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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
TORTURE AND DETENTION**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2006]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GOVERNMENT OF THE PHILIPPINES MUST CRIMINALISE TORTURE WITHOUT DELAY

1. The Asian Legal Resource Centre (ALRC) would like to draw the Commission's attention to the urgent need for the Government of the Philippines to criminalise torture without delay. The history and present reality of the Philippines are both filled with accounts of tortured citizens: most of them ordinary suspects in criminal cases and members of the country's most marginalised communities, including women and children.

2. The Philippines is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR). The Constitution of the Philippines also protects persons against the use of torture or cruel or inhuman treatment or punishment. Other state policies and executive orders from the president reinforce these principles.

3. However, in the absence of a law criminalising torture all these provisions are of little significance, and torture persists there unabated. Strangely, the matter has been pending in the Congress and the Senate of the Philippines for many years. Numerous bills have been drafted and presented in order to make torture a crime. However, these bills--which have had little different from one to the next--have lacked the political will to pass into law.

4. The current bill to prohibit torture that is awaiting consideration (House Bill No. 4307) was filed on 11 May 2005 and introduced by the Akbayan Party List representatives, Loretta Ann Rosales, Mario Joyo Aguja and Ana Theresia Hontiveros-Baraquel. It contains an exhaustive definition of torture, emphasises the inadmissibility of evidence obtained through torture, and provides for criminal sanctions against perpetrators. It also expressly states that "an order from a superior officer or from a superior in the office or public authority shall not be invoked as justification for torture" and punishes commanding officers for any acts of omission or negligence that may have led to torture being used by their subordinates. It provides for the right to independent medical examination and for the promotion of education against torture under the auspices of the Commission on Human Rights, with the cooperation of the police and military.

5. It is now time for the proposed law to be passed in the Congress and Senate, and for the President of the Philippines to acknowledge that the widespread torture in her country mandates a law to address it, in accordance with the State's obligations under the Convention against Torture. The Asian Legal Resource Centre therefore calls on the Commission to urge that the Government of the Philippines

a. Pass House Bill No. 4307 without delay, and introduce the necessary mechanisms to ensure that the law is fully and properly enforced.

b. Review the national policing system in view of the prevalence of torture in criminal investigations.

c. Enhance the role of the Commission on Human Rights of the Philippines in complaints of torture.

d. Strictly implement Republic Act 8493, also known as the Speedy Trial Act of 1998, and effectively implement the provisions of the Action Program for Judicial Reform.

e. Establish state-sponsored rehabilitation programmes for torture victims.
