



26 January 2021

Briefing Note by the Medical Action Group, Balay Rehabilitation Center and the IRCT

Re: EU-Philippines Sub-Committee on Good Governance, Rule of Law and Human Rights

About us

The Medical Action Group is a non-profit organization consisting of physicians, nurses, dentists, psychologists, health students, and health workers, providing health services to torture victims, the urban poor, political prisoners, internally displaced persons, and workers.

The Balay Rehabilitation Center is a Philippine human rights NGO providing psychosocial services and rehabilitation to internally displaced persons and survivors of torture and organized violence.

The IRCT is the world's largest membership-based civil society organisation specialised in the field of torture rehabilitation, providing health-based expertise to all pillars of the global fight against torture (prevention, accountability, and reparation).

Overall context

The overall human rights context in the Philippines has been deteriorating consistently since Rodrigo Duterte became president in 2016. The war on drugs has led to rampant arbitrary arrests, extrajudicial killings, torture and ill-treatment and major prison overcrowding issues. Mass violations of human rights are a targeted and systematic part of the government's anti-drugs policy. Under Covid-19, the government has also been using health regulations and protocols to arrest people who are alleged to have violated lockdown measures.

In this context, there is broad concern among civil society in the Philippines that the government is using international fora to demonstrate an interest in addressing human rights concerns in the country. The government will argue that they are cooperating with international mechanisms to root out isolated incidents of human rights violations and that they are investigating allegations of violations.

Impunity for violations

The *Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations to the Rights to Life, Liberty and Security of Persons* was launched in 2012 but has not delivered any tangible results. They are tasked with investigating serious human rights violations, but their processes exclude the National Human Rights Commission and input from civil society. To date, we are unaware of a single prosecution and when we request information on specific investigations, we are repeatedly told that investigations are ongoing. Given the serious nature of human rights violations in the country since the establishment of the Inter-Agency Committee, the lack of prosecutions breeds impunity in the country. There is a very clear and present need to be transparent about the results of these investigations.



- Amend the working methodology of the Inter-Agency Committee so that it includes effective input from the National Human Rights Commission and civil society organisations.
- Provide detailed statistics on the number of investigations carried out and the number of prosecutions and convictions.

Prison conditions

Prison conditions in the Philippines are notoriously bad. Overcrowding was a grave problem before the advent of the war on drugs, and with the ensuing mass arbitrary arrests, it has become an even more severe issue. An estimated 75% of the prison population are in pre-trial detention, serving an average of nine months in prison before being sentenced. It is estimated that over 5000 prisoners die annually in the Philippines from poor living conditions, overcrowding and prison violence. Lack of basic healthcare and food also contribute to health problems. Since Covid-19, it has become very difficult to resume their work of providing health support inside the prisons. Covid-19 rules are often used to prevent access to the prisons for reasons that are often not explained or proportionate. Cooperation with the prison administration varies from prison to prison. There is a need for there to be a more holistic and integrated approach to collaborating with civil society organisations as well as more transparency regarding Covid-19 rules.

Recommendations:

- Immediately cease arbitrary arrests.
- Release vulnerable prisoners to ease overcrowding.
- Facilitate access of civil society organisations that provide services to prisoners.

National Torture Prevention Mechanism

The establishment of a National Torture Prevention Mechanism is supposedly part of government policy and also falls under the scope of the technical cooperation agreement with the United Nations. The National Human Rights Commission and civil society organisations set up an Interim NPM in 2018 with funding from the EU. But there is a clear need to move legislation through the Philippines Congress, which has not moved since 2016. We are not aware of any planned discussions or talks in the Senate to advance the adoption of NPM legislation.

Recommendations:

- Take necessary legislative steps to adopt National Prevention Mechanism in line with relevant UN Guidelines.