

20 September 2013

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**OPEN-ENDED INTERGOVERNMENTAL EXPERT GROUP
ON THE STANDARD MINIMUM RULES FOR THE
TREATMENT OF PRISONERS
VIENNA, AUSTRIA, 25 – 28 March 2014**

**RESPONSE OF THE GOVERNMENT OF THE PHILIPPINES¹
TO NOTE VERBALE CU 2013/129/DO/JS**

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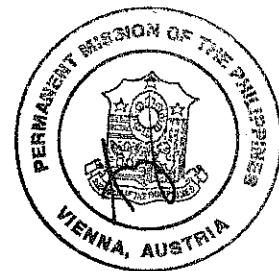


EMBASSY AND PERMANENT MISSION
OF THE
REPUBLIC OF THE PHILIPPINES
VIENNA

No. VN-PH- 509 - 2013

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Vienna presents its compliments to the United Nations Office on Drugs and Crime (UNODC) and, with reference to the latter's Notes Verbales dated 05 July and 30 August 2013 (Ref. Nos. CU 2013/129/DO/JS and CU 2013/182/DO/JS, respectively), attached please find the Philippine government's draft proposals (consisting of 2-pages) for the revision of the Standard Minimum Rules (SMR) for the Treatment of Prisoners in the Nine (9) areas identified by the Intergovernmental Expert Group established by the Commission on Crime Prevention and Criminal Justice (CCPCJ).

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Vienna avails itself of this opportunity to renew to the United Nations Office on Drugs and Crime (UNODC) the assurances of its highest consideration.



Vienna, 20 September 2013

Submission of the Philippine Bureau of Jail Management and Penology

Draft Proposals for revision of the Standard Minimum Rules (SMR) for the Treatment of Prisoners in the nine (9) areas identified by the intergovernmental Expert Group established by the Commission on Crime prevention and Criminal Justice:

1. Respect for prisoners' inherent dignity and value as human beings

There shall be no discrimination on grounds of crime or crimes committed

2. Medical and health services

(a.1) Health-care services in prison settings are to be provided free of charge without discrimination; provided however, that free of charge health care services shall be optional, i.e. if the means is available, in serious diseases requiring surgical or similar medical operation or, for otherwise, prison administrators shall refer the matter to appropriate medical authorities for treatment

(a.2) There shall be drug dependence treatment programmes in prison settings of large jail facility with at least 1,000 inmates/prisoners.

(c.1) Provision shall be made for on-going health-care services to children living with their mothers in prison; provided however, that children two (2) years of age and above shall no longer be allowed to live with their mothers in prison

3. Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet

(a.1) The establishment of, and resort to, mediation mechanisms to solve conflicts shall be encouraged. For this purpose, Alternative Dispute Resolution principles shall be discussed and restorative justice programs shall, as much as possible, be implemented inside jails/prisons.

4. Investigations of all deaths in custody, as well as of any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners

(f.1) Prison administrators shall provide for, or facilitate, culturally appropriate burials in case of custodial deaths if the spouse or immediate relative of the deceased or any other person fails or refuses to take the remains or do not

have the means to provide for the decent burial for the deceased.

5. *Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances*

Include prisoners charged with terrorism or prisoners of conflict or political offenders

6. *The right of access to legal representation*

(c.1) In jails or prison facilities which provide for electronic or digital mechanism of communication, the prisoner may opt to meet and consult with a legal advisor through such mechanism on any legal matter and under similar conditions established in rule 93, subject only to rules and monitoring by the administrator for security purposes.

(c.2) Imprisoned persons shall have access to legal aid mechanisms including paralegal services provided by paralegal officers.

7. *Complaints and independent inspection*

(h.1) Include if the means of the jails or prison facilitates provide, inspection via electronic or digital surveillance system shall be allowed

8. *The replacement of outdated terminology*

“Warden/Wardress of the jail” shall also be considered aside from the use of “director on the institution” or “prison administrator”

9. *Training of relevant staff to implement the SMR*

(b.1) Include trainings in alternative dispute resolution mechanisms and restorative justice principles and information technology systems in jail