

PHILIPPINE JAIL CONDITION: A VIOLATION OF HUMAN RIGHTS

by Mark Joed T. Dadulla

Consider filling up a bowl with 30 fish that is only good for two. What would happen to them? They would apparently die in a matter of seconds or minutes due to exhaustion.

Now, consider a prison designed for 262 inmates that the government fills with 3,095 inmates. What would happen to them? And, perhaps more importantly, do we care?

The figures presented above are the total number of inmates detained in Quezon City Jail reported by ABC News in September 2017.¹

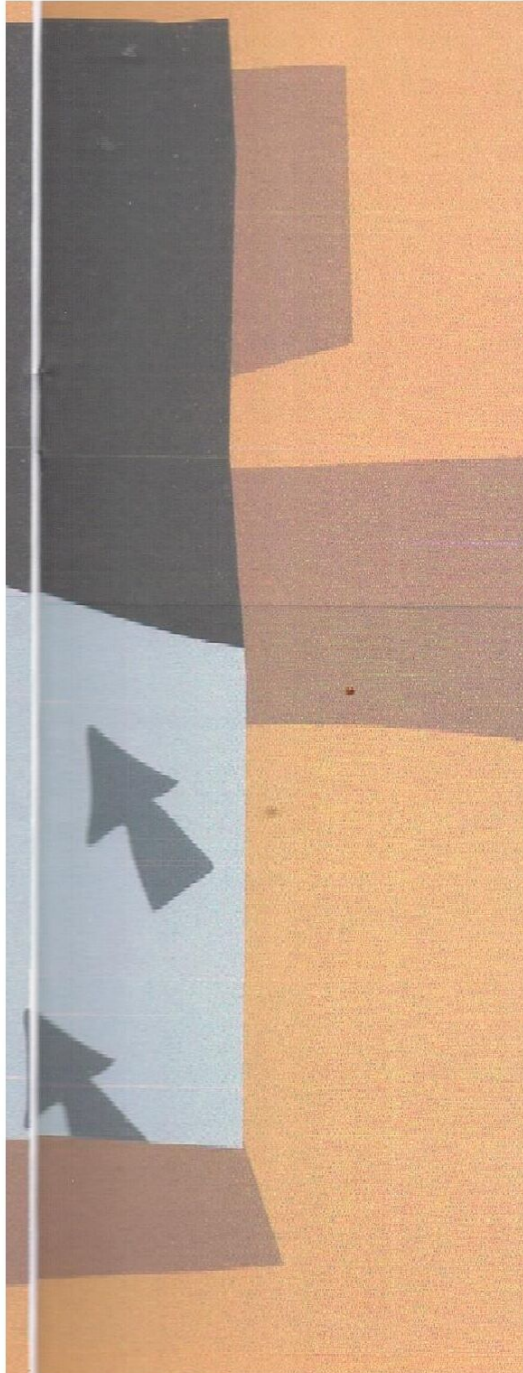
The Quezon City Jail is one of

many detention facilities in the country that do not meet the bare minimum of United Nations standards. Subhuman facilities, insufficient food, and unsanitary conditions are among the inhumane conditions mentioned in the news.

In a report published in April 2015, the Commission on Human Rights (CHR) determined that overcrowding is the main culprit in police lockup cells. It found out that lockup cells it visited in several Metro Manila areas were overcrowded, some by nearly 300 percent of the intended capacity. This congestion is the primary cause of mistreatment, which usually results in increased concern.

According to the Commission on Audit (COA), the country's jails are already overpopulated by 511 percent as the number of inmates ballooned to 126,946 as of the end of 2016. It has already exceeded the ideal total jail capacity, which remains at 20,653 inmates.

In its 2017 report, COA noted occupancy rate in prison facilities in the country have reached 612 percent, with a total jail population of 146,302 inmates. COA said that this kind of congestion violates the United Nations Standard Minimum Rules for the Treatment of Prisoners and the BJMP Manual on Habitat, Water, Sanitation and Kitchen in Jails.



