



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

11 August 2017

Your Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of the Philippines (CAT/C/PHL/3) by this Committee, at its 57th session, held from 18 April to 13 May 2016. At the end of that session, the Committee's concluding observations (CAT/C/PHL/CO/3) were transmitted to your Permanent Mission. In paragraph 43 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 13 May 2017, further information regarding areas of particular concern identified by the Committee in paragraphs 14, 16 and 22 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

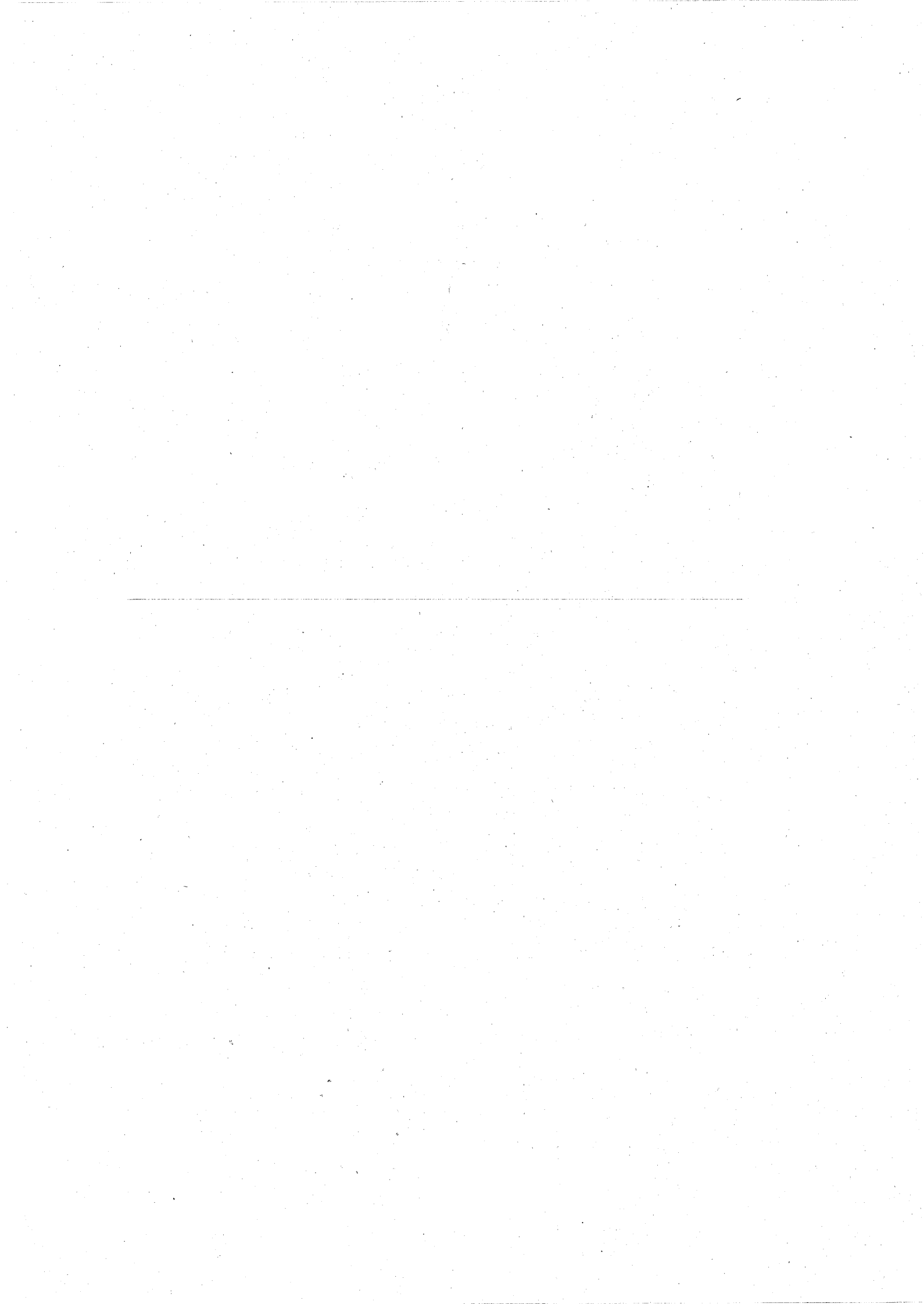
The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Philippines on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Your Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up on Concluding Observations
Committee against Torture

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**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.

(...)

