive Dangerous Drugs Act of 2002. A large number of the offenses under the Act are non-bailable, and in some instances, suspects are charged with offenses under multiple sections of the Act, which, if found guilty, can result in consecutive sentences. The Subcommittee notes that the majority of offenses in the legislation provide for minimum sentences of 12 years to life imprisonment and is also concerned that photographing the accused with confiscated, prohibited items in the presence of the media and Department of Justice, as required under section 21 of the Act, are degrading acts, and may adversely impact the presumption of innocence.

30. The delegation was highly concerned by repeated allegations of evidence planting by law enforcement officers during drug arrests, with information received pointing to a consistency in means and method, which may be compounded by, if not primarily caused by, arrest targets issued to law enforcement officers, which it observed during its visit.

31. Under section 11 (3) of the Act, possession of “dangerous drugs”, even in small quantities, carries a minimum sentence of 12 years imprisonment. Under section 13 of the Act, if small quantities are discovered during a party, social gathering, or meeting, suspects may face life imprisonment. The Subcommittee wishes to highlight that any form of detention significantly increases the risk of torture or ill-treatment, and that drug abuse and addiction is a social and public health issue better tackled through rehabilitation, rather than retributive justice.

32. High conviction rates, lack of trust in the judicial system among detainees, lack of alternatives to detention, and lengthy delays in judicial processes, which in some cases last over a decade, create a coercive environment under which accused individuals, even in cases of innocence, lack any viable or genuine choice other than to accept plea bargains which they are offered. Moreover, the system of plea bargaining may lead to over-reliance on confessions by the police and judiciary, resulting in a heightened risk of torture and ill-treatment. With this, the SPT recommended that the State party should:

- Revise Republic Act No. 9165, notably concerning sentences for the offenses of possession and personal use of drugs and associated paraphernalia, opting instead for a policy of decriminalization and an increase in community-based and rehabilitative approaches to drug addiction and abuse;
- Effectively uphold the principle of presumption of innocence, including through revising section 21 of the Act, and reduce reliance on confessions by reviewing interview techniques in line with the Mendez principles;
- Abolish the practice of issuing arrest targets to law enforcement and ensure that all cases of corruption, including the planting of evidence, are adequately investigated and prosecuted; and undertake a thorough evaluation of plea-bargaining procedures and ensure that no pressure is exerted on accused persons to enter a guilty plea, including by ensuring adequate access to free and effective legal aid.

33. As regards the recommendations, the DOJ apprised that the recommendation to revise R.A. No. 9165 to address the UNSPT observation, is incumbent upon Congress’s wisdom and discretion on whether they will amend, modify, or repeal a particular statute.

34. Also, in the enactment of laws, in case of doubt, the presumption is that the legislature intended law and justice to prevail. As regards upholding the presumption of innocence, the 1987 Constitution guarantees this right. If the accused is under custodial investigation, R.A. No. 7438 provides not only his or her rights when in detention during arrest or under custodial but also imposes duties and obligations on the part of the arresting, detaining, and investigating officers.

35. The SPT delegation remarked on the lack of alternatives to detention available in the State party. While noting legislation that provides the right to bail, the Subcommittee regrets that many offenses are considered non-bailable by law. It is also concerned with the substantial period that elapses between apprehension and presentation before a judge for bail to be considered, often over one month, contributing to overcrowding. Furthermore, bail is often set at amounts that are unrealistic for accused persons to pay and incommensurate with their income. Additionally, persons held in pretrial detention for long periods rarely have their detention or conditions of bail reviewed; and the SPT recommended that the State party should:

(a) Resort to pre-trial detention exceptionally, based on individualized determinations where reasonable and necessary, considering all the circumstances, and only for such purposes as to prevent flight, interference with evidence, or the recurrence of crime. Factors impacting the granting of bail should be subject to regular, periodic judicial oversight;

(b) Ensure the possibility of bail for all offenses in law and practice;

(c) Increase the use of non-custodial measures and sanctions, including probation, bail, mediation, community service, and suspended sentences, based on international standards;

(d) Consider, as far as possible, the economic status of the accused when setting bail, and ensure access to a bail hearing within a reasonable period following apprehension.

36. For the aforementioned items the DOJ responded that in addressing items b-d of the UN SPT recommendations, Article III, Section 13 of the 1987 Constitution provides All persons, except those charged with offenses punishable by reclusion Perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

37. In addition to the preceding, Rule 114 of the Rules on Criminal Procedure provides for the process, requirements, and limitations on the right to bail of an accused.

B. Institutional Framework

38. In item nos. 37, and 38, the SPT noted the variety of law enforcement agencies with overlapping jurisdictions present in the State party. For instance, the Philippine Drug Enforcement Agency (PDEA), National Bureau of Investigation (NBI), and Philippine National Police (PNP) all have competency over the investigation of drug-related crimes, and all maintain their places of deprivation of liberty with varying regimes and material conditions. The Subcommittee also observed no change in the institutional framework of the penitentiary system since its last visit, which continues to be fragmented and managed by different governmental departments. Thus, the bureaucratic load on institutions for processes such as transfers creates unnecessary burdens. An example encountered by the delegation during its visit was that funds must be requested by the transferring authority from the receiving institution for each transfer.

39. The SPT reiterated its previous recommendation to consolidate the custodial system. The State party should ensure a common regime and standard material conditions in line with international standards across the whole custodial system and provide sufficient investment in its staff and equipment to improve management of the detention places and conditions of detention for all persons deprived of their liberty.

40. In response to item nos. 37 and 38, the PDEA, having a temporary custodial facility, ensures the immediate transfer of PDLs arrested for violation of R.A No. 9165, to the proper jail facility. It has a case monitoring system; wherein designated case monitoring officers are required to track the status of drug cases from the filing of complaints with the prosecutor's office up until the cases are tried and finally decided by the court. As such, once the court has acquired jurisdiction over the accused and accordingly issued an order to transfer the PDL's custody, PDEA is capable of immediately securing the court order and undertaking their prompt transfer to the concerned regular jail facility. Thus, maintaining a "decongestion system" of PDLs in PDEA's custody. Further, relative to the example encountered by the delegation during its visit that funds must be requested by the transferring authority from the receiving institution for PDLs transfer, PDEA does not encounter the same challenge considering that no required funds from the receiving jail facility are needed for PDEA to facilitate the transfer. Hence, the speedy transfer is regularly accomplished.

41. Consolidation of Custodial System for Arrested and Detained Drug Suspects, In the investigation and arrest of drug suspects, the PDEA serves as the lead agency, while the PNP, NBI, and other law enforcement agencies assist in support of the PDEA. The policy-making body for the implementation of the anti-drug law in the country is the Dangerous Drugs Board (DDB). Our present setup is that the PNP, NBI, and Bureau of Immigration maintain their own respective temporary custodial facilities which are managed by each agency independently. To harmonize, we would need to create a committee or Task Force participated by agencies maintaining custodial facilities as members to: Develop a policy for the creation of a consolidated custodial facilities system for persons arrested for violation of RA 9165, taking into account the peculiarity and mandate of each agency; Formulate guidelines for a uniform regime of management and standard material conditions for the consolidated custodial facilities in accordance with the international standards particularly the United Nations Standard Minimum Rules for the Treatment of Prisoners of the Nelson Mandela Rules; Establish standard for the custodial facility staff training and skill development enable them to perform their duties effectively and with respect for the rights and dignities of the detainees; Recommend for legislation in the Congress policy proposal

formulated by the Committee/Task-Force; and Recommend for funding by the Department of Budget and Management the creation of these consolidated custodial facilities including the improvement of detention accommodation and the staffing pattern and training.

42. In item nos. 39, and 40, the SPT noted wide-ranging powers attributed to local government units or “barangay” concerning the resolution of disputes and administration of justice for certain crimes. The delegation received information indicating that laws are not applied by the barangay justice system, or “Katarungang Pambarangay”, in a uniform manner, that local regulations can vary greatly between barangays, and that due process and other hallmarks of the right to a fair trial, such as access to free legal aid, are generally not observed according to international standards.

43. The State party should review the barangay justice system to ensure its uniformity and consonance with applicable domestic and international standards for the administration of justice.

44. As regards to item nos. 39, and 40, as a background, the country’s original and traditional way of amicably settling disputes is by using elders who have gained experience in handling cases. This practice eventually became part of the Philippine Criminal Justice System under Presidential Decree 1508 on June 11, 1978, through Katarungang Pambarangay Law.

45. This law mandates every barangay to organize their Lupon Tagamapamayapa (LT) consisting of 10-20 members, to act as conciliators during amicable settlement. Section 399 of the law provides the authority of the LT or the conciliation panel to settle issues punishable by not exceeding thirty (30) days imprisonment and a fine of not more than Two Hundred (Php 200.00) pesos. It was, however, repealed on October 10, 1991, by the Revised Katarungang Pambarangay Law under Republic Act No. 7160. Among the substantial changes include: (a) the authority of the Lupon members to settle complaints punishable of one (1) year from 30-day imprisonment per PD 1508, and a fine of not more than Php 5000.00 from Php 200.00 pesos prior to the filing in court and the procedure in dispute resolution.

46. The procedure for the amicable settlement were laid down in Section 410 of RA 7160, providing for as follows: (d) Issuance of summons; hearing grounds for disqualification – The pangkat shall convene not later than three (3) days from its constitution, on the day and hour set by the lupon chairman, to hear both parties and their witnesses, simplify issues, and explore all possibilities for amicable settlement. For this purpose, the pangkat may issue summons for the personal appearance of parties and witnesses before it. In the event that a party moves to disqualify any bias, interest, or any other similar grounds discovered after the constitution of the pangkat, the matter shall be resolved by the affirmative vote of the majority of the pangkat whose decision shall be final. Should disqualification be decided upon, the resulting vacancy shall be filled as herein provided (e) Period to arrive at a settlement The pangkat shall arrive at a settlement or resolution of the dispute within fifteen (15) days from the day it convenes in accordance with this section. This period shall, at the discretion of the pangkat, be extendible for another period which shall not exceed fifteen (15) days, except in clearly meritorious cases.

47. Consistent with the objective of the law, settling disputes at the barangay level to both parties through a mediation process is universal in application, which is commonly used to settle disputes among family members, neighborhood, community, business, and workplace of any type of issues, through a win-win solution, utilizing different approaches and strategies, considered significantly speedy and advantageous than that of bringing them to the court. While the law provides for legal procedure and steps to guide the conciliators in the settlement of disputes, Lupon members most of the time do their functions by discretion. For this reason, this Bureau would like to express its view that the subcommittee’s recommendation is timely, recommending additional backup support mechanisms towards ensuring BJS functions as envisioned, as follows:

(a) Review of the role of the Punong Barangay in the Lupon, as an elective/political official, to consider residents ensure the use of the barangay justice system with the trust that Punong Barangay renders judgment or facilitate dispute resolution with impartiality. Review of the composition of Lupon, that its members should be elected to raise

awareness of their existence; and the need to depoliticize the whole system and divert cases away from political figures into more credible members of the community/lupon;

(b) Moreover, one of the thematic programs of actions identified in the 4th Philippine Human Rights Plan is to strengthen the capacity of the Lupon Tagapamayapa (Lupons) through targeted training and development programs that will enhance their skills in conflict resolution, mediation, and restorative justice practices. By equipping Lupon members with the necessary knowledge and tools for effective dispute settlement, this initiative seeks to improve the Katarungang Pambarangay and empower local leaders to address community issues more efficiently;

(c) The training program will focus on critical areas such as knowledge on the Katarungang Pambarangay Law, alternative dispute resolution (ADR) techniques, and community engagement. These programs will ensure that Lupon members are better prepared to mediate and resolve conflicts at the barangay level before they escalate into more serious disputes that require formal judicial intervention. Investing in the capacity of the Lupon is essential for reducing the burden on the formal judicial system, particularly in handling minor offenses and neighborhood disputes that can be resolved locally. Strengthening the Lupon's ability to address such conflicts early on fosters a culture of peace, cooperation, and restorative justice within communities. This contributes to reducing the number of unresolved complaints, minimizing case backlogs, and creating a more efficient and responsive justice system;

(d) Success will be measured by the number of Lupon Tagapamayapa members who complete training and certification programs, as well as their ability to apply the learned skills in real-life mediation. Key performance targets will track the percentage increase in trained members year-over-year, alongside the number of complaints referred to and resolved by the barangays. These metrics will help gauge the program's effectiveness and its impact on the Barangay Justice System.

C. Overarching Issues

1. Overcrowding

48. In item nos. 41, 42, 43, 44, and 45, the SPT observed overcrowding across almost all types of places of deprivation of liberty, which may amount to cruel, inhuman or degrading treatment. In some cases, levels of overcrowding were above 1000% and in extreme cases, detainees had less than 0.3m² of space per person. Some had remained in such environments for years. In the view of the Subcommittee, current levels of overcrowding require emergency action.

49. Recalling its previous recommendations, the Subcommittee urges emergency action to reduce levels of overcrowding in all places of deprivation of liberty. The State party should ensure that detention is used only where necessary and proportionate, as a measure of last resort. In doing so, it should focus on increased use of non-custodial measures; reducing mandatory sentences for minor and non-violent crimes; review of anti-drug legislation and sentencing; reviewing the bail system, eliminating non-bailable offences; increasing the capacity and efficiency of the judiciary; providing sentencing flexibility for judicial officers; and ensuring faster implementation of the parole regime, among others.

50. In police stations, the Subcommittee frequently saw detainees who had been held in overcrowded and ill-equipped cells for months, due to delays in obtaining commitment orders, conducting bail hearings, or receiving funds for transfer. In other cases, detainees had remained in such environments for significantly longer. In most police stations, detainees had no access to natural light, fresh air, adequate hygiene facilities, or bedding. In some jails, the delegation noted that people slept outside on the floor due to overcrowded cells.

51. Severe levels of overcrowding affect the health of detainees, exposing them to respiratory and skin diseases, which are widespread. Moreover, staffing levels are insufficient to adequately monitor such large populations, leaving potential for abuse among detainees, and resulting in the reliance on the self-governance of the detained community.

52. The Subcommittee, being informed of the authorities' plans to build additional jails and prisons, does not consider that issues related to overcrowding can be resolved by the construction of new facilities. Rather, a more fundamental reform of the criminal justice system is required.

2. Delays in the Judicial System

53. In item nos. 41, 42, 43, 44, and 45, the SPT noted that one of the most apparent contributing factors to overcrowding are delays in the judicial system, reflected by the high proportion of detainees held on remand, and the lengthy periods they spend awaiting trial. The State party should ensure that where no legal basis for detention exists in terms of facts, or where the legal basis for detention has ceased to exist, detainees are immediately released. The State party should further enhance the capacity and efficiency of the judiciary. Upon apprehension, detainees are usually held in police stations for a month or more while awaiting bail hearings or commitment orders. In jails and some police stations, the Subcommittee met unsentenced detainees who had been detained for years, and in some cases over a decade. In interviews with detainees and paralegal officers, interlocutors pointed to insufficiencies in legal aid and the frequent postponement and cancellation of hearings as the main reasons for prolonged detention without sentence.

54. The Subcommittee noted unnecessary bureaucratic processes as a contributing factor in judicial delays and prolonged detention. For example, in some cases, it was observed that jails required hard copies of release orders for detainees, despite the fact that release had been ordered during trial proceedings and that electronic copies of such orders were available to the detaining authorities. As a whole, the Subcommittee observed what may be described as a presumption of detention in the State party. The system of detention places emphasis on the issuance, or lack thereof, of release orders, rather than on the existence of a reasonable factual basis for legal detention.

55. In response to item nos. 41, 42, 43, 44, and 45 under Overcrowding and item nos. 46, 47, 48, 50, and 51 under Delays in the Judicial System, The Philippine Human Rights Plan for 2024–2028, a 5-year plan that includes addressing the poor conditions of custodial/jail facilities. The poor living conditions in custodial and jail facilities across the Philippines remain a significant human rights issue, particularly for PDLs and PUPCs. Overcrowding, and inadequate access to healthcare, sanitation, and necessities are critical concerns affecting the physical and mental well-being of detainees. These conditions are exacerbated by the lack of resources, overcrowded cells, poor infrastructure, and limited healthcare services.