According to the CHR, sanitation in most of these cells is deplorable, with either no or poorly maintained toilet facilities. During one of their cell visits, they discovered a hole directly connected to the sewage that serves as a toilet, while others are clogged and emit an unpleasant stench. Detainees, particularly pregnant women, are also denied adequate medical care in detention facilities. Prenatal services are not available in most Metro Manila jails. Some cells do not provide any medical care to pregnant detainees as there is no single medical officer available in any of the police cells visited by the CHR in Quezon City and Manila.

The International Committee of the Red Cross has expressed concern about the health of detainees in the Philippines, particularly the spread of pulmonary illnesses such as tuberculosis, as well as skin infections, diarrhea, and sepsis. Moreover, there is a higher risk of contracting parasitosis in overcrowded prisons.

According to the World Health Organization (WHO), mental disorders are prevalent in all countries. Mental or behavioral disorders affect an estimated 450 million people worldwide. These disorders are particularly common in prison populations. In addition, there is an increased risk of suicide in prisons, which is frequently linked to depression.

People's behavior can be affected to the extent that it leads to self-harm or violent behavior to others. Congested facilities cause stress among inmates and staff. It increases the risk of violence and prison riots.

According to COA, congested detention facilities cause increased gang affiliation of inmates. To sustain survival, inmates hold on to gangs where they find protection, network of social support and most importantly, access to material benefits.

The lack of space frequently forces detainees to sleep in sitting post, or even standing; worse some take turns sleeping. Bedding is so inadequate that many inmates sleep on discarded cardboard boxes or attach makeshift hammocks from the ceilings. These cells are also often dilapidated, with poor ventilation and absence of natural light. Their situation even gets worse when it rains because of the dotted roofs of these detaining facilities.

These detainees, whether convicted or not, endure these inhumane and degrading conditions. Do you think they deserve it? Whether you believe they deserve it or not, the only opinion that matters is the constitution's. "The State values the dignity of every human person and guarantees full respect for

human rights," states Article 2, Section 11 of the 1987 Constitution. It is clear that an individual does not lose his or her inherent rights to dignity and other human rights while incarcerated, regardless of what he or she has done or whatever political convictions he or she may have.

To protect prisoners' human rights, the government should prioritize upgrading detention facilities and strengthening rehabilitation strategies. Prisons should be decongested by transferring prisoners to other facilities where rehabilitation opportunities are better and prison conditions are less crowded. Every facility should have adequate medical supplies, equipment, and personnel. Health education should be given on a regular basis. The judiciary should also do everything possible to expedite the resolution of pending cases.

To sanction disrespect and disregard for the Constitution in the name of protecting the society from lawbreakers is to make the government itself lawless and to subvert those values upon which our ultimate freedom and

"Prison overcrowding has an impact on the health and well-being of those who live in these conditions, as well as on public health and the prison system. It has the potential to increase the occurrence of diseases, particularly infectious and psychiatric disorders."

liberty depend.

While the Court strongly supports the campaign of the government against drug addiction and commends the efforts of our law enforcement officers towards this drive, all efforts for the achievement of a drug-free society must not encroach on the fundamental rights and liberties of individuals as guaranteed in the Bill of Rights, which protection extends even to the basest of criminals." [People v. Molina, G. R. No. 133917, 19 February 2001]

The "War on Drugs" has resulted in a significant increase in drug-related arrests in the country. According to the COA, the increase in arrests and detentions from this drug operation has contributed to jail overcrowding.

Additionally, the slow or non-action of courts on pending cases made it even worse. Many detainees qualify for bail but remain incarcerated due to poverty.

Prison overcrowding has an impact on the health and well-being of those who live in these conditions, as well as on public health and the prison system. It has the potential to increase the occurrence of diseases, particularly infectious and psychiatric disorders.

¹ Stein, G. (2017, September 20). *Philippine prisons overflowing with hungry inmates as Duterte's drug war intensifies*. ABC.