…………………………………… June 2020

Mr. José Luis Martín C. Gascon

President of the Commission on Human Rights

SAAC Building, UP Complex

Commonwealth Avenue - Diliman

Quezon City, 1101 - **Philippines**

Dear Mr. Gascon,

As a member/supporter of ACAT-Switzerland, the Action by Christians for the Abolition of Torture and the Death Penalty, I am writing to you regarding the

**situation of minors in the prisons of the Philippines.**

According to reliable sources of information, thousands of minors are currently incarcerated in the prison facilities of the Philippines (including the *Bahay Pag-Asa* centers) without any charges or evidence about their alleged crimes. Many of them are imprisoned solely for non-serious offences and undergo inhumane conditions of detention (lack of beds and toilets or washing facilities, improper or insufficient meals, very limited or no visits, lack of medical staff/treatment, no access to a lawyer, ...). Violence committed against the children by some prison staff has been reported. Moreover, the Covid-19 pandemic puts the children’s health and life seriously in danger, as many already suffer from asthma, tuberculosis, malnutrition or have been physically and sexually abused.

According to the law of the Philippines, children under the age of 15 cannot be imprisoned unless they have committed serious crimes. On the other hand, the Republic of the Philippines is a Party to the UN Convention against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention on the Rights of the Child (CRC). These treaties include fundamental rights protecting individuals against torture and other ill-treatments as well as provisions safeguarding the rights of children. The Republic of the Philippines is bound to respect and apply these texts.

I therefore, urge you, dear Mr. Gascon, in cooperation with the Department of the Interior and Local Government and with the Department of Social Welfare and Development, to:

* + - * **organize the immediate release of the children under the age of 15 who are incarcerated in the Philippines for non-serious crimes, in particular in the *Bahay Pag-Asa* centers;**
      * **to close down the *Bahay Pag-Asa* centers;**
      * **to build a new development center especially dedicated to children, where the latter will be protected from any acts of torture or ill-treatment.**

I thank you for the attention you will give to this concern.

Yours respectfully,

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**Copy: Embassy of the Republic of the Philippines, Kirchenfeldstrasse 73-75, 3005 Bern**