

HUMAN RIGHTS ADVISORY FOR PNP PERSONNEL MANNING CUSTODIAL/DETENTION FACILITIES

(Revised POP December 2013, Rule 2 pages 53-57)

Art. 10 of the International Convention on Civil and Political Rights read in part:

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person"

Art. III Sec. 19 (2) of the Philippine Constitution reads:

"The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law"

All PNP personnel must ensure that the human rights of all persons are respected at all times pursuant to existing laws. Hence, the following guidelines must be strictly observed and implemented;

1. Lock-up cells should be well-lighted and ventilated;
2. Separate detention cells should be provided for male and female detainees;
3. Juveniles and mentally deranged persons should not be detained;
4. All detainees should have access to basic needs and necessities;
5. Arrested persons should be subjected to medical examination prior to detention;
6. Those arrested persons with serious injuries or diseases should not be detained and should be brought to the nearest hospital for medical check-up and treatment;
7. Health condition and well-being of detainees should be constantly monitored. Those suffering from illness should be given immediate medical attention, if possible.
8. All detainees shall have visitation rights by those persons provided by law (RA 7438, RA 10353 (Anti-Enforced Disappearance Law, RA 9344 (Juvenile Justice and Welfare Law));

9. Arrested persons should not be detained beyond the reglementary period as provided by law, unless a criminal case has been file and/or there are other lawful ground to warrant further detention;
10. Ensure and respect the absolute right of any person under custodial investigation to have immediate access to any form of communication available for him or her to inform his or her family, relative, friend, lawyer or any human rights organization on his whereabouts and/or condition;
11. Any member or official of the PNP or any of its agencies are required to immediately issue a certification in writing about the presence or absence of information regarding the whereabouts of the disappeared person if any of the following person/institution made an inquiry:
 - Family member;
 - Relative;
 - Lawyer;
 - CHR representative
 - Representative of Human Rights Organization accredited by the CHR or the Office of the President and;
 - Members of the media.

The certification must state, among others, in clear and unequivocal manner the following:

- Name of the person, organization or institution who made the inquiry;
- Date and time the inquiry was made;
- Details of the inquiry;
- Purpose of the inquiry;
- Response to the inquiry;
- Previous record of detention and/or record or transfer or release of disappeared person;
- That in the event that such named person will later be brought into such facility or the immediate premises thereof after an inquiry and response have been made, the inquiring party shall be immediately notified through the most expedient means of communication available.

If the inquiry is made with the head of the detention facility (includes lock-up cells in precincts, stations and other offices, and detention center/facilities in camps), the certification shall be issued immediately but not beyond four (4) hours from the time of inquiry.

12. Ensure that all persons detained or confined shall be placed solely in officially recognized and controlled places of detention or confinement where an up-to-

date register of such persons shall be maintained. Relatives, lawyers, judges, official bodies and all persons who have legitimate interest in the whereabouts and condition of the persons deprived of liberty shall have free access to the register.

12. Ensure that the person deprived of liberty shall not be subjected to any physical, psychological or mental harm, force, violence, threat or intimidation or any act that impairs his/her free will or in any manner demeans or degrades human dignity; and
13. Detainees who cannot afford the services of a legal counsel should be referred to the Public Attorney's Office to satisfy his/her legal needs.