56. To strengthen preventive and protective mechanisms under Thematic Program of Action 1.2.1 of the 4th Philippine Human Rights Plan, a focus is placed on enhancing access to justice for Persons Deprived of Liberty (PDLs) through targeted initiatives and performance benchmarks: 2024: Assess the percentage of PDLs diverted from litigation and the release rate by type of access to justice mechanism. Secure commitments from key agencies to advocate for National Preventive Mechanism (NPM) legislation and other justice initiatives, including amendments to the Barangay Justice System (BJS) in the Local Government Code and a bill on non-custodial measures. 2025: Achieve a 10% increase in the release of PDLs, persons under preventive custody (PUPCs), and prisoners due to improved access to justice, compared to the baseline. Advocate for the passage of NPM legislation. 2026: Attain an additional 10% increase in releases. Support legislation to strengthen the Barangay Justice System. 2027: Secure another 10% increase in releases. Advocate for a law authorizing non-custodial measures during investigation, pre-trial, and sentencing. 2028: Realize a cumulative 30% increase in releases since 2025, reducing unresolved cases through enhanced access to justice mechanisms.

3. Self-Governance

57. In item nos. 52, 53, 54, 55, 56, 57, and 58, the SPT observed and recommended the following: Across the vast majority of facilities visited, the delegation observed a system of highly organized self-governance among detainees. The system, which is ubiquitous in police stations, jails, and prisons, and which is also found in other places of deprivation of liberty, such as bahay pagasa and drug rehabilitation centres, takes the form of a hierarchical structure sanctioned and promoted by detaining authorities. From interviews conducted with staff, it

was clear that the implementation of this system is directly correlated to the challenges posed by overcrowding and lack of adequate staffing. However, the system was also present in locations with low congestion and adequate staffing, indicating that it is deeply entrenched in the carceral system in general.

58. While some degree of self-organization among detainees can have positive effects, such as increasing the sense of collective responsibilities among detainees and promoting social cohesion, the Subcommittee expresses its concern over the degree to which the regulation of affairs in detention is left to the self-governance structure in place.

59. Throughout its visit, the delegation noted that access to, and repartition of basic resources, including food, was largely left to the internal system of self-governance. The resolution of conflicts and complaints was dealt with in a similar manner. This is illustrated by the low number of official complaints observed in locations visited, with most locations having received no complaints at all. Indeed, among detainees interviewed, most were unaware of how to lodge an official complaint, and questioned its utility.

60. The State party should ensure that all detainees are adequately informed of their right to lodge complaints relating to their detention and the available avenues to do so. The State party should encourage detainees to use official channels for all complaints relating to torture, ill-treatment, and their conditions of detention, ensuring that complaint mechanisms are available, intelligible, and effective, and that no detainee is subject to reprisal for lodging a complaint

61. Throughout its visit, the delegation noted that access to, and repartition of basic resources, including food, was largely left to the internal system of self-governance. The resolution of conflicts and complaints was dealt with in a similar manner. This is illustrated by the low number of official complaints observed in locations visited, with most locations having received no complaints at all. Indeed, among detainees interviewed, most were unaware of how to lodge an official complaint, and questioned its utility.

62. Hierarchical structures in place also carry out disciplinary functions. In more sophisticated instances, prison communities have a panel of “jurors”, who conduct hearings into alleged wrongdoing and distribute associated punishments. The delegation noted instances where corporal punishment and the use of disciplinary cells were provided for as punishment. The delegation was also concerned by the encouragement and general lack of oversight of internal disciplinary systems by detaining authorities.

63. Overall, the delegation perceived an almost total abdication of responsibility among detaining authorities concerning the internal regulation of inter-detainee affairs. Indeed, concerns are raised regarding their ability to effectively control the facilities which they administer. Formal systems theoretically in place, such as complaint mechanisms, order, and discipline have been largely paralyzed due to overreliance by authorities on the self-governance of prisoners.

64. The State party should ensure that all allegations of torture or ill-treatment, including corporal punishment, are adequately investigated, and that perpetrators are prosecuted. Allowing detainees and jurors to execute disciplinary functions greatly increases the risk of torture and ill-treatment and should thus be prohibited, in line with the Mandela rules).

65. In response to item nos. 52, 53, 54, 55, 56, 57, and 58, the State party acknowledges the observations made by the SPT regarding the entrenched system of self-governance among detainees in various facilities, including police stations, jails, prisons, Bahay Pagasa, and drug rehabilitation centers. We recognize that while self- organization may have some benefits, its current implementation raises significant concerns regarding the protection of human rights and the accountability of detaining authorities.

66. The DILG, in collaboration with custodial agencies, reaffirms its commitment to implementing the 4th Philippine Human Rights Plan in alignment with international standards, including the Mandela Rules. To address systemic issues in detention facilities, the following measures will be undertaken:

(a) Reducing Overcrowding: Efforts will focus on alleviating congestion through alternative sentencing, non-custodial measures, and expedited judicial processes;

(b) **Improving Staffing Levels:** Recruitment, training, and deployment of adequate personnel will be prioritized to ensure full administrative responsibility over detention facilities;

(c) **Strengthening Oversight and Regulation:** The reliance on detainee-led governance for critical functions, such as resource distribution, conflict resolution, and discipline, will be eliminated;

(d) **Enhancing Complaint Mechanisms:** Detainees will be informed of their right to lodge complaints through accessible, intelligible, and effective mechanisms. Key actions include Regular dissemination of information about complaint procedures. Establishing independent oversight bodies to handle complaints and monitor detention conditions. Ensuring protection against reprisals for those who lodge complaints;

(e) **Prohibiting Unauthorized Disciplinary Functions:** Detainee-led disciplinary actions will be immediately prohibited. Allegations of torture, ill-treatment, or unauthorized disciplinary measures will be thoroughly investigated, and perpetrators will be held accountable. Training programs for detaining authorities will ensure adherence to human rights standards;

(f) **Monitoring and Evaluation:** Enhanced monitoring mechanisms will be established to ensure compliance with reforms. Periodic evaluations will be conducted to guide further actions and strengthen oversight and administration.

67. Through these measures, the State aims to uphold the dignity and rights of all detainees while fostering a just and humane detention system.

VI. Situation of Persons Deprived of Liberty

A. Police and Law Enforcement

68. In item nos. 59 and 60, the SPT noted that interviews and corroboration conducted by the delegation indicate with a high degree of certainty that torture is carried out by police, and occurs with a worrying degree of frequency. During its visit, the delegation found two places of secret police detention, following information provided by alleged victims of torture. When asked about these locations, authorities denied their existence until the delegation located them. In several locations, including both places of secret detention, items for occasioning blunt-force trauma were found, such as baseball bats and other clubs, some with sharp points. When questioned, police officers usually stated that the items had been confiscated and retained as evidence, though this is inconsistent with procedures for handling evidence. More generally, interviews with alleged victims pointed to consistent methods of torture and ill-treatment by police, such as asphyxiation using plastic bags, beatings on the body, the use of blunt force instruments, wounding with gunshots, use of blindfolds, and threats against the lives of detainees and their family members. Allegations stated that torture usually took place upon apprehension, in police vehicles or in places of secret detention during interrogations, and was used against both adults and children. Individuals also complained of property theft and violence by police, along with violent punishments from cell “mayors”.

69. The State party should promptly, effectively, and impartially investigate all incidents and allegations of torture and ill-treatment by police and prosecute all those found to be responsible as stipulated by the CAT. It should also cease the use of all unofficial places of detention and ensure that all items confiscated by police are recorded and stored regularly and reliably.

70. In response to item nos. 59 and 60, the Philippine National Police (PNP) underscores the critical importance of conducting prompt, effective, and impartial investigations into all allegations of torture and ill-treatment, while ensuring that no secret detention facilities exist. To address these concerns, the PNP has implemented the following measures:

(a) **Implementation of Reporting Mechanisms under the Anti-Torture Act** (Republic Act No. 9745). The Human Rights Affairs Office (HRAO) and Police Human

Rights Officers (PHROs) actively enforce reporting mechanisms within detention facilities to promote transparency and accountability: Form 9745-B (List of PDLs): Submitted to the Commission on Human Rights (CHR) every 5th day of the month. Form 9745-A (List of Places of Detention) Submitted to the CHR annually, every 5th day of the month. These reporting mechanisms enable the CHR to effectively monitor the status of Persons under PNP custody and verify the integrity of detention facilities, ensuring compliance with the prohibition on secret detention facilities. By maintaining updated and accessible records, the PNP aims to uphold transparency, prevent abuses, and promote human rights;

(b) **Safeguarding the Rights of Persons Arrested, Detained, or Under Custodial Investigation:** The PNP ensures strict compliance with Republic Act No. 7438, which guarantees the rights of arrested, detained, or investigated individuals. In this regard, police personnel are required to: Accurately register arrested or detained persons in the official police database. Inform detainees of their constitutional rights, including their Miranda Rights. Adhere to the Anti-Torture Act and the PNP Manual on Police Operational Procedures, which mandate physical and psychological examinations before and after custodial investigations to ensure detainees' well-being;

(c) **Awareness Initiatives on the Rights of PUPCs,** to enhance awareness and compliance, the PNP HRAO has developed and installed informational posters outlining the Rights of Persons Arrested, Detained, or Under Custodial Investigation in most police stations with custodial facilities. These materials serve as visible reminders of detainees' rights, ensuring that both detainees and police personnel are aware of the standards that must be upheld. Through these measures, the PNP reaffirms its commitment to protecting human rights, promoting transparency, and maintaining public trust in its operations. Enhancement of the HuRAIS (Human Rights Recording, Analysis, Information System.). This system is vital for systematically recording and analyzing incidents of human rights violations, including torture and ill- treatment. HuRAIS will ensure that all incidents are documented with a clear audit trail, enabling prompt investigations and accountability for police officers involved in such incidents. It is also designed to document alleged human rights violations, including Freedom from Torture, Cruel, Inhuman, or Degrading Treatment and Punishment involving PNP uniformed personnel. It records important details such as the incident, the claim holder, the duty bearer, and other relevant documentary evidence. Subject to approval by the Chief PNP, this information can be provided to PNP investigative bodies to support their investigations;

(d) **Continuous Conduct of Nationwide Inspection and Monitoring of Custodial Facilities,** by ensuring regular inspections of custodial facilities, the PNP can monitor conditions and treatment of persons under police custody (PUPCs). This program will help eliminate unofficial detention sites and reinforce the recording of confiscated items to ensure accountability and proper handling of evidence. From 2022 to 2024, the PNP-HRAO conducted a total of 270 announced and unannounced inspections of custodial facilities nationwide. This number does not include additional inspections conducted by the Internal Affairs Service (IAS) and

(e) **Police Human Rights Officers assigned to Regional Offices,** further amplifying the PNP's commitment to human rights compliance. Significantly, none of these inspections uncovered any secret detention facilities, reaffirming the PNP's adherence to transparency and accountability in the management of detainees. These findings underscore the institution's dedication to upholding the rights and welfare of persons under custody, in line with both domestic laws and international human rights standards.

71. **Ongoing Construction of Standard Police Stations:** The PNP is committed to enhancing its infrastructure through the ongoing construction of standard police stations and custodial facilities. The policy direction of the PNP hierarchy is to ensure that all police stations across the nation provide a standard and secure environment for frontline police services. This commitment is driven by the need to meet the current demands in law enforcement and public safety. Out of the 1,786 police stations nationwide, there are 1,346 or 75% PNP owned standard police station buildings, including those that are ongoing funded under GAA 2024. This emphasis on standardized infrastructure reflects the PNP's dedication to creating conducive working spaces for its personnel. By prioritizing the standardization of police station buildings, the PNP aims to provide a safe and secure environment for both

police personnel and members of the public who seek assistance or report incidents. These modernized stations will prioritize the safety, security, and rights of PUPCs by incorporating humane conditions, improved hygiene, and necessary amenities. By adhering to international standards, these custodial facilities will serve as a benchmark for the proper detention and management of individuals, ensuring compliance with legal obligations and further strengthening the PNP's commitment to human rights. PNP Internal Affairs Service (IAS) to ensure the fast resolution of pending and newly reported cases of torture through the Internal Disciplinary Mechanism. By prioritizing the rapid resolution of both pending and newly reported allegations, the IAS aims to foster accountability within the police force and ensure victims receive timely justice. This process involves clear investigation protocols, meticulous documentation, and stringent accountability measures, all designed to uphold ethical standards and human rights. Additionally, ongoing training for IAS personnel on human rights laws and investigative techniques, alongside collaboration with external stakeholders, enhances transparency and reinforces public trust in the PNP's commitment to ethical policing and the protection of human rights.

72. In item nos. 61, 62, and 63, the SPT observed that Fundamental legal safeguards were found to be severely lacking in practice. Individuals were routinely unable to contact lawyers, notify family members of their detention, have the legality of their detention judicially reviewed, receive adequate medical examinations, or receive information on their rights upon arrest. While the delegation noticed posters with information on the rights of detainees hung on the walls of many police stations, they were almost exclusively in English, and not visible to cells.

73. Due to an unburdened system of legal aid, detainees rarely had meaningful opportunities to consult with counsel, often only meeting with them during hearings. Many detainees interviewed did not know their lawyer's name or how to contact them. Given that many hearings are held virtually, detainees generally do not have the opportunity to meet the counsel before or after the hearings, and thus have no option to direct or consult with counsel regarding their defense. Increased recourse to plea bargaining has resulted in counsel frequently directing clients to sign agreements, even though the implications are not fully understood. Detainees also generally do not have access to court documents which concerns them affecting their ability to mount a defense.

74. The delegation noted that the medical examination was a prerequisite for transfer to BJMP custody. However, as a safeguard against torture, the delegation found medical examinations to be of little value. For example, many detainees were not required to remove items of clothing, despite allegedly bearing marks of torture on their bodies, and some detainees only had their blood pressure checked. Detainees rarely see the results of their examinations, limiting their utility in corroborating the existence of torture and ill-treatment. Expertise in the identification and documentation of torture among nurses and doctors carrying out examinations, along with knowledge of the Istanbul Protocol, appeared to be low to non-existent. The delegation notes that medical examinations constitute an important guarantee in preventing torture and ill-treatment and combating impunity, in addition to protecting police officers against false allegations.

75. In item nos. 61, 62, and 63, the PNP has consistently been at the forefront of upholding fundamental legal safeguards for all individuals deprived of their liberty, ensuring their rights are protected at all times. This includes guaranteeing the rights of detainees from the moment of their arrest, as mandated by Republic Act No. 7438 (RA 7438). This law outlines essential rights for persons arrested, detained, or under custodial investigation, ensuring that these rights are not only recognized in theory but also practiced effectively.

76. The PNP has incorporated these legal protections into its operational guidelines. The PNP's commitment to human rights is reflected in its Guidelines in the Management and Supervision of PUPCs and the Human Rights-Based Policing framework, which includes:

- (a) Training and Awareness: Continuous training programs for officers on human rights standards and practices;
- (b) Human Rights Desk Officers: Designation of officers responsible for ensuring adherence to human rights protocols at all police stations, and

(c) **Monitoring and Accountability:** Implementation of measures to monitor compliance with laws protecting detainee rights and holding violators accountable.

77. Notably, the following are undertaken by PNP-HRAO, Nationwide Inspection and Monitoring of Custodial Facilities, Conduct Continuous Inspections: The 17 Police Regional Offices (PROs), Headquarters Support Service (HSS), and other offices under the National Support Units (NSUs) will perform regular inspections of custodial facilities. These inspections will ensure that Persons Under PUPC are treated humanely and their rights are upheld.

