

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/PHL/CO/3)*

**PHILIPPINES**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Pretrial detention and overcrowding**

(...)

**14. The State party should:**

(...)

(a) **Urgently release those persons whose pretrial detention exceeds the maximum penalty for the offence;**

(b) **Review the legality of the pretrial detention of all persons thus detained;**

(c) **Urgently deal with the backlog of cases in the courts;**

(d) **Amend legislation and take all measures necessary to shorten the duration of pretrial detention, which should be used as an exception and for limited periods of time;**

(e) **Ensure that pretrial detention is regulated clearly and is subject to judicial supervision at all times in order to guarantee fundamental legal and procedural safeguards;**

(f) **Strengthen the independence of the judiciary, ensure that vacancies are filled as a matter of urgency, strengthen the capacity of the judicial system and ensure that it clears the backlog of existing cases;**

(g) **Ensure that all pretrial detainees are brought before a judge without delay and expedite the cases of persons held under the Comprehensive Dangerous Drugs Act;**

(h) **Consider replacing pretrial detention with non-custodial measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(i) **Ensure that redress and compensation are provided to victims of unjustified prolonged pretrial detention.**

(...)

#### **Torture and ill-treatment**

(...)

16. **The State party should:**

(...)

(a) **Acknowledge publicly the occurrence of torture and ill-treatment and unequivocally condemn all such acts;**

(b) **Ensure that investigations are systematically carried out, that perpetrators are prosecuted and convicted in accordance with the gravity of their acts, in keeping with article 4 of the Convention, and that victims are afforded appropriate redress;**

(c) **Establish an independent mechanism to exercise oversight over the Internal Affairs Service of the Philippine National Police so that there is no institutional or hierarchical connection between the investigators and the alleged perpetrators, and ensure that all persons under investigation for having committed acts of torture or ill-treatment are immediately suspended from their duties and remain so throughout the investigation, while ensuring that the principle of presumption of innocence is observed;**

(d) **Establish a database on the number of investigations, prosecutions, convictions, sanctions and compensation granted to victims of torture and members of their families, and report these figures to the Committee in its next report.**

(...)

#### **Secret places of detention**

(...)

22. **The State party should:**

(a) **Immediately close all secret places of detention;**

(b) **As a matter of priority, ensure the application throughout the country of section 2 (c) of the Anti-Torture Act, which stipulates that “secret detention places, solitary, incommunicado or other similar forms of detention, where torture may be carried out with impunity, are prohibited”;**

(c) **Conduct investigations and prosecute all persons responsible for committing acts of torture in secret places of detention.**

(...)

**Follow-up procedure**

**43. The Committee requests the State party to provide, by 13 May 2017, information on follow-up to the Committee's recommendations on pretrial detention and overcrowding, the measures taken with regard to torture and ill-treatment and steps taken to close all secret places of detention (see paras. 14, 16 and 22 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

(...)

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