



To: THE HONORABLE MENARDO GUEVARRA, Secretary, Department of Justice

Padre Faura Street, Ermita, Manila
1000 The Philippines

6 May 2020

Re: Decongest jails in the Philippines to contain the COVID-19 pandemic

Dear Hon. Secretary Guevarra

We, the Asian Forum for Human Rights and Development (FORUM-ASIA), an Asia-based human rights network, and its member organisations in the Philippines including KARAPATAN, the Philippine Alliance of Human Rights Advocates (PAHRA) and the Task Force Detainees of the Philippines (TFDP) are writing to express our concern on the deteriorating state of persons deprived of liberty in jails. We reiterate the call of human rights organisations to decongest the country's jails, as the country struggles to contain the COVID-19 pandemic.

The Philippines has one of the highest rates of jail congestion in the world, at almost 400 per cent overcapacity. We urge your office to heed the call of UN High Commissioner Michelle Bachelet to release every person 'detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.' We also ask that your office prioritise the immediate release of persons deprived of their liberty who are vulnerable to the COVID-19 pandemic, including pregnant women, the elderly, and those with medical conditions including mental health issues.

Detention centres pose a significantly heightened risk for the spread of COVID-19 for persons deprived of their liberty and personnel working in detention facilities, including healthcare staff. Over the past weeks, persons deprived of liberty and prison guards have tested positive for COVID-19. We appreciate the recent release of 10,000 persons deprived of liberty, but would also like to draw your attention to how such actions must be sustained if they are to have a lasting impact. With the impossibility of physical distancing within these detention centres, and significant gaps in health resources within prisons, more are expected to test positive within coming weeks. The current health infrastructure would be unable to cope with such a crisis. Clearly, prison health implicates public health.

We are also concerned that the continuing arrests and detention of lockdown violators are further compromising the safety and welfare of these individuals – persons deprived of their liberty and custodial staff. With an already overstretched prison system, these individuals are often deprived of access to basic

needs, as well as legal and medical services. These arrests, often without warrants, also undermine the people's trust in the country's institutions.

We call on your office to fulfill its obligation to treat all persons deprived of their liberty with humanity and with respect for their inherent dignity, and ensure that they are protected during the pandemic. We urge your office to:

- Order / call for the immediate release of persons deprived of liberty, including low-risk offenders, political prisoners, the arbitrarily detained, and those most vulnerable such as the elderly, sickly, and pregnant women;
- Reduce prison populations and other detention populations, wherever possible, by implementing schemes of early, provisional or temporary release for detainees for whom it is safe to do so, taking full account of the non-custodial measures indicated, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);
- End / call for the end of the arrests and detention of 'Enhanced Community Quarantine' and curfew violators as these further place individuals and inmates at risk of contracting the virus. The police should strictly adhere to legal procedures prior to instigating an arrest;
- Ensure the protection and welfare of persons deprived of their liberty within places of detention, guaranteeing the respect of their constitutional rights, including access to legal and medical services;
- Ensure that measures to prevent COVID-19 within prisons and other places of detention are necessary, proportionate and adhere to international human rights and public health standards; and
- Promote transparency and accountability within places of detention, ensuring that state actors act responsibly and respect the rule of law.

We thank you for your attention on these pressing issues, and are available to provide you with any further information if so required.

Please note that this letter will be made public and is also sent to:

His Excellency Rodrigo Roa Duterte, President, Republic of the Philippines

Her Excellency Maria Leonor G. Robredo, Vice President, Republic of The Philippines

The Hon. Eduardo Año, Secretary, Department of Interior and Local Government

The Hon. Jose Luis Martin Gascon, Chairperson, Commission on Human Rights

PNP Chief LT. Gen. Archie Gamboa, Philippine National Police

USEC Gerald Q. Bantag, Director General, Bureau of Corrections

Sec. Carlito G. Galvez, Jr, Office of the Presidential Adviser on the Peace Process

J/DIR Allen Sullano Iral, CESE, Chief, Bureau of Jail Management and Penology

Yours Sincerely,

The Asian Forum for Human Rights and Development (FORUM-ASIA)

KARAPATAN

Philippine Alliance of Human Rights Advocates (PAHRA)

Task Force Detainees of the Philippines (TFDP)

***The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org*

***KARAPATAN** is an alliance of organisations, groups and individuals working for the promotion and defense of human rights and people's rights in the Philippines and at the global level. Its founders and charter members have been at the forefront of the human rights struggle in the Philippines since the martial law regime of the dictator Ferdinand E. Marcos. www.karapatan.org/*

***The Philippine Alliance of Human Rights Advocates (PAHRA)** is an alliance of individuals, institutions and organizations committed to the promotion, protection and realization of human rights in the Philippines.*

***The Task Force Detainees of the Philippines (TFDP)** is a national human rights organisation advocating justice for victims of human rights violations in the Philippines. www.tfdp.net/*

For further information, please contact:

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