Improved Inspection Checklists and Tools

- Develop and implement a more comprehensive inspection checklist that focuses on Physical conditions, safety, and hygiene of custodial facilities, Overall management and operational procedures in line with human rights standards, psychological safety and well-being of PUPCs, Dignity and respect for individual rights, and Regular Inspection Cycles: Establish a systematic schedule for regular inspection cycles to assess custodial conditions effectively. Inspections should include direct interactions with PUPCs to gather feedback on their living conditions, safety, and access to necessary services.

Enhancing Communication and Rights Awareness, Informing PUPCs of Their Rights

- Ensure that all PUPCs are comprehensively informed of their rights, the reasons for their arrest, and any charges against them in a language they understand. The reading of rights is part of a broader framework that includes regular monitoring and assessment by custodial officers and police human rights officers;
- Immediate Notification Protocol: PUPCs are allowed to notify a relative or another person of their choice immediately after apprehension. This will ensure that PUPCs maintain communication with the outside world from the outset.

Access to Legal Counsel, Guaranteed Legal Access

- Facilitate access to legal counsel from the outset of detention, ensuring that the confidentiality of meetings with lawyers is maintained. Legal appointments and consultations must be recorded in a register for accountability;
- Posting the contact numbers of the Public Attorney's Office (PAO) in all custodial facilities- By providing the contact information of the PAO, PUPCs can easily reach out for free legal assistance if they do not already have a lawyer. This is crucial for ensuring that their rights are protected and that they receive appropriate legal representation throughout their custody.

Medical Examination Protocol, Independent Medical Examinations

- Ensure that all PUPCs receive a free and adequate examination by an independent medical doctor: Upon arrest; Upon transfer between facilities; At regular intervals during detention; and Upon request by PUPCs or their legal representatives.

Online Communication System, Implementation of an "Online Bisita" System

- Introduce a virtual visiting system to allow PUPCs to communicate with their families during restrictions, such as those imposed during the COVID-19 pandemic. This system will help maintain familial connections and support the emotional well-being of PUPCs.

Technology Utilization

- Utilize technology to enable PUPCs to exercise their constitutional rights to communicate with relatives. To enhance connectivity, the PNP will implement online communication services for PUPCs, particularly those who are geographically distant from their families. This initiative will facilitate regular contact, allowing PUPCs to maintain relationships with their loved ones, which is crucial for their emotional well-being.

Anti-Torture Awareness Translated into Local Dialects

- The PNP has committed to promoting human rights awareness by posting anti-torture posters in all custodial facilities. These posters were translated into local dialects to ensure that all individuals can understand their rights and the measures in place to protect them.

78. In item nos. 65, 66, and 67, the SPT observed that the registers examined in police stations were often incomplete or inaccurate, lacking important data such as time and place of arrest, or arresting officer. On at least one occasion, information in the registers was corrected in the presence of the delegation, and additional documents were printed to complete the file.

79. Aside from logbooks, which recorded only basic entry data and occasionally contained empty columns where information on detainees was kept in individualized personal files, making it difficult to track people in detention.

80. This poses a risk for individuals who could get lost in the system. No electronic database was available to track detainees, through information was entered into a Google document or Excel sheet monthly. Additionally, it is of concern that no information regarding the provision of fundamental legal safeguards was recorded.

81. For item nos. 65, 66, and 67, the PNP develops a Custodial Facility Management and Supervision Information System (CFMSIS). To enhance the management and oversight of custodial facilities, the CFMSIS will be developed as a comprehensive digital platform. This system will standardize record-keeping across all police jurisdictions, ensuring that vital information—such as reasons for arrest, length of detention, the identity of arresting officers, access to legal counsel, medical examinations, and incidents—are accurately documented. Senior police officers will be responsible for maintaining these records, and appropriate training will be provided to ensure that all personnel are proficient in utilizing the system to uphold transparency and accountability.

82. In addition to developing the CFMSIS, regular audits and feedback mechanisms will be established to monitor the accuracy and effectiveness of the system. Reports generated from the CFMSIS will summarize key information, such as PUPCs statistics and incidents, ensuring oversight bodies can effectively evaluate custodial practices.

83. By promoting transparency through these reports and involving stakeholders in the evaluation process, the program aims to enhance the treatment of PUPCs and align police practices with legal and human rights standards.

84. In item nos. 68 and 69, the SPT noted that the material conditions of detention in almost all police stations were unsatisfactory, particularly considering the average periods of detention in police custody generally exceeded one month, and in some circumstances extended to several years. As a rule, police stations are unfit for prolonged detention. However, in the case of the State party, prolonged exposure to the conditions found in some police cells may amount to inhuman or degrading treatment. Police detention cells were generally overcrowded and unhygienic, lacking in fresh air, natural light and appropriate hygiene facilities. Detainees were usually not provided any form of bedding, and in many locations were not provided food. In at least two locations, detainees were not provided potable water and had to purchase it for a fee from the police or entreat charity from other inmates. In Taguig Police Station, overcrowding was so great that detainees did not have space to sit. In Liloan Police Station, approximately 260 detainees shared one cell upon detainee's request. Medical records should be made available to the detainees or their legal representatives upon the detainees' request once apprehension, in police vehicles or in places of secret detention during interrogations, and was used against both adults and children.

85. In response to item nos. 68 and 69, the PNP Implementation of a comprehensive monitoring and inspection program. To address the recommendation of improving material conditions for PUPCs and ensuring adherence to the 36-hour limit for police custody, the PNP will implement a comprehensive monitoring and inspection program. This initiative involves continuous nationwide inspections by the 17 PROs and the HSS to assess and enhance the living conditions in custodial facilities. Inspection checklists will be updated to include criteria that focus not only on physical conditions, safety, and hygiene but also on the

psychological well-being and dignity of PUPCs. Regular inspection cycles will be conducted, allowing inspectors to interact directly with PUPCs to evaluate their living conditions and access to essential services such as adequate food and drinking water.

86. Following the initial inspections, the program will include systematic follow-up visits to ensure that identified deficiencies are addressed promptly and sustainably. An open and transparent reporting mechanism will be established, allowing for regular updates on the status of improvements and compliance with human rights standards.

87. This approach emphasizes the PNP's commitment to assuming full responsibility for the well-being and health of individuals in custody, thereby facilitating a humane and dignified treatment environment in accordance with established laws and regulations.

88. Furthermore, the PNP remains steadfast in its commitment to ensuring that detainees or their legal representatives have access to medical records upon request, in line with established protocols. This includes facilitating access to medical information during apprehensions and interrogations, whether in police vehicles or any other location, in strict adherence to human rights standards.

89. Regarding the observations at Liloan Police Station, the PNP-HRAO conducted an inspection of the custodial facility in question. While the PNP recognizes overcrowding as a persistent challenge in facilities, the HRAO inspection found no other significant violations during the assessment.

90. The overcrowding in the said custodial facility arises primarily from the absence of a Bureau of Jail Management and Penology (BJMP) facility in Cebu, as it is located on a separate island. This geographical challenge significantly limits the available options for transferring PUPCs from local stations to appropriate detention facilities. To address this situation, it is essential for local authorities and the BJMP to explore solutions that facilitate the transfer of PUPCs to designated facilities, thereby alleviating congestion and improving living conditions within these stations.

91. Evacuation Plans for PUPCs: The PNP will develop comprehensive evacuation plans specifically tailored for PUPCs during natural disasters such as earthquakes and typhoons. These plans will be aligned with the national disaster response protocols to ensure the safety and security of individuals in custodial facilities. The PNP aims to coordinate with local government units and disaster management agencies to facilitate effective evacuation procedures, ensuring that all PUPCs are accounted for and safely relocated in emergencies.

92. For item nos. 70 and 71, the SPT noted that in almost all police stations visited, male and female detainees were kept separate, and the delegation encountered were few children in police detention. However, in Liloan Police Station, Cebu PPO, PRO7, the delegation encountered four children, three boys and girls, held together in a makeshift cell located on a roofed terrace of the building. Women in police detention were usually supervised by male guards and were not provided feminine hygiene products by detaining authorities. In several locations, the delegation noticed individuals who appeared to have mental abilities.

93. In response to item nos. 70 and 71, the PNP shall conduct an Enhancement of the Custodial Officers Orientation Seminar (COOS) To ensure that the custody of women, children, and other vulnerable groups aligns with international standards, the PNP will enhance the ongoing COOS managed by the HRAO. This program is designed to continuously train and equip custodial officers with the necessary knowledge, skills, and ethical standards to carry out their duties in compliance with both national legal standards and international human rights principles.

94. The enhanced COOS curriculum includes an in-depth study of key national laws, such as RA No. 9745 (Anti-Torture Act of 2009), which prohibits torture and other cruel, inhumane, or degrading treatment, and RA No. 7610 (Special Protection of Children Against Abuse, Exploitation, and Discrimination Act), which provides protection for children in conflict with the law. Additionally, the training will incorporate international instruments like the United Nations Convention against Torture (UNCAT), the Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners), and the Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders), ensuring that custodial practices adhere to global standards.

95. Specialized training modules will focus on the unique needs and rights of women, children, and other vulnerable groups in custody, in accordance with the Bangkok Rules, which provide guidance on the treatment of women prisoners, and the protection of children as mandated by RA No. 7610. Custodial officers will be trained to create a safe, supportive, and non-discriminatory environment for all detainees, with particular emphasis on gender sensitivity and child protection. Moreover, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) will be discussed to underline the PNP's obligation to prevent torture and inhumane treatment, especially during custody.

96. By promoting best practices in custodial management, the COOS aims to foster a deeper understanding of the legal and ethical responsibilities of custodial officers. This includes adherence to international covenants like the International Covenant on Civil and Political Rights (ICCPR), which guarantees fundamental rights to detainees, and the application of national and international standards during detention. Through this ongoing training initiative, the PNP is committed to ensuring that the rights of all persons under police custody (PUPCs) are respected, upheld, and that they are treated with dignity and respect throughout their detention.

97. For item nos. 72 and 73, the SPT observed that knowledge of most police personnel interviewed regarding the prohibition of torture and ill treatment, arbitrary detention, and fundamental legal safeguards appear to be poor. Most, including police "human rights officers", were unaware of the maximum legal time periods for detention and the rights of detainees.

98. The State party should ensure that education and information regarding the prohibition against torture and ill-treatment and fundamental and legal safeguards are fully included in the initial and continuous training of law enforcement personnel.

99. In response to item nos. 72 and 73, the PNP uphold Legal Safeguards Against Torture and Ill-Treatment, to ensure that education and information regarding the prohibition of torture, ill-treatment, and the safeguarding of human rights are fully integrated into the ongoing training of law enforcement personnel, the PNP will continue implementing key programs through the HRAO. These programs are designed to promote adherence to both domestic laws and international protocols that protect the rights of PUPCs.

100. Ladderized subjects on human rights Additionally, lectures on human rights topics are being provided to various PNP units as part of both mandatory and specialized training courses. Human rights topics are mandatorily embedded into all levels of trainings in PNP, as when personnel are trained to respect human rights, they are more likely to adhere to lawful procedures, reducing incidents of abuse and misconduct. Ladderized subjects on human rights will also be incorporated into their training programs. This approach ensures that all police officers receive a structured and progressive education on human rights throughout their careers.

101. Custodial Officer's Orientation Seminar, The COOS is a key initiative that equips custodial officers with the knowledge, skills, and ethical standards necessary for compliance with legal standards and human rights principles. This course emphasizes adherence to domestic laws such as RA No. 9745 (Anti-Torture Act of 2009) and RA No. 7610 (Special Protection of Children Against Abuse, Exploitation, and Discrimination Act). COOS also covers international standards like the UNCAT, the Mandela Rules (United Nations Standard Minimum Rules for the Treatment of Prisoners), and the Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders). These protocols ensure that custodial officers are well-prepared to prevent torture, protect vulnerable groups such as women and children, and promote humane treatment in all custodial facilities.

102. Furthermore, it is proposed that the curriculum will incorporate elements of the Berkeley Protocol on Digital Open-Source Investigations, which provides guidelines on documenting evidence of torture and ill-treatment, helping custodial officers recognize and address violations, especially during detention and investigation procedures.

103. Continuous Conduct of Police Human Rights Officers Course (PHROC), the PHROC is another vital program under HRAO that equips Police Human Rights Officers with the knowledge, skills, and values necessary for addressing human rights issues within the police force. This course integrates the principles of ICCPR, and Human Rights-Based Policing, ensuring that officers are trained to manage PNP Human Rights Desks and resolve various human rights concerns. The inclusion of modules on RA No. 9745 and international instruments like OPCAT helps foster awareness and accountability among officers regarding the prohibition of torture and the proper treatment of detainees. PHROC also provides officers with the skills to conduct seminars and lead investigations into human rights violations, reinforcing the PNP's commitment to upholding legal safeguards and preventing ill-treatment in all operational activities.

104. Human Rights Deepening/Refresher Seminars for Investigators, to continuously reinforce the understanding of human rights fundamentals, the PNP conducts Human Rights Deepening/Refresher Seminars for investigators. These seminars focus on the proper application of investigative procedures in compliance with Philippine laws, such as RA No. 7610 for the protection of children, and RA No. 9745 to prevent torture. The seminars also integrate international standards like the Berkeley Protocol, which enhances the capacity of investigators to document and report instances of torture and ill-treatment through digital open-source methods, ensuring accountability in the investigative process.

105. These refresher courses aim to strengthen the role of investigators in promoting the Rule of Law and ensuring that investigations align with both domestic legislation and international human rights standards, such as the Universal Declaration of Human Rights.

106. As of 2024, the following training programs have been conducted, a) Three (3) Police Human Rights Officers Courses, with a total of 121 participants; b) Twenty-four (24) Human Rights Deepening Seminars, attended by 1,276 participants; and c) Eleven (11) Custodial Officers Orientation Course, which included 571 participants. Since 2016, policies and advisories related to torture and human rights have also been crafted and disseminated to all PNP offices/units nationwide, including the following:

- Advisory on Gender-Sensitivity in Handling Women under PNP Custody;
- Human Rights Advisory re: Use of Force Continuum;
- Human Rights Advisory on Adequate Ventilation in all PNP Custodial Facilities;
- Commitment to Zero Tolerance for Corruption and Human Rights abuses, and Call for PNP Officers to Uphold Ethical and Professional Standards;
- Advisory during PNP Custodial Facility Visit by ICRC or any Authorized Organizations;
- Advisory on Prohibition of Torture and other forms of Cruel, Inhumane or Degrading Treatment or Punishment to PUPCs;
- Responsibilities and Functions of PNP Custodial Officers in the PNP Custodial Facilities;
- Advisory re Guidance on Prohibited Detention Facility;
- Use of Force Continuum;
- Category of Custodial Facilities;
- Reiteration re Nationwide Inventory and inspection of PNP Custodial Facilities;
- Policy re Duties and Responsibilities of Police Human Rights Officers in the Conduct of Inspection of Custodial Facility;
- Reiteration Reiteration on Carrying of "Miranda Doctrine Cards" by all PNP personnel at all times;
- Advisory for PNP Personnel conducting Operations in Muslim Communities or against Muslim Suspects; and
- Human Rights Advisory on Prohibition on the Blind-Folding and/or "Hooding" of Arrested Persons/Detainees and Media Presentation of Suspect/s.

B. Jails, Prisons, and Provincial Jails

107. In item nos. 74 and 75, the SPT observed that the delegation visited a number of jails under the BJMP, and two institutions under BuCor. While such facilities fall under the responsibilities of different institutions and governmental departments, the areas of concern encountered remained largely the same. In jails, remand prisoners are detained together with sentenced prisoners serving a sentence of three years or less, while prisons only accommodate prisoners with sentences of three years and above.

108. The State party should ensure that untried prisoners are kept separate from convicted prisoners.

109. For item nos. 74 and 75, the Bureau of Jail Management and Penology acknowledges the recommendation of the SPT regarding the separation of cells based on the classification of PDLs. However, the agency currently faces limitations that hinder the full implementation of this recommendation, including constraints in financial resources, legal issues related to land acquisition, and the availability of lots for constructing or expanding jail facilities.

110. Despite these challenges, the BJMP remains proactive in addressing the need for improved facilities. The agency continuously seeks funding from the national government for the construction of new facilities and maintains active coordination with local government units to secure land for jail projects.

111. Additionally, the BJMP has strengthened its partnerships with international organizations to assist in the design and construction of jails, ensuring that these new facilities meet international standards. Through these efforts, the BJMP aims to enhance compliance with recommended practices and improve the overall conditions within its facilities.

112. In particular the Cebu Provincial Detention Rehabilitation Center, the delegation met with one individual who have been detained indefinitely in an underground disciplinary cell for four (4) years. As a rule, individuals punished with disciplinary confinement through internal discipline structure were prohibited from leaving their cells and had no knowledge of the term of their punishment. Please be informed, that corrective reforms had been instituted by the undersigned since he assumed office in May 24, 2018. The first observation noted by UN SPT 2023 is somewhat is not accurate.

113. There was no underground disciplinary confinement existing in the CPDRC Jail facility and not one had been detained for four (4) years in an Isolation Cells, except for mentally deranged for almost a year due to Covid 19 Pandemic but were transferred to mentally institution in Manila per request of the undersigned before the court allowed their transport and other detainees who have been frequently committed violations per Cebu Provincial Resolutions Rules and Regulations under Provincial Ordinance No. 2017-05 but only for the maximum of thirty (30) days and automatic disqualifications in granting Good Conduct Time Allowance (GCTA) per RA 10592.

114. Moreover, also please be informed that women under detention had access to the yard for one (1) hour, three (3) days a week. Thus, the CPDRC ordered the Desk Officers to allow the women detainees access to the yard daily every morning to feel the sunlight and exercise exclusively for women (only on week days). However, the women were allowed during the afternoon of Tuesday and Thursday to indulge in their sports activities, such as volleyball, badminton, tennis, and basketball for 1 and 172 hours (2:00 PM-3:30 PM). Hence, Women detainees are given more hours to enjoy the yard schedule participation in religious activities, dancing exercises, and other rehabilitation activities.

115. In item nos. 76,77, and 78, the SPT noted that the most common allegations of torture and ill-treatment received related to the imposition of informal disciplinary sanctions by fellow inmates under the system of self-governance. In a number of institutions, the delegation was informed by detainees that corporal punishment was used as a disciplinary sanction. Such punishment usually consisted in a predetermined number of strokes with a paddle or rubber tubing. In both Cebu City Jail and New Bilibid prison, some inmates were armed with sticks. Interviews indicated that such sticks were sometimes used to beat detainees. Interviews, for example those carried out in Davao City Jail, also indicated that individuals without gang-affiliations were at high risk of suffering inter-prisoner violence.

116. The State party should promptly, effectively, and impartially investigate all incidents and allegations of torture and ill-treatment, including instances where such pain and suffering is inflicted at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity, and prosecute all those found to be responsible.

117. For item nos. 76, 77, and 78 re Allegations of Torture and Ill-treatment, the BJMP acknowledges the recommendation of the SPT regarding the separation of cells based on the classification of PDLs. However, the agency currently faces limitations that hinder the full implementation of this recommendation, including constraints in financial resources, legal issues related to land acquisition, and the availability of lots for constructing or expanding jail facilities.

118. Despite these challenges, the BJMP remains proactive in addressing the need for improved facilities. The agency continuously seeks funding from the national government for the construction of new facilities and maintains active coordination with local government units to secure land for jail projects.

119. Additionally, the BJMP has strengthened its partnerships with international organizations to assist in the design and construction of jails, ensuring that these new facilities meet international standards. Through these efforts, the BJMP aims to enhance compliance with recommended practices and improve the overall conditions within its facilities.

120. From 2017 to 2024, 45 personnel were administratively charged with maltreatment. Of these cases, 16 personnel were suspended, one was fined, two were reprimanded, and 16 cases were dismissed. These actions demonstrate the BJMP's commitment to promptly addressing cases of maltreatment and upholding the rights of PDLs, reflecting the agency's proactive stance on human rights protection.

121. In response to the observation made to the Cebu Provincial Detention and Rehabilitation Center (CPDRC), the CPDRC made corrective reforms in May 24, 2018. The first observation noted by UN SPT is somewhat not accurate. There was no underground disciplinary confinement existing in the CPDRC Jail facility and not one had been detained for four (4) years in an Isolation Cells, except for mentally deranged for almost a year due to Covid 19 Pandemic but were transferred to mental institution in Manila per request of the undersigned before the court allowed their transport and other detainees who have been frequently committed violations per Cebu Provincial Resolutions Rules and Regulations under Provincial Ordinance No. 2017-05 but only for the maximum of thirty (30) days and automatic disqualifications in granting Good Conduct Time Allowance (GCTA) per RA 10592.

122. In item nos. 79, 80, 81, and 82, the SPT observed that the information provided by the State party regarding the implementation of the Single Carpeta System for electronic handling of detainee data. However, the Subcommittee is concerned that the system is not sufficiently fit for purpose and stores only basic data, noting that all facilities visited maintained parallel systems for storing prisoner data which were more suitable for daily use. The Subcommittee regrets that most facilities visited also lacked central registers for healthcare, disciplinary sanctions and incidents, preferring the maintenance of individualized files.

123. The vast majority of detainees receiving free legal aid stated that they had little to no contact with their lawyers outside of trial hearings. In Quezon City Jail, the delegation observed that trial hearings were virtual and held in an open area with other inmates and guards, providing little possibility for confidential discussions with counsel. For inmates with private counsel, the majority stated they had no difficulties in meeting with their lawyers.

124. For item nos. 79, 80, and 81 re safeguards, the Bureau of Jail Management and Penology (BJMP) acknowledges the observations and recommendations made regarding the Single Carpeta and the management of PDL data in our facilities. We recognize that comprehensive data management is essential to uphold transparency, ensure accountability, and the humane treatment of PDLs following or purpose of international standards.

125. As recommended, BJMP is actively pursuing the adoption of an electronic data management system for PDL records. This system is being developed in consultation with jail administrators and technical experts to ensure it is comprehensive, functional, and secure.

By leveraging digital solutions, BJMP aims to improve data accessibility, enhance record accuracy, and facilitate better coordination across facilities.

126. The BJMP Is committed to implementing a robust, secure, and practical data management system that supports effective administration while safeguarding the rights and dignity of PDLs. We appreciate the SPT's insights and will continue to align our practices with international standards to foster accountability and transparency within our facilities.

127. In response to observations concerning the accessibility and confidentiality of legal aid for Persons Deprived of Liberty (PDL) and the availability of confidential complaint mechanisms, the BJMP offers the following clarifications and commitments:

128. The BJMP acknowledges the observation that PDL receiving free legal aid report limited contact with their counsel outside of trial hearings. While the BJMP strives to facilitate attorney-client Interactions, the frequency and quality of communication largely depend on the availability and resources of public defenders, who often manage significant caseloads. In coordination with the Public Attorney's Office (PAO) and other legal aid providers, the BJMP is committed to enhancing channels for regular and confidential attorney-PDL communications to ensure that the rights of PDL to adequate representation are respected and upheld.

129. The delegation's observation that virtual hearings are conducted in an open area with other PDL and officers is an area of focus for the BJMP. While logistical challenges sometimes necessitate shared spaces for virtual hearings, efforts are underway to establish designated, private locations within facilities to maintain confidentiality. This measure will help ensure that PDL have the opportunity for confidential legal consultations, in line with international standards for privacy and legal access.

130. The observation that PDL with private counsel generally report no difficulties in meeting with their lawyers is encouraging, but it highlights the disparity in access between those with private versus public defenders. The BJMP recognizes the need to bridge this gap to provide equitable access to all PDL, including those relying on public legal aid. The BJMP will work closely with stakeholders to align its facilities and policies to facilitate equal access to counsel for all PDL, regardless of their representation status.

131. The BJMP is committed to ensuring that PDL can submit confidential complaints without fear of reprisal. Existing channels within BJMP facilities include internal complaint drop boxes and direct access to designated complaint officers. Additionally, the BJMP Is strengthening partnerships with external oversight bodies to ensure impartial and confidential investigations of complaints related to torture, ill- treatment, or other human rights concerns. Information about these mechanisms is regularly shared with PDL through facility briefings and posted notices to ensure awareness and accessibility.

132. In response to the recommendations, the BJMP reiterates its commitment to upholding the rights of PDL to accessible legal aid and the confidentiality of legal counsel. Ongoing enhancements to physical infrastructure and procedural safeguards are in place to meet these standards. The BJMP values feedback from oversight bodies and remains open to further guidance on operational improvements that promote the welfare and legal rights of all PDL.

133. For item nos. 82, 83, 84, 85, and 86, the SPT observed that the Across the institutions visited, material conditions were generally well below reasonable standards. In more crowded institutions, conditions were abhorrent and could amount to cruel, inhuman or degrading treatment. Cells generally had a fetid smell and lacked fresh air, running water, natural light, and privacy. Many were infested with cockroaches or fleas. Detainees had insufficient bedding, with some sleeping on exposed tiles or cardboard, or the communal yard. In most locations, detainees slept together on raised awnings. This raises significant concerns regarding the risk of sexual abuse, and sexual relations among prisoners were noted by the delegation in a number of locations.

134. Facilities available to detainees were minimal, with no place to store their belongings and often one toilet shared among approximately 40 detainees. Access to water for hygiene purposes was limited, and detainees usually received a set quantity of water to wash themselves each day, either in bottles or communal vats. Where water was available, it was provided through a hose which ran to the cells. Neither toiletries, nor cleaning products were

provided by authorities, and were available only for purchase at commissary shops or through visitors bringing supplies.

135. While all detainees interviewed indicated that food and potable water was provided for free, most detainees complained that food was provided in insufficient quantities or was inedible. While noting that budget allotted per detainee for nutrition in BuCor facilities has increased since the Subcommittee's last visit, the current allotment of 70 pesos per day remains insufficient. Similar to detainees in police stations, individuals interviewed stated that they largely relied on visitors to bring supplies to meet their basic needs.

136. While many jails were internally administrated by a communal "cooperative" system, whereby food and other goods brought by visitors would be added to a common pool and redistributed, the delegation noted that in the maximum-security facility of New Bilibid prison, detainees are segregated according to gang affiliation. Gangs appeared to function in a similar way to cooperatives, but notably differed concerning their own internal rule systems.

137. The Subcommittee reiterates that all cells must be of a reasonable size for their intended occupancy. Cells should have sufficient natural light and ventilation. Detainees must also be provided with all necessities required to meet their basic needs, free of charge, including sufficient and individual bedding, water and nutritional food in adequate quantities, cleaning supplies, and supplies for personal hygiene, in line with the Nelson Mandela rules.

138. For items nos. 82, 83, 84, 85, and 86 re conditions of detentions, The BJMP recognizes that: Many facilities are overcrowded, leading to conditions that may amount to cruel, inhuman, or degrading treatment. The lack of fresh air, running water, natural light, and privacy in some cells contributes to an unhealthy living environment. Infestations, inadequate bedding, and insufficient access to basic necessities significantly affect the well-being of detainees.

139. The BJMP is committed to addressing these deficiencies and is adequately implementing a multi-faceted approach to improve the material conditions in, and in our facilities. The BJMP is actively pursuing several measures to enhance jail facilities and improve the living conditions for Persons Deprived of Liberty (PDLs). The BJMP is continuously expanding and upgrading its facilities across the country to address overcrowding. This includes the construction of new dormitories, rehabilitation of existing structures, and adding multi-purpose buildings to increase capacity and improve living conditions. The BJMP is working closely with LGUs to secure land donations for the construction of new jails. This collaboration aims to strategically expand the capacity of facilities in areas with high congestion and align development efforts with local needs.

140. The BJMP maintains ongoing coordination with the courts to implement measures that reduce congestion, such as the expedited processing of cases and alternative sentencing programs. These efforts are crucial in decreasing the number of PDLs awaiting trial and enhancing overall jail management.

141. To ensure the nutritional needs of PDLs are adequately met, the BJMP is initiating measures to raise the daily food budget above the current 70 pesos per PDL. This includes advocating for additional government funding and seeking budget adjustments to better reflect rising costs and improve the quality of meals.

142. The BJMP is actively enhancing its collaboration with non-governmental organizations, civil society groups, and private sector partners to supplement the basic needs of PDLs. These partnerships aim to provide additional resources such as hygiene kits, medical supplies, and other essential items to support the welfare of PDLs.

143. Through these initiatives, the BJMP is committed to creating a more humane and dignified environment for PDLs, in line with international standards and best practices. The BJMP acknowledges the concerns regarding living conditions and the availability of services and amenities in certain facilities, and recognizes the need for continuous improvement. To address these issues, the BJMP is actively implementing measures aimed at enhancing the conditions in jails and ensuring that the needs of Persons Deprived of Liberty (PDL) are met.

144. The BJMP provides standardized welfare and development programs across all jails nationwide, ensuring that all PDLs have access to essential services aimed at supporting their

rehabilitation and well-being. These programs include educational, vocational, and recreational activities designed to facilitate personal growth and prepare PDLs for reintegration into society.

145. However, the BJMP acknowledges that some jails may face challenges in fully implementing these programs due to space and budgetary constraints. To address these limitations, the BJMP is actively working to establish policies and mechanisms that prioritize resource allocation and provide alternative strategies for facilities facing such challenges. Efforts are underway to coordinate with local government units for additional support, optimize existing spaces, and seek partnerships with stakeholders to supplement resources.

146. The Bureau remains committed to upholding the rights and welfare of PDLs, ensuring that despite constraints, every effort is made to provide adequate living conditions and meaningful rehabilitation programs in all facilities.

147. In item nos. 87 and 88, the SPT noted a notable discrepancy between facilities in the regimes applicable and activities available to detainees. While some locations had a largely open-cell regime, with most male detainees having access to outdoor areas and engaging in some activities throughout the day, others, such as Pasig City Jail, operated more closed regimes, with detainees being afforded less time outside of their cell blocks and fewer or no activities. The spaces in adult education or workshops were highly limited or were only accorded to privileged detainees. Others often had difficulties in enrolling.

148. The State party should provide meaningful educational, vocational, and recreational activities to all persons deprived of their liberty and all detainees should be allowed to exercise in the fresh air for at least one hour per day.

149. For Item Nos. 87 and 88 re regime and activities/rehabilitation, The BJMP acknowledges the concerns regarding living conditions and the - availability of services and amenities in certain facilities, and recognizes the - need for continuous improvement. To address these issues, the BJMP is actively implementing measures aimed at enhancing the conditions in jails and ensuring that the needs of Persons Deprived of Liberty (PDL) are met.

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153. In item nos. 89, 90, 91, 92, 93, and 95, the SPT observed that in many locations, medical staff indicated that the BJMP did not receive adequate supplies of medicine, and that it was often necessary to liaise with government-run local health units to meet the medical needs of detainees. The entire carceral system suffers from a paucity of doctors and other trained medical professionals. In some locations, such as Davao City Jail, a doctor only visited the premises once every two weeks. The Subcommittee is concerned that medical assessment of detainees is only conducted upon initial apprehension by police and prior to entry into BJMP facilities, and that no routine check-ups occur.

154. Conditions in many places of detention present a serious risk to health. Overcrowding, accompanied by poor ventilation and excessive heat, presented unacceptable risks such as cardiac arrest, and greatly increased the risk of transmission of communicable diseases such as tuberculosis, and skin conditions. In many locations, so-called "isolation" cells contained prisoners with a variety of different illnesses, including prisoners with contagious diseases

such as tuberculosis. Isolation cells in some locations, such as in Cebu City Jail, were placed immediately beside disciplinary cells, with similarly poor conditions. Most locations visited had an “isolation” area where new detainees were held for two weeks before release into general population. However, the delegation observed that, in some locations, new arrivals, prisoners with illnesses, and prisoners in disciplinary confinement were mixed in the same cell.

155. The delegation observed an almost complete absence of protection of individuals suffering from mental illnesses or disabilities, their welfare instead being left in the hands of the self-governing inmate community and generally consisting in segregation.

156. The State party should ensure that all deaths in custody are promptly, effectively, and impartially investigated by an independent entity, including by means of independent forensic examinations, in line with the Minnesota Protocol and, where appropriate, apply the corresponding sanctions. Furthermore, transfers to hospital should not depend on the issuance of a judicial order and should rather fall within the sole discretion of trained medical professionals.

157. For item nos. 89, 90, 91, 92, 93, 94 and 95 re health, the Bureau of Jail Management and Penology (BJMP) faces a critical shortage of medical officers, which is impacting its ability to provide adequate healthcare to persons deprived of liberty (PDL).

158. Medical Doctors are essential in safeguarding the health and well-being of PDLs, addressing various medical concerns, and preventing the spread of diseases in confined jail spaces. Although the recent hiring of four (4) medical doctors provides some relief, it is insufficient to meet the growing healthcare demands in BJMP facilities nationwide.

159. To uphold human rights standards and prevent potential health crises, the recruitment of more medical officers remains an urgent priority as the BJMP is committed to expanding its medical team to bridge the existing gap between the required and available healthcare providers. By enhancing the bureau’s medical capacity, the BJMP will not only fulfill its mandate of protecting the welfare of PDLs but also uphold the highest standards of health and safety within its facilities.

160. The BJMP acknowledges the serious health risks posed by overcrowding, inadequate ventilation, and excessive heat in certain detention facilities and is actively implementing measures to address these issues. We recognize that these conditions increase the vulnerability of Persons Deprived of Liberty (PDL) to health complications, including respiratory illnesses, cardiovascular risks, and communicable diseases such as tuberculosis and skin infections. In response, the BJMP is committed to the following actions:

161. To alleviate overcrowding, the BJMP has intensified collaboration with the judiciary to expedite case resolutions and reduce the PDL population, particularly for those eligible for alternative sentencing or release on humanitarian grounds. Additionally, the BJMP is coordinating with other government agencies to prioritize facility expansion and construction, which will increase capacity and improve living conditions in affected facilities. Efforts are ongoing to create partnerships with local governments and non-governmental organizations to facilitate PDL transfers where necessary to relieve congestion.

162. The BJMP is implementing ventilation improvements, including installing fans and exhaust systems in high-density areas, to promote air circulation and alleviate heat. Moreover, facility refurbishments are being carried out to improve airflow and reduce heat retention in detention areas. The BJMP continues to assess facilities with particular vulnerabilities to heat and poor ventilation to prioritize resources effectively and apply targeted environmental modifications.

163. To mitigate health risks related to overcrowding and other facility conditions, the BJMP is expanding access to healthcare within facilities. This includes regular screening for communicable diseases such as tuberculosis and dermatological assessments to identify and treat skin conditions promptly. The BJMP works closely with the Department of Health (DOH) to provide vaccination, preventive care, and health education, which are essential to prevent and control disease transmission in detention settings.

164. In response to risks like cardiac arrest and other severe health issues, the BJMP is implementing routine health monitoring protocols for PDL, particularly for vulnerable populations, including those with pre-existing health conditions. Trained medical personnel conduct regular screenings, and emergency protocols have been strengthened to address health crises efficiently within facilities.

165. The BJMP is committed to the continuous improvement of detention conditions to meet both national and international health standards. We acknowledge the Importance of creating safe, healthy, and humane environments for PDL and will continue to monitor and address facility conditions proactively to mitigate health risks.

166. Finally, the BJMP is taking comprehensive steps to address the health challenges associated with overcrowding, inadequate ventilation, and heat in detention facilities. Through infrastructure improvements, enhanced healthcare access, and preventive health measures, the BJMP remains dedicated to upholding the well-being and human rights of all PDL under our care.

167. The BJMP acknowledges the need to improve conditions for persons deprived of liberty (PDL), including the provision of adequate isolation cells, and is taking proactive steps to address these concerns while prioritizing the health and well-being of detainees.

168. While the Minimum Standards outline the required number of isolation cells based on facility type, the Bureau has focused on expanding and constructing new cells primarily to alleviate congestion. Consequently, the availability of isolation areas often depends on the facility's capacity, with efforts ongoing to address these limitations through further construction projects, led by the Directorate for Logistics.

169. To improve health outcomes and ensure better management of PDL populations, the Directorate for Health Services (DHS) recommends distinguishing between isolation cells and reception areas or reception diagnostic units. Newly admitted PDL should be kept separate from the general population for at least five working days, as mandated in the DHS Memorandum on Jail Preparedness and Resilience for Potential Health Threats dated October 4, 2023. This segregation is essential for, reducing potential health risks, particularly during initial medical assessments.

170. Moreover, PDLs diagnosed with communicable diseases must be isolated from the general population to prevent the spread of infections. To reinforce these protocols, the DHS will issue a memorandum to all Jail Health Personnel and coordinate with the Directorate for Operations and Directorate for Logistics to ensure alignment on these health-related concerns.

171. For PDLs with mental health conditions, the BJMP follows the procedure of transferring individuals to mental health facilities upon issuance of a court order. In instances where such facilities are unavailable, jail health PDLs to a nearby BJMP jail that is closer to the relevant mental health facility, thereby ensuring continued access to care.

172. The DHS acknowledges the limited availability of mental health facilities, a challenge faced not only by jail facilities but also across the country. To address this issue, the DHS will reiterate the need to prioritize PDLs with mental health concerns. This includes the segregation of these individuals from the general population, prioritizing their regular medical check-ups and treatments, and coordinating with paralegal officers to expedite the resolution of their cases.

173. The BJMP remains committed to improving the conditions within jails, ensuring the health, safety, and dignity of all PDLs through consistent policy implementation and resource allocation.

174. In item nos. 96 and 97, the SPT observed that Most detainees indicated that they had adequate contact with family members through a system of in-person visitation, though in some locations personal contact was not allowed. Some detainees at New Bilibid prison were prohibited from having visits, while others had difficulties in meeting with their relatives as they were detained far from their families. Lack of contact was exacerbated by the fact that detainees did not have access to phone calls. In Davao City Jail for women, visitation rights were a reward for good behavior. In many locations, such as General Santos City Jail, there is a routine practice of strip- searching visitors. The Subcommittee regrets that BuCor

continues to discriminate against women prisoners in denying them conjugal visits, and that not all BJMP facilities implemented BJMP-LSO-MC-69 in practice.

175. The State party should ensure that persons deprived of their liberty are detained in locations within reasonable proximity of their families. While searches of visitors can be warranted, systematic strip-searching of visitors should end in all locations. Strip searches should only be carried out in exceptional cases and should be based, at a minimum, on a reasonable suspicion of an unlawful act. Rules of visitation should be standardized across all facilities, and the State party should also ensure equal and non-discriminatory access to conjugal visits in all facilities.

176. For item nos. 96 and 97 re contact with the outside world, the Bureau of Jail Management and Penology (BJMP) is committed to upholding the rights and welfare of Persons Deprived of Liberty (PDL) and their families. We recognize the Importance of maintaining family connections as a crucial part of rehabilitation and reintegration, and we aim to ensure that visitation policies are consistently and fairly implemented across all facilities.

177. The BJMP has established guidelines to ensure the safe and humane visitation of PDLs, including BJMP-LSO-MC-69, which provides the framework for visitation protocols. While most facilities adhere to these guidelines, we acknowledge that challenges remain in fully standardizing visitation practices across all jails. The BJMP is working to review and update these policies to ensure a consistent approach to visitation rights and procedures, including the elimination of disparities in how visitation privileges are granted, such as the practice in some facilities of linking visitation rights to behavior-based incentives.

178. Strip Searches of Visitors: The BJMP understands concerns regarding the routine practice of strip- searching visitors at some facilities, including General Santos City Jail. The Bureau recognizes the need to balance security measures with respect for the dignity and rights of visitors. Moving forward, the BJMP will:

- Issue reiteration of the existing guidelines pertaining to strip search to ensure that this is conducted only in exceptional circumstances and based on reasonable suspicion of contraband smuggling or unlawful activity;
- Limit routine strip searches to cases where other less intrusive security measures are deemed insufficient to maintain the safety and security of the facility. Provide training to personnel on conducting searches in a manner that respects human dignity and adheres to established protocols;
- Proximity of Detention Facilities to Families: We recognize the importance of detaining PDLs in locations reasonably close to their families to facilitate regular contact. The BJMP strives to allocate PDLs to jails that minimize travel burdens on families; however, this is sometimes constrained by factors such as facility capacity, security classification requirements, and geographic distribution of jails. The Bureau is exploring options to improve the placement of PDLs closer to their families whenever feasible;
- Equal Access to Conjugal Visits: The BJMP supports equal and non- discriminatory access to conjugal visits for eligible PDLs, in line with human rights standards. We are working on refining policies to ensure that all facilities grant conjugal visitation rights consistently, without discrimination based on gender, offense, or other factors. Additionally, mechanisms are being put in place to ensure that Standardization of Visitation Rules: The BJMP is currently reviewing visitation policies to standardize rules across all jails, ensuring that all PDLs have equitable access to family contact, regardless of the facility's location. The Bureau will also establish monitoring mechanisms to ensure compliance with BJMP-LSO-MC-69 and any revised guidelines.

179. The BJMP remains committed to continuous improvement of its policies and practices to ensure the protection of the rights and welfare of PDLs and their visitors

180. In item nos. 98, 99, 100, 101, and 102, re disciplinary measures/regimes, all locations visited had a formal disciplinary regime administered by prison management and an internal disciplinary regime administered through self-governance structures operating in parallel.

Recourse to the formal disciplinary regime in jails and prisons appeared to be minimal and largely restricted to incidents of inter-prisoner violence or smuggling of contraband. In such instances, disciplinary boards rendered formal decisions, and punishments usually involved restriction of visitation or transfer, sometimes in combination. Formal forms of punishment did not supplant informal discipline, and offenders often suffered punishments under both regimes. While disciplinary cells are not formally used in BJMP facilities, the delegation observed their use as an informal manner of punishment.

181. Concerning internal structures of discipline, punishments included exclusion from activities, cleaning tasks, exercises known as “pumping”, use of disciplinary cells and corporal punishment, among others. Given the informal nature of the internal disciplinary system, no avenues of appeal were available to alleged offenders.

182. The delegation observed several disciplinary cells with deplorable conditions. In Davao City Jail, more than 100 inmates shared a disciplinary cell. In Cebu City Jail, prisoners in disciplinary cells received only one litre of water per day for personal hygiene purposes. In order to clean their sanitary facilities, a toilet shared by approximately 25 people, they used water which they had collected from washing their bodies, along with their own urine. To maintain a sanitary toilet, prisoners described how at times they had to defecate onto sheets of plastic and dispose of them outside of the cell. In Cebu Provincial Detention and Rehabilitation Center, the delegation met with one individual who had been detained indefinitely in an underground disciplinary cell for four years. As a rule, individuals punished with disciplinary confinement through internal discipline structure were prohibited from leaving their cells and had no knowledge of the term of their punishment.

183. Material living conditions of an adequate standard, including as they relate to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care, and adequate personal space, should apply to all prisoners without exception. Corporal punishment and indefinite detention for disciplinary purposes may amount to ill-treatment and torture and should be prohibited under all circumstances. Prisoners should have a right to appeal all disciplinary actions, and such right should be enshrined in law.

184. For item nos. 98, 99, 100, 101, and 102, re disciplinary measures/regimes, the Bureau of Jail Management and Penology (BJMP) is committed to upholding the rights and welfare of Persons Deprived of Liberty (PDL), including ensuring that disciplinary measures comply with human rights, standards and the rule of law. We recognize the concerns raised regarding informal disciplinary practices and the need for transparent and fair disciplinary procedures across all facilities.

185. The BJMP has established formal procedures to address violations of jail rules and regulations, which involve disciplinary boards rendering decisions in cases such as inter-prisoner violence and contraband smuggling. Punishments under these formal processes may include restrictions on privileges, such as visitation, or transfers to other facilities. These measures are intended to maintain order and security within jails while respecting the rights and dignity of PDLs.

186. The BJMP reiterates that the official policy does not include the use of disciplinary cells as a formal means of punishment. We acknowledge, however, the observations regarding the informal use of such cells in some facilities. The BJMP is taking steps to:

- Investigate any informal practices involving disciplinary cells and ensure they are immediately discontinued. Reinforce the policy prohibiting the use of cells as punitive isolation to ensure compliance across all facilities. Enhance monitoring mechanisms to ensure that all disciplinary actions adhere strictly to established guidelines and human rights principles;
- The BJMP recognizes that informal disciplinary practices, such as exclusion from activities, additional cleaning tasks, physical exercises (e.g., “pumping”), and corporal punishment, are inconsistent with international human rights standards and should not be used.

187. The Bureau is committed to: Prohibiting all forms of corporal punishment and informal disciplinary practices that could constitute ill-treatment or torture. Training

programs for jail personnel will be intensified to ensure compliance with this prohibition. The Bureau of Jail Management and Penology (BJMP) acknowledges the serious concerns raised regarding the conditions in disciplinary cells at certain facilities, including Davao City Jail and Cebu City Jail. We are committed to ensuring that all Persons Deprived of Liberty (PDL) are treated with dignity and that conditions in jails meet international human rights standards. The BJMP reiterates its position that disciplinary cells are not intended to be used as formal punishment, and we are concerned about the observed practices. The Bureau is taking the following actions to address these issues:

- An immediate review and investigation of the use of disciplinary cells in Davao City Jail, Cebu City Jail, and other facilities to identify any violations of BJMP policies and human rights standards. A directive has been issued to all jail facilities to prohibit the use of disciplinary cells for housing large numbers of inmates or for purposes not aligned with official disciplinary guidelines. Jail administrators will be held accountable for ensuring that the use of disciplinary cells, if deemed necessary for safety and security, complies strictly with established policies and does not result in inhumane treatment.

188. The BJMP is committed to making immediate improvements to ensure that all jails provide humane conditions for PDLs, including those placed in disciplinary cells. Measures to be implemented include ensuring that disciplinary cells are not overcrowded and are only used for short-term, exceptional cases where security and safety require it. Providing sufficient water for personal hygiene, including a minimum daily provision that meets international standards. The current practice observed in Cebu City Jail, where PDLs receive only one liter of water for hygiene purposes, is unacceptable and will be corrected. Guaranteeing access to clean and functioning sanitary facilities for all PDLs, including ensuring that toilets are properly maintained, adequate cleaning supplies are provided, and sufficient water is available for cleaning purposes. The unsanitary practices described by PDLs, such as using plastic sheets for defecation, will be addressed Immediately.

189. The BJMP is strengthening its monitoring and accountability mechanisms to prevent the recurrence of such conditions. This includes establishing regular inspections of jails, focusing on the conditions of disciplinary cells, and ensuring compliance with national and international standards for detention. Enhancing oversight by higher BJMP authorities and external monitoring bodies to ensure that disciplinary measures do not involve degrading or inhumane treatment. Conducting training for jail personnel to reinforce the standards for humane treatment of PDLs, with an emphasis on ensuring that living conditions, even during disciplinary actions, remain within acceptable standards.

190. Long-Term Solutions to Address Overcrowding, Overcrowding remains a significant challenge in some BJMP facilities, contributing to the poor conditions observed in disciplinary cells. The Bureau is Implementing long-term measures to address this issue: Expanding jail facilities and constructing new jails to reduce overcrowding and improve living conditions. Enhancing efforts to decongest jails through measures such as alternative sentencing, the use of non-custodial measures, and expediting the judicial process for PDLs with pending cases.

191. In item nos. 103 and 104, the SPT noted that serious difficulties in both jails and prisons concerning understaffing, resulting in prisoners taking over the vast majority of tasks. In the maximum-security facility of New Bilibid prison, for instance, a normal shift operated with a ratio of one guard per 500 prisoners. A similar ratio was observed in Quezon City Jail. Given the informal economies inside facilities, the delegation frequently heard of staff selling commodities to prisoners at considerable markups. While noting the positive initiative of installing paralegal officers in some locations, understaffing and overcrowding appeared to prevent them from providing meaningful support to detainees.

192. The State party should increase financial and human resources provided to jails and prisons to tackle understaffing, and also consider reviewing and increasing the remuneration of jail and prison staff as a step towards tackling corruption. Further, immediate steps should be taken to prevent staff from profiting from the needs of detainees.

193. For item nos. 103 and 104 re prison and jail personnel, the Bureau of Jail Management and Penology (BJMP) is mandated to manage and supervise the safekeeping, custody, and

rehabilitation of the Persons Deprived of Liberty (PDLs) in all district, city, and municipal jails across the Philippines. However, with 24,661 actual number of uniformed personnel and in comparison, with the 46,984 Ideal overall manpower, the Jail Bureau is currently facing challenges in meeting the ideal staff to manage effectively operate all 483 BJMP jails, which directly impacts jail security and the welfare and development of PDL, which is now at 118,549 as of the last report. This means that the BJMP currently has a 1 to 5 jail officers to PDL ratio, versus the ideal 1 to 3. The effects of understaffing resulted in problems related to the implementation of various welfare and development programs as well as provision of health service to PDL, among others.

194. To solve this, the BJMP is given an annual quota of 2000 for the recruitment of Jail Officer 1 nationwide to beef-up the manpower strength of all BJMP jails and units, continuously improve its training and development of its current personnel and HR policy reforms among others, in order to constantly fulfill its mandate effectively, providing a safe and rehabilitative environment for PDL while maintaining the morale and well-being of its personnel.

195. In item nos. 105 and 106, the SPT regrets that specialized services, such as gynecological assistance, were rarely available and feminine hygiene products were generally not available free of charge.

196. The regime for women prisoners in most locations was severely limited in terms of access to fresh air and activities, in comparison to the regime of male prisoners, and in some locations, no activities were available at all. For example, while male detainees had access to the exercise yard in Cebu Provincial Detention and Rehabilitation Center, women detainees only had access to the yard for one hour, three days a week. In General Santos City Jail, women did not have the opportunity to leave their cells at all. Positively, however, the delegation noted an increased proportion of women guards in areas and locations housing women detainees.

197. For item nos. 105 and 106 re situation of women prisoners, the BJMP recognizes the critical importance of gender-sensitive healthcare for women PDLs, particularly in providing consistent access to gynecological services and feminine hygiene products. To address these needs effectively, we are actively pursuing partnerships with local healthcare providers and non-governmental organizations (NGOs) to enhance medical support and facilitate the distribution of free feminine hygiene supplies.

198. In line with this commitment, BJMP is currently formulating a comprehensive policy on the provision of hygiene kits for PDLs. This policy aims to establish clear standards and ensure the consistent provision of essential hygiene supplies for all PDLs, with special consideration for the unique needs of women. Through these initiatives, we seek to promote the dignity, health, and well-being of women PDLs in our facilities.

199. The BJMP is particularly concerned about reports from General Santos City Jail regarding the inability of women PDLs to leave their cells. We are conducting an internal review of the circumstances and capacity of this facility to implement improvements that will allow women PDLs appropriate movement, activity, and access to fresh air. Additionally, we are studying best practices for structured outdoor time that comply with security protocols.

200. The BJMP appreciates the delegation's acknowledgment of our efforts to increase the presence of women guards (personnel) in areas housing women PDLs. This initiative is aligned with our ongoing commitment to gender-responsive approaches in our facilities. We plan to expand the recruitment and training of female personnel to further enhance the quality of supervision and care for women detainees.

201. Moreover, CPDRC women detainees had access to the yard for one (1) hour, three (3) days a week. Thus, I ordered the Desk Officers to allow the women detainees access to the yard daily every morning to feel the sunlight and exercise exclusively for women (only on weekdays). However, the women were allowed during the afternoon of Tuesday and Thursday to indulge in their sports activities, such as volleyball, badminton, tennis, and basketball for 1 and a half hours (2:00 PM-3:30 PM). With this, the CPDRC plans to provide the women detainees more hours to enjoy the yard, participation in religious activities, dancing exercises, and other rehabilitation activities.

C. Psychiatric Institutions

202. In item nos. 108, 109, and 110, the SPT observed that the National Center for Mental Health remains the only facility that houses patients from all over the country, including forensic patients. On the day of the visit, there were approximately 3200 patients, including 600 forensic psychiatric patients, and 1000 beds were out of service due to facilities being dilapidated. The delegation noted a slight improvement in material conditions since the previous visit and was pleased to receive no report of ill treatment. Despite some renovation work, the bulk of the institution is rundown, and material conditions remain poor. In some wards, overcrowding at a rate of 250% was observed. Patients were locked in large dormitories resembling prison cells, with no beds or mattresses, nor personal belongings at their disposal, and patients slept back-to-back on the floor in scorching heat. The current living space allocated to patients is scarce and may amount to degrading treatment. Patients reported that they had not been allowed to leave their dormitory for six weeks.

203. The Subcommittee recommends that the State party take measures to address overcrowding in the Center by accelerating the renovation of out-of-service areas and adding sufficient beds and personnel. Adequate living spaces, with access to natural light and fresh air, must be guaranteed for all patients.

204. In response to item nos. 108, 109, and 110, The Subcommittee recommends that the State party take measures to address overcrowding in the Center by accelerating renovation of out-of-service areas and adding sufficient beds and personnel. Adequate living spaces, with access to natural light and fresh air, must be guaranteed for all patients.

205. Mental health services in the Philippines for the past nine (9) decades have been largely provided by the National Center for Mental Health despite its meager resources (about 5% of the Philippine health budget stated in WHO-AIMS 2015 and before the Philippine mental health legislation) and the lack of staff due to the stigma on mental illness. Attributed to the community's response, all conditions related to mental health were brought to NCMH leading to hospital admissions and eventual congestion. Previous strategies initiated to mitigate this situation were the following:

- (a) The opening of extensions in the different regions which were later on integrated to existing regional hospitals;
- (b) The addition of more pavilions at NCMH; and
- (c) NCMH initiatives to facilitate discharge of patients to their family and the community. The lack of mental health systems in the community, however, made the effect of these efforts not sustainable and not substantial to improve the situation.

206. In the advent of mental health legislation in the Philippines in 2018 and its Implementing Rules and Regulations (IRR) in 2019, the NCMH received a specific mandate: "The National Center for Mental Health, formerly the National Mental Hospital, being the premier training and research center under the DOH, shall expand its capacity for research and development of interventions on mental and neurological services in the country". This necessitates a transformation of the services and systems of NCMH, and one of the essential elements for its success is to downsize the population of the center. NCMH has thus developed the following strategies not only to achieve its goals and fulfill its mandate but largely to provide quality services, better health outcomes, and better patient experience:

"The NCMH Strategic Roadmap can be seen in its Performance Governance System (PGS) (Appendix A). The PGS of NCMH focuses on Patient Care, Training, Research, Linkages, and Public Mental Health as its core processes. As part of its strategic position, NCMH will enable a functional network of mental health centers. Accordingly, this will allow the transition from hospital-based care to community-based services, decreasing the number of patients within the hospital. The Five-year development plan of NCMH on infrastructure (appendix B). The infrastructure development is planned in accordance with the WHO Rights Facility Assessment Tool to ensure conformity to international standards. There are pavilions that have recently constructed buildings, such as Pavilion 4, and others that are undergoing construction, such as Pavilion 3. This would allow for de-congestion. The

training and capacitation program of NCMH-Office for Special Concerns for other mental health facilities on all levels of care namely the DOH designated advance comprehensive centers for mental health, basic comprehensive mental health centers & community mental health with the use of the Medicine Access Program of DOH (appendix C). This would empower mental health practitioners to address mental health concerns at a community level and provide immediate care at a primary level. The Home conduction program of NCMH (appendix D). This is done to facilitate the discharge of patients who have been recovered to their families. The Psychosocial, Recovery, Reintegration program for the chronically ill patients and patients (appendix E). The focus of this program is the reintegration of patients to the community and providing training to allow them means of livelihood once discharged.”

207. In items nos. 111, and 112, the SPT observed that the Center is heavily reliant on medication as a method of treatment, and concrete recovery plans with clear goals towards discharge and inclusion in the community are lacking. Restraints, including chemical and physical restraints and seclusion, are used as a matter of routine. While the use of restraints is regulated, regulations are not applied rigorously, and use of restraint is not adequately authorized and monitored by a medical doctor. While the use of restraints and isolation is recorded in individual files, examination of registers demonstrated major shortcomings. The delegation encountered multiple instances of individuals in isolation for numerous days, and in the case of one adolescent, for six months, with very little review of these decisions.

208. The Subcommittee considers that the current setting, infrastructure and programs at the Center are not conducive to treatment, rehabilitation and discharge of patients into communities, and do not allow for recovery. In that sense, it recommends that the Center review its methodology with the aim of stepping away from its heavy reliance on detention, medication, and restraints, towards introducing alternative and individualized means of treatment such as psychotherapy, occupational therapy, peer- support programs, and family support strengthening programs.

209. In response to item nos. 111, and 112, The Subcommittee considers that the current setting, infrastructure, and programs at the Center are not conducive to treatment, rehabilitation, and discharge of patients into communities, and do not allow for recovery. In that sense, it recommends that the Center review its methodology with the aim of stepping away from its heavy reliance on detention, medication, and restraints, towards introducing alternative and individualized means of treatment such as psychotherapy, occupational therapy, peer-support programs, and family support strengthening programs. All employees of NCMH are required to complete the WHO Quality Rights training, which is monitored by the Training Office. This is to ensure awareness of the rights of patients.

210. As mentioned in PGS, focus is on Psychosocial, Recovery, Reintegration program for the chronically ill patients and patients. This allows for transition from the acute phase of recovery, where stabilization is the short-term goal, through the use of pharmacotherapy and psychotherapy, to maintenance of remission, involving recovery and reintegration programs.

211. The center follows a protocol regarding management of agitated patients. Restraints and seclusion are used if indicated, and only after other methods of de- escalation have been exhausted. In the management and treatment of children and adolescents with mental health and neurodevelopmental disorders, the observation room is a last resort that involves confining the patient to prevent them from injuring themselves or other patients. The adolescent patient in the report is being treated as a case of Severe Intellectual Disability and has received treatment through behavioral therapy and pharmacotherapy since her admission. Nevertheless, she persists in demonstrating aggressive behaviors toward herself, other patients, and the staff. The progress notes in her hospital chart accurately documented her mental status and behaviors, and the doctor’s notes, and nurses’ charts similarly documented her treatment. The primary objective was to prevent her from causing harm to herself or others.

212. Consequently, she was placed in an observation room with restricted access to other patients and to avoid frequent physical restraints. Individual occupational therapy was implemented whenever she was behaviorally cooperative during her admissions, and she was concurrently transferred to the open ward. The patient was in and out of the observation room

throughout her admission to ensure the safety of the patient, as well as the other patients and staff. We have evaluated our documentation protocol in accordance with the report and have since established a summary report that reflects the timeline and management of patients who will be temporarily placed in an observation room.

213. In items nos.113, 114, 115, 116, and 117, the SPT observed the staff of the center, who owe a duty of care to patients under their custody, must ensure that the rights of patients are respected at all times and that the use of restraints and isolation rooms is kept to a strict minimum, used only when necessary in the objectives set for the treatment of that patient. Their use must be properly recorded, frequently reviewed, and in line with the best interest of the patient, rather than for maintaining order at the Center by isolating the “troublemaker”.

214. Patients in conflict with the law overstay in the Center due to delays in receiving the judicial orders necessary for their transfer or release, even in instances where a medical doctor has deemed the person to be fit for discharge. The delegation considers such overstay as arbitrary detention.

215. The Subcommittee considers that the current setting, infrastructure and programs at the Center are not conducive to treatment, rehabilitation and discharge of patients into communities, and do not allow for recovery. In that sense, it recommends that the Center review its methodology with the aim of stepping away from its heavy reliance on detention, medication and restraints, towards introducing alternative and individualized means of treatment such as psychotherapy, occupational therapy, peer- support programs and family support strengthening programs.

216. The Subcommittee urges the judiciary to exercise vigilance in its communication with the Center on decisions of release or transfer back to detention facilities, and to put an end to the practice of arbitrary detention of patients who are deemed psychologically fit to leave the Center.

217. The Subcommittee is also concerned about the lack of safeguards regarding involuntary placement of individuals in psychiatric care, as no judicial oversight is envisaged in law or in practice when a family member admits an individual into the Center. These admissions are not considered voluntary and should be authorized by a judge. In addition, informed consent for placement and distinct consent for treatment does not seem to be obtained.

218. The Subcommittee recalls that involuntary confinement of any person is illegal unless it is sanctioned by a competent and independent judicial authority through due process, which must include close and constant review. In addition, informed consent from the person (and not from their family) is necessary for any treatment given to a patient.

219. In response to items nos. 113, 114, 115, 116, and 117, the use of restraints and/or Observation Room/s is employed only if it is necessary to avoid harm by the patient to him/herself or others, and only if all other means (eg, de-escalation techniques, such as “talking down”) have been exhausted. The schedule of personnel is plotted such that enough manpower is ensured around the clock. This way, the safety of the patients is closely monitored always.

220. The Forensic Psychiatry Service is continuously communicating with the Court about our Competent patients who are waiting to be discharged, resulting in several patients being discharged this year. Likewise, they have created another mode of communication with the courts, entitled “Manifestation with Motion to Discharge Patient”.

221. There are plans to collaborate with the Department of Health and the Department of Justice on how to expedite the transfer of patients back to their place of origin. The Center adheres to the IRR of the Mental Health Law. Included in this is the provision regarding Informed Consent. Informed Consent is given by the patient voluntarily after it is thoroughly explained by the medical staff. Only in cases wherein the patient displays a lack of mental capacity is the Informed Consent signed by family members or legal representatives.

222. The IRR also includes the creation of the Internal Review Board which is mandated to conduct review, monitoring, audit, and inspection of health facilities as well as investigate

cases involving patients and mental health providers. The IRB for NCMH has already been identified and the Service User Organization assigned is awaiting accreditation.

D. Bahay Pag-asa

223. In Item Nos. 118, 119, 120, 121, and 122, the SPT noted that The delegation visited bahay pag-asa in Pasig and Parañaque. While the bahay pag-asa in Parañaque accommodated both children in conflict with the law and children needing special protection, the facility in Pasig also accommodated older persons in need of special care. The Parañaque facility appeared to be significantly more carceral in nature.

224. The majority of interviewed children stated that they had been beaten by police or by barangay officers when taken into custody. In Parañaque, children mentioned that previous security guards had beaten them in humiliating ways, or forced them to fight each other, while in Pasig, children said that staff had on occasion been verbally abusive to them. Many children were unaware of the reason for their detention and the status of their cases. In Parañaque, many children appeared to have been apprehended by barangay community officers and placed in the facility, apparently for no clear reason and without any form of formal commitment. The delegation also noted at least one detainee in Parañaque who was well above the age of majority being detained in the same cell as young children. In neither location were children allowed to leave the building. In Pasig, most children had not been out in the fresh air since their arrival, while in Parañaque a rooftop recreation area allowed for outdoor access.

225. The State party should promptly, effectively, and impartially investigate all incidents and allegations of torture and ill-treatment and prosecute all those found to be responsible. In addition, and taking into account both the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines):

(a) Children should only be detained as a measure of last resort, in exceptional cases and for the minimum necessary period. Detention should only take place pursuant to a court order, after all available alternatives have been considered and ruled out;

(b) Children should be separated from adults in all detention facilities, unless they are members of the same family; and children in conflict with the law must not be mixed with those detained under social care regimes;

(c) Children should be informed of the reasons for their detention, along with their rights, including their right to free legal aid, in a manner which they can understand, and institutions and procedures should be formed in such a way as to allow children to avail of these rights;

(d) The design of detention facilities for children and their physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the child for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise, education and leisure-time activities;

(e) Children should have a suitable amount of time for daily free exercise, in the open air;

(f) Personnel working in child institutions should have training in the rights of the child.

226. In Pasig bahay pag-asa, older persons in care stated that in the absence of family who could take care of them, they were likely to be moved to the National Center for Mental Health, despite having no mental illnesses, as there were no other suitable facilities to accommodate them.

227. The State party should increase investment in alternative and community-based services for older persons needing enhanced care services, including by considering models of assisted living. Institutionalization should only occur where no viable alternatives are available, and should only take place in suitable institutions tailored to their specific needs.

228. For item nos. 118, 119, 120, 121, and 122, Bahay Pag-asa Pasig City is exclusive for children in conflict with the law; Pasig City also has a separate facility for children needing special protection and a facility for older persons. However, all these facilities are located in one compound. During its last visit to the facility, the RJJWC recommended the bars installed in every dormitory should be replaced to prevent a jail-like atmosphere. The said recommendation was already complied with by the BPA.

229. In 2023, BPA Pasig constructed an activity area on the building's third floor for outdoor activities. In 2022, CHR-NCR conducted a focus group discussion with the BPA Paranaque residents and found out that there were complaints resident that against the BPA staff. The BPA management already developed aid that their CPP which is now for approval of the abusive Local Council for the Protection of Children.

230. In January 2023, RJJWC visited BPA Pasig City. It conducted FGD with the residents and no complaints were disclosed. It has an existing Child Protection Policy incorporated in the Manual of Operation of the Center.

231. The practice of BPA Pasig which is integral in its case management system is to inform the CICL during admission on the reason for his stay in the facility and the CICL is also updated on the status of their cases.

232. In collaboration with the Juvenile Justice and Welfare Council (IWC), the Supreme Court, through the Philippine Judicial Academy (PHILJA), has integrated Outcome-Based Education Training on Juvenile Justice (OBET-JJ) into its curriculum for judges and court officers. The OBET- focuses on training judges and court officers of both Statutory and Designated Family Courts, including clerks of court, social workers, prosecutors, and public defenders. There are currently 149 Designated Family Courts and 183 Statutory Family Courts. As of August 2024, a total of 565 justice professionals-comprising judges, clerks of court, prosecutors, public attorneys, and court social workers-representing 91 Family Courts and Designated Family Courts have undergone training on diversion and alternatives to detention (e.g. suspension of a sentence when a child is found guilty).

233. Since the implementation of OBET-11 in 2018, there has been a noticeable rise in the number of Children in Conflict with the Law (CICL) benefiting from court diversion and suspended sentences in the trained courts.

234. In 2015, 87 CICL were diverted through family Courts that had completed the training. This number increased to 659 in 2022 and 662 in 2023. Of the 662 CICLs diverted in 2023, 95%, or 631 children, completed their diversion programs.

235. Regarding suspended sentences, the OBET-U-trained court personnel ensure the successful completion of disposition measures and rehabilitation programs, which, under the law, allow for the dismissal of the CICL's case. The number of CICL under suspended sentences reported by the trained Family Courts rose from 215 in 2019 to 753 in 2022 and 683 as of March 2023. Of the 683 CICLs in 2023, 98%, or 667 children, completed their disposition programs.

236. On Community-Based Intervention vs Center-Based Intervention, Statistics from 2022 to 2024, compiled by the IWC from local government units, indicate that more children are being served within their communities than those placed in institutions. While not representative of national data, these figures may be treated as random samples that reflect the Philippine government's commitment to protecting the best interests of children and using detention only as a last resort. b) Children should be separated from adults in all detention facilities, unless they are members of the same family, and children in conflict with the law must not be mixed with those detained under social care regimes, in terms of law and policy, the commitment of children in jail is prohibited under Republic Act No. 9344, as amended, along with its Implementing Rules and Regulations, policies issued by government agencies, and the 2019 Supreme Court Rule on Children in Conflict with the Law. The Juvenile Justice and Welfare Council (IWC), through its Regional Committees, conducts regular monitoring to ensure that no children are placed in jails or mixed with adult detainees.

237. It is against the State's policy to mix Children in Conflict with the Law (CICL) and children in protective custody or under social care, Bahay Pag-Asa, as mandated by law, is specifically established to provide a separate facility for the rehabilitation and care of OCL,

ensuring their protection and development in an appropriate environment) Children should be informed of the reasons for their detention, along with their rights, including their right to free legal aid, in a manner which they can understand, and institutions and procedures should be formed in such a way as to allow children to avail of these rights.

238. These are all included in the Government issued policy guidelines called Integrated Care Management Protocol (ICMP) for handling children in conflict with the law and children at risk developed. Law enforcement officers, social workers including those in Bahay Pag-Asa, prosecutors, lawyers from the Public Attorney's Office and members of the Barangay Council for the Protection of Children are continuously provided training on ICMP.

239. It is also part of the case management process in all Bahay Pag-Asa to inform the children of the reason for their admission to the facility and to regularly update them of the status of their case. d) The design of detention facilities for children and their physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the child for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise, education, and leisure-time activities.

240. These requirements are included in the Manual of Operations for BPA, e) Children should have a suitable amount of time for daily free exercise, in the open air; Embedded in residential care facilities' operation and services are the daily structured activities for children which include outdoor activities such as physical exercise, ball games, gardening, etc. When assessing facilities in their compliance with the standards, the national government looks into whether the facilities have structured activities for their residents. Personnel working in child institutions should have training in the rights of the child, The Philippines Government has a set of standards for residential care facilities such as Bahay Pag-Asa, which includes that (1) facility should have a training plan protection policy Code for the staff based on Conduct training needs analysis, and [2] newly hired employees should be of Staff and Employees, Gender and Development, (GAD) and other laws oriented on child to support the local government units running Bahay Pag Asa, the national government continuously provides training to BRA personnel of the child, and other training that will prevent them from violating the rights of the children as the training protection policy, management of children's behavior, use of the integrated rehabilitation model so improve intervention planning, and on equipping children with life skills. The RJJWC will immediately conduct a special queue resident monitoring visit in the two BPAs, interview e complaints residents, and discuss further actions to be undertaken.

241. The JJWC and RJJWC will also assist BPA Pasig to review and enhance, should it be needed, its existing child protection policy. They will also assist BPA Paranaque on the finalization of its child protection policy. The Council will also continue to provide training for BPA staff on the following: 1) Child Protection Policy; 2) Integrated Rehabilitation Model for BPA Multi-Disciplinary Team (MDT) which enhances the capability of the MDT to manage children with difficult behavior without resorting to cruel or degrading treatment; and 3) Caring for the Careers which is designed to enable BPA staff to properly function in a stressful environment to continue to provide appropriate care for the children in BPAS.

E. Drug Treatment and Rehabilitation Centers

242. In item nos. 123, 124, 125, 126, 127, and 128 the SPT observed that Placement in drug treatment and rehabilitation centres can be imposed through judicial sentencing and plea bargains. Individuals can also be confined in such centers voluntarily, or after a petition from a family member, upon issuance of a court order for the individual to undergo treatment and rehabilitation for a period of at least six months.

243. In the vast majority of cases, detainees had received a sentence requiring treatment and rehabilitation under the Comprehensive Dangerous Drugs Act. However, a large proportion of individuals in drug rehabilitation centres do not suffer from dependency, but rather engage in drug abuse and recreational use, taking spaces in facilities from those who may be in greater need of addiction services. The Subcommittee is also concerned that the ethos of the treatment and rehabilitation centres revolves around the imposition of forced abstinence, rather than therapeutic approach to addiction.

244. Concerning sustainability of treatment, the lack of community-based resources for continuity of treatment is of concern. The Subcommittee is also concerned that in some cases, individuals must return to jail to complete their sentences after completion of their rehabilitation, significantly increasing the risk of relapse.

245. There was a discrepancy in disciplinary regimes between facilities visited, and punishments for rule breaking were largely at the discretion of rehabilitation centre personnel. In one location visited, punishments included isolation on a chair, facing the wall, for up to thirty days at a time, with breaks only to eat, wash and sleep. In another location, a doctor ordered that a patient be handcuffed for one week. These are instances of cruel, inhuman and degrading treatment and should be prohibited.

246. The security personnel in centres do not appear to have any relevant training in working with individuals with addiction or individuals in detention as a whole, beyond short, location-specific orientation courses.

247. The State party should invest additional resources in the establishment and maintenance of community-based support structures for individuals suffering from addiction and prioritize a health-based approach to tackling drug dependency and abuse, including steps towards decriminalization of personal possession and consumption of narcotics. The Subcommittee recommends that the State party standardize the methods of work across all drug treatment and rehabilitation centers, issuing clear guidelines and standard practices, including concerning discipline, and ensuring that all staff, especially those dealing with safety and order in detention facilities, receive adequate training.

248. For item nos. 123, 124, 125, 126, 127, and 128, the DOH through the DPCB advocates for a public health approach to substance use through the following initiatives: The development of the Philippine Council for Mental Health Strategic Plan 2024-2028 which aims to achieve mental health and well-being for all Filipinos by addressing Mental, Neurological, and substance (MNS) conditions using integrated right-based approach guided by the Biopsychosocial-Spiritual framework. Ensure the availability of up-to-date evidence-based guidelines for the management of public health programs through the DOH Omnibus Health Guidelines for various life stages (<https://bit.ly/QHG-Adult-2023>) and the development of Clinical Practice Guidelines for Methamphetamine Use and Alcohol Abuse.

249. Republic Act No. 11036, or the Mental Health Act, promotes deinstitutionalization and other recovery-based approaches to the delivery of mental health care services. This shifts the health response from facility-based to community-based models to ensure social participation and individualized care in accordance with the service user's will and preference.

250. To operationalize this, the HPB has developed the Playbook on Community-Driven Responses to Substance Use, which aims to guide local government units and implementers in adopting community-based approaches in prevention, screening, brief intervention, referral to treatment, and reintegration of persons who use drugs.

251. The enactment of the Republic Act (RA) No. 11223 or the "Universal Health Care (UHC) Act" paved the way for DOH to shift its focus to addressing the social determinants of health, which includes drug use, through a settings-based approach.

252. RA No. 11036 on the "Mental Health Act of 2018" recognizes drug dependence as a mental health concern and redirects public health efforts towards deinstitutionalization and for community-based management of mental, neurological, and substance use conditions to make the services more available and accessible to service users, which includes persons who use drugs (PWUDS).

253. The DOH, through the Administrative Order No. 2017-0018 Guidelines for Community-Based Treatment and Support Services for Persons Who Use Drugs in Primary Health Care Settings and Department Memorandum (DM) No 2021-05121 dated November 24, 2021. Entitled "Interim Guidelines for the Certification of Community Based Drug Rehabilitation Program" supports the establishment and promotion of Community-based Drug rehabilitation Program (CBDRPS).

254. The client flow for Wellness and Recovery from Substance-Related issues, through the Dangerous Drugs Board (DDB) Board Regulation No. 7, series of 2019, provides

guidance to implementing units for the provision of appropriate interventions for persons who use drugs (PWUDS).

255. Treatment programs are stratified according to the severity of risk and dependence on substance use. PWUDs screened to be at moderate risk for drug dependence and/or mild substance use disorder are referred to the Community-Based Drug Rehabilitation Program (CBDRP).

256. The DOJ, together with the DDB, is leading the current developments for an executive review of RA No. 9165, or the Comprehensive Dangerous Drugs Act of 2002, to integrate public health interventions for persons who use drugs and small-time peddlers involved in low-level drug transactions due to health, social, and economic factors.

257. The DOH, through the HPB, participated in the Philippine Drug Policy and Law Reform Summit in July 2024. The summit convened relevant government and private stakeholders to identify key strategies for implementing the country's drug policies. The following are the recommended policy directions for health-based approaches to drugs: Harm reduction; Removal of criminal penalties for drug use and low-level drug possession, along with regulations to enhance access to controlled substances for medical and research purposes; Removal of barriers to treatment, such as court orders for individuals seeking voluntary rehabilitation; Ensuring that relapse is not a reason for punitive approaches; Continuous empowerment of community health workers are being prioritized through various capability building activities made available at the regional level; Adopt a right-to-health approach to drug abuse with harm reduction strategies. Ensure access to harm reduction services, including people who use illegal drugs, both within the community and in custodial settings; Ensure that access to treatment and support when needed is genuinely voluntary, respects confidentiality, ensures informed consent and is otherwise in line with international human rights and standards.

258. To comment in this second item, we will be referencing Section 75 Article VIII, Program for Treatment and Rehabilitation of Drug Dependents of Republic Act 9165 also known as the Comprehensive Dangerous Drugs Act of 2002. Through this mandate, existing treatment and rehabilitation centers for drug dependents operated and maintained by the NBI and the PNP shall be operated, maintained and managed by the DOH in coordination with other concerned agencies.

259. The transfer of management of Drug Abuse Treatment and Rehabilitation Centers (DATRCS) from the National Bureau of Investigation (NBI) to the Department of Health (DOH) is part of an effort to improve and strengthen the country's drug rehabilitation programs. This transfer was mandated by Executive Order No. 273, s. 2004, which aligns with the Comprehensive Dangerous Drugs Act of 2002 (Republic Act No. 9165). The DOH DATRCs are established to provide comprehensive treatment to drug dependents directed towards the medical, physical, emotional, psychological, vocational, social, spiritual rehabilitation and prevention as well as advocate for drug abuse prevention. This transfer is part of a broader strategy to combat drug abuse in the Philippines by improving the infrastructure management of rehabilitation services.

260. Currently, for calendar year 2023, a total of eighty-two (82) Drug Abuse Treatment and Rehabilitation Centers (DATRCs) are reporting to the Treatment and Rehabilitation Admission Information System (TRAIS). Of this, seventy-five (75) are residential, and seven (7) are outpatient.

261. Five thousand five hundred forty-six (5,546) admissions were recorded from these reporting facilities. Of these numbers, four thousand four hundred twenty-five (4,425) were new admissions, eighty-five (85) were readmitted, or relapse cases, and one thousand thirty-six (1,036) were outpatient. Compared with the previous year's cases, a forty-three percent (43.49%) increase in admissions was noted. The rise in admission can be attributed to enhanced implementation of programs for Persons Who Use Drugs (PWUDs), assisting them to gain access to appropriate intervention, referral to treatment, rehabilitation programs, and the different advocacy programs implemented nationwide that encourage PWUDs to undergo treatment and rehabilitation, as evidenced by thirty-five percent (35.05%) of voluntary submission and around twenty-eight percent (27.71%) cases who availed of plea bargaining. (DDB, 2023).

F. Migration detention

262. In items nos. 129, 130, and 131, the SPT The Subcommittee is concerned over unacceptable material conditions of detention encountered in the Bureau of Immigration detention facility, including high levels of overcrowding, makeshift facilities for bedding and general accommodation, and the general lack of hygiene in the premises as a whole. The isolation area for detainees suspected to suffer from tuberculosis is located beside open drains and has a strong smell of sewage. The Subcommittee is also concerned over the use of collective punishment against detainees, and the use of disciplinary cells, the existence of which was denied by staff, where individuals are indefinitely held, some for years.

263. More generally, the Subcommittee expresses its concern over excessive periods spent by individuals in detention before their eventual deportation or release, and allegations of endemic corruption made by detainees throughout the facility concerning their custodians.

264. The State party should ensure that migration detention is used as a last resort, and only in exceptional circumstances in a proportionate manner. Migration detention of children is never justified. It should also immediately act to improve material conditions in the immigration detention facility and reduce overcrowding, including by enhancing the efficiency of refugee status determinations and other bureaucratic and judicial processes relating to migration. Individuals should have full access to necessary healthcare, and those suffering from illnesses should be accommodated in environments that adequately suit their needs. The State party should also put an end to the use of collective punishment and indefinite disciplinary confinement, and effectively investigate and prosecute allegations of corruption.

265. For item nos. 129, 130, and 131, The Bureau of Immigration Warden's Facility (BIWF) occupies approximately 1,300 to 1,400 square meters within Camp Bagong Diwa, Lower Bicutan, Taguig City. The property has been under the Bureau's management since 1999 through a Deed of Usufruct with the National Capital Region.

266. Police Office (NCRPO), which has been renewed until F.Y. 2035. Originally designed as police barracks, the facility was repurposed for its current use and comprises two (2) two-storey apartment-type structures, intended to house 128 individuals.

267. Currently, however, the facility accommodates around 350 wards, due to a consistent rise in arrests and Interceptions. This has led to the necessity of makeshift accommodations over time. We acknowledge the need to address the overcrowding Issue, and we are taking proactive steps in that direction.

268. Even before the UN SPT's visit, the Bureau of Immigration (BI) had initiated a key program to transfer the facility to a new and larger location, In coordination with the BI Planning and Policy Division (PPD). We are in the process of Identifying suitable land, ideally between 4,000 to 5,000 square meters, in nearby provinces bordering Metro Manila. The new facility is designed to house around 500 wards and aims to resolve not only overcrowding but also concerns regarding hygiene, health, and operational efficiency.

269. In the interim, we have implemented several Improvements at the current facility. These include renovating the administrative office, overhauling the water supply system, installing a forty (40) KVA generator, and Incremental upgrades to the facility's Infrastructure. Additionally, we have purchased new metal bunk beds and foam mattresses to accommodate incoming wards and replace outdated furnishings.

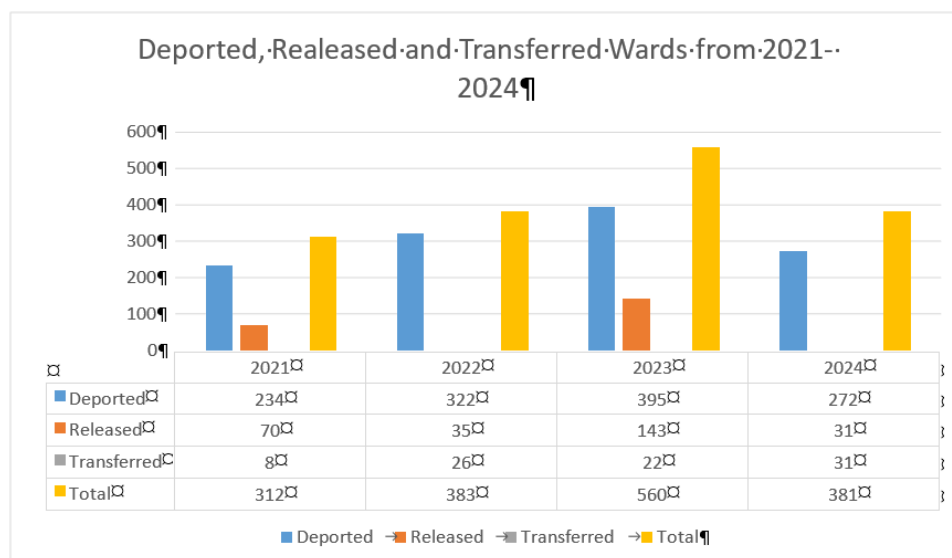
270. Regarding health concerns, particularly in the administrative area where wards with tuberculosis were housed, we are pleased to report that all affected Individuals have since recovered. We have also addressed the issue of the open drainage system in that area, improving sanitation and eliminating the risk of accidents or unpleasant odors.

271. In response to concerns about the BIWF Administrative Security Area (ASA), we wish to clarify that the ASA is not a punitive measure but rather a safeguard for the well-being of all wards and staff. It consists of three (3) rooms designated for individuals whose behavior may pose a threat to the safety and operation of the facility. This measure is temporary, and wards housed in the ASA retain access to basic privileges, including food, drinking water,

exercise, communication devices, and legal and consular visitation. We are committed to ensuring that their stay in the ASA is limited and based solely on behavior that necessitates precautionary isolation.

272. To further enhance the operations of the BIWF, we are developing a comprehensive manual of operations that will formalize procedures, including those related to disciplinary measures, thereby ensuring transparency and fairness moving forward. We are committed to addressing the concerns raised by the UN SPT and to continuing our efforts to improve the conditions and management of the BI Warden's Facility.

273. The actual deportation of each ward depends on the nature or complexity of their respective immigration cases. Below is the table of deported wards for the last couple of years.



274. Please note that the deportation and release of wards were significantly impacted by the restrictions imposed during the COVID-19 pandemic. With international and domestic travel severely limited, the number of deportations was much lower than usual during this period. However, with the gradual resumption of international travel beginning in the latter half of 2021, the deportation process has steadily normalized. By 2023, we observed a substantial increase in the number of ward deportations and releases, a trend that continues through 2024.

275. Another major factor affecting the timely deportation of wards is the presence of active criminal cases in the Philippines. Approximately 30% to 40% of the total number of wards are involved in various legal proceedings across different judicial courts. According to existing Philippine laws, criminal cases take precedence over immigration deportation, meaning that individuals cannot be deported until their legal matters are fully resolved. Unfortunately, some wards exploit this process by filing dubious or “sue me” cases as a means of delaying deportation, particularly those avoiding prosecution in their home countries.

276. As of 7 October 2024, the average length of stay for wards in the BIWF is approximately fifteen (15) months—an improvement from previous years, reflecting the recovery of international travel and resumption of deportation processes post-pandemic.

277. Regarding the allegations of endemic corruption by detainees, the BIWF has a firm zero-tolerance policy on corruption. We are committed to upholding the highest standards of professionalism and integrity. To prevent familiarity and potential misconduct, we have implemented regular personnel rotations. Over the past few years, we have conducted thorough investigations into any corruption-related allegations, with the details of personnel actions provided below:

- Investigated and terminated – 49;
- Job Order personnel Under Investigation for Prosecution – 1;

- Regular personnel Under Investigation for Administrative – 95 Regular personnel.

278. In our ongoing efforts to professionalize our ranks, we are actively engaging our personnel in a comprehensive program of capacity-building Initiatives. These include specialized training sessions and educational opportunities, conducted in collaboration with the BI Learning Development Section (BI-LDS). Additionally, we have established partnerships with esteemed government agencies and international organizations, such as the Commission on Human Rights, the United Nations High Commissioner for Refugees, and other relevant NGOs. Through these collaborations, we aim to ensure our personnel are equipped with the knowledge and skills necessary to meet both local and international standards of service excellence.

279. We remain committed to ensuring that our operations are conducted following human rights principles, and we continue to make significant efforts to enhance transparency and accountability within the facility the Bureau of Immigration fully welcomes and supports the recommendations put forth by the United Nations Subcommittee on Prevention of Torture (UNSPT), which align with the Bureau's ongoing initiatives for the rehabilitation of the BI Warden's Facility (BIWF). These efforts are designed to comprehensively address the Identified issues and enhance the overall conditions of the facility. In particular, the creation of a Manual of Operations will serve as an invaluable tool in combating corruption, ensuring transparency, and streamlining operational procedures within the BIWF.

280. Additionally, it is a core policy of the Bureau not to detain children with Immigration matters, in line with our commitment to upholding human rights standards. Furthermore, it is important to note that immigration detention is generally considered an exception rather than a rule in our operations. While the number of wards detained in the BIWF annually is in the hundreds, a significantly larger proportion of foreign nationals-numbering in the thousands each year are processed for voluntary deportation or issued Orders to Leave (OTL) or Allow Departure Orders (ADO), without being held in detention. The foregoing approach reflects our commitment to resolving Immigration cases efficiently while prioritizing the dignity and rights of all individuals Involved. For FY 2023 2024, improvement of the water supply system and roofing of the BI Warden's Facility (BIWF) were done by the General Services Section (GSS) of the Bureau of Immigration (BI) to address some facility issues, including but not limited to, placement of additional bunk beds, masonry, plumbing, roofing, ceiling works, and siphoning of septic tanks. (2) BI-Medical and Dental Section (MDS) nurses are stationed 24/7 at the facility with Doctors' visitations at least three (3) times a week Regular healthcare activities are also being conducted for the benefit of the wards.

281. Conduct regular maintenance (electrical, plumbing, air conditioning) of the facility by the GSS. (4) Rehabilitation of the current BI Warden's Facility (BIWF), or transfer to a bigger area/site, through either of the following: i. Enter into an agreement or request for a donation or usufruct of a parcel of land from other government agencies or instrumentalities; OR ii. Acquire/purchase a parcel of land for the establishment.

G. Military Detention

282. In item nos. 132, 133, and 134, the SPT noted that the delegation is concerned about the long periods of pretrial detention of individuals in military facilities. Almost all of the 14 individuals in detention at the moment of the visit had exceeded one year in the facility and had not been tried, while none of their offenses seemed to be relevant to their functions in the military.

283. The delegation also received allegations of ill-treatment during arrest from various sources. Material conditions could be improved to safeguard the dignity of the detainees.

284. In response to item nos. 132, 133, and 134, the Armed Forces of the Philippines (AFP) apprised that the individuals detained in the military detention facilities are those who are undergoing pre-trial investigation preparatory to General Court Martial (GCM) proceedings, undergoing trial by the GCM, and those who are serving sentence (confinement) as decided by the GCM. The offenses committed by these military personnel are all service-connected under the AFP's Articles of War and military justice system. Nevertheless, the AFP notes the

observations of the UN SPT and will communicate the same to the General Courts-Martial for expeditious resolution of their cases.

285. The AFP remains firmly committed to upholding national laws and established policies regarding the prohibition of torture and the protection of persons deprived of liberty. The AFP unequivocally condemns and does not tolerate any form of torture, cruel, inhumane, or degrading treatment or punishment, whether directed toward detainees or military personnel.

286. In line with this commitment, the AFP diligently monitors the status and conditions of all detained military personnel to ensure their rights, dignity, and well-being are fully safeguarded. Measures are continuously implemented to uphold their humane treatment following both domestic legal standards and international humanitarian principles. Rest assured, the AFP is steadfast in its responsibility to promote accountability and maintain the highest standards of conduct in all its operations.

VII. Next steps

287. The State acknowledges and fully notes the observations and recommendations made by the Subcommittee on the Prevention of Torture (SPT). The State reiterates its commitment to preventing torture and promoting a human rights-based approach across all sectors, including policing, corrections, prosecution, the judicial system, and community programs and services. In response to the SPT's recommendations, the State reaffirms its dedication to implementing sustainable and proactive measures to ensure that the dignity and rights of all individuals, particularly those in detention, are upheld. This commitment aligns with international standards such as the Convention Against Torture and the Mandela Rules, ensuring accountability, transparency, and fairness within the criminal justice system.

288. To address these recommendations comprehensively, the 4th Philippine Human Rights Plan (PHRP) integrates specific programs and strategies designed to prevent torture and improve conditions across detention and correctional facilities. Key components of the plan include: Strengthening Oversight Mechanisms: Establishing and enhancing independent monitoring systems to prevent torture and ill-treatment. Promoting inter-agency coordination to improve oversight of detention facilities and ensure compliance with human rights standards. Capacity-Building and Training: Conducting human rights training programs for law enforcement, corrections personnel, prosecutors, and judges to embed a rights-based approach in their duties. Training community service providers to foster rehabilitation and reintegration programs that respect human dignity. Improving Access to Justice and Accountability: Enhancing complaint mechanisms to ensure detainees can report abuses safely and effectively. Investigating allegations of torture and ill-treatment promptly and prosecuting those responsible. Addressing Overcrowding and Resource Allocation: Implementing alternative sentencing and non-custodial measures to reduce congestion in detention facilities. Ensuring adequate provision of resources, including food, medical care, and essential services, to uphold humane conditions of detention. Promoting Legislative Reforms: Supporting the enactment of laws that enhance protections against torture and ill-treatment, including measures that align national legislation with international human rights standards.

289. These components underscore the State's commitment to fostering a culture of respect for human rights while addressing the systemic challenges identified by the SPT through the implementation of the 4th Philippine Human Rights Plan, the State aims to build a criminal justice system that is not only effective but also humane and just.

VIII. Definition of Terms

<i>No.</i>	<i>Words</i>	<i>Definition</i>
1	Administrative Order No. 163, s. 2006	Designated the Department of the Interior and Local Government (DILG) as the lead agency coordinating compliance with the UNCAT.
2	Article 125 of the Revised Penal Code	Requires that a detained person be presented before a judicial authority within 12, 24, or 36 hours, according to the nature of the offense.
3	Article 26 of the OPCAT	Establishes the Special Fund for the Prevention of Torture.
4	Bangkok Rules	Also known as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.
5	Barangay	It refers to the smallest political administrative unit of the Philippine government.
6	Beijing Rules	Also known as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.
7	Board Regulation No.7, series of 2019	Provides guidance to implementing units for the provision of appropriate interventions for persons who use drugs (PWUDs).
8	Common Legislative Agenda (CLA)	Refers to a set of shared policy goals and priorities that a group of lawmakers, political parties, or member states agree to pursue within a specific legislative period.
9	Comprehensive Dangerous Drugs Act	Also known as Republic Act No. 9165, the primary law addressing drug-related offenses in the Philippines.
10	DM No 2021-05121 Dated November 24, 2021	Titled “Interim Guidelines for the Certification of Community Based Drug Rehabilitation Program”.
11	Executive Order No. 273, s. 2004	Mandated the transfer of management of Drug Abuse Treatment and Rehabilitation Centers (DATRCs) from the National Bureau of Investigation (NBI) to the Department of Health (DOH).
12	Form 9745-A	A form submitted annually to the Commission on Human Rights (CHR) listing places of detention.
13	Form 9745-B	A form submitted every 5th day of the month to the CHR listing PDLs.
14	Havana Rules	Also known as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.
15	HuRAIS	Stands for Human Rights Recording, Analysis, Information System, used for documenting human rights violations.
16	Istanbul Protocol	The international standard for the investigation and documentation of torture.
17	Katarungang Pambarangay Law	Mandates every barangay to organize their Lupon Tagapamayapa (LT) consisting of 10-20 members, to act as conciliators during amicable settlement. The response of the Philippines to the continuing global search for indigenous mediation structures capable of resolving disputes within a community, and beyond the formal courts of justice.
18	Lupong Tagapamayapa	An administrative body created by law to operationalize the barangay justice system.
19	Mandela Rules	Also known as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

<i>No.</i>	<i>Words</i>	<i>Definition</i>
20	Mendez Principles	Principles on effective interviewing for investigations and information gathering.
21	Minnesota Protocol	The international protocol for the investigation of potentially unlawful death.
22	Nelson Mandela Rules	Also known as the United Nations Standard Minimum Rules for the Treatment of Prisoners.
23	Optional Protocol to the Convention Against Torture	Also known as OPCAT, this protocol establishes a system of regular visits to places of detention to prevent torture.
24	Pangkat	Refer to any group or category of people, things, or concepts
25	Presidential Decree 1508	Established the Katarungang Pambarangay Law on June 11, 1978.
26	Provincial Ordinance No. 2017-05	Ordinance relating to the Cebu Provincial Detention and Rehabilitation Center.
27	PUPCs	Person Under PNP Custody refers to arrested persons who are temporarily held by the PNP in its custodial facility.
28	RA 10592	An act amending the Revised Penal Code, particularly Articles 29, 94, 97, 98, and 99, regarding the computation of Good Conduct Time Allowance (GCTA).
29	The Berkeley Protocol	Also known as the Berkeley Protocol on Digital Open-Source Investigations, provides guidelines on documenting evidence of torture and ill-treatment.
30	UN Convention	Refers to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
31	UN Optional Protocol	Refers to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
32	WHO-AIMS 2015	Refers to the World Health Organization – Assessment Instrument for Mental Health Systems 2015.