

'14 MAY 27 P4:16

SENATE
P.S. Res 674

RECEIVED BY: ji

Introduced by Senator Poe

RESOLUTION

URGING THE SENATE COMMITTEES ON WOMEN, FAMILY RELATIONS AND GENDER EQUALITY AND ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONDITION OF FEMALE PRISONERS IN THE COUNTRY, WITH THE END IN VIEW OF INSTITUTING MEASURES FOR THE EQUAL PROTECTION OF WOMEN IN PRISON AND TO IMPLEMENT THE CONSTITUTIONAL GUARANTEE AGAINST SUBSTANDARD OR INADEQUATE PENAL FACILITIES

Whereas, Article III, Section 19.2 of the 1987 Philippine Constitution provides that "(t)he 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";

Whereas, two-day-old Diona Andrea Rosal, daughter of suspected communist leader Andrea Rosal, died at the Neonatal Intensive Care Unit of the Philippine General Hospital in Manila a day after she was born on May 17 due to "persistent pulmonary hypertension";

Whereas, Andrea Rosal, daughter of the late Gregorio "Ka Roger" Rosal, the spokesperson of the Communist Party of the Philippines, blamed the government for failing to provide proper and immediate medical care and detaining her in a cramped cell where she was forced to sleep on the concrete floor despite being pregnant;

Whereas, human rights group Karapatan said jail authorities "unreasonably delayed" Andrea Rosal's transfer to the hospital despite her experiencing uterine contractions on May 15 and a court order for her immediate hospitalization, which, they said, was in "blatant disregard" of the pregnant prisoner's rights;

Whereas, Andrea Rosal was seven months pregnant when she was arrested by authorities on March 27, 2014 in Caloocan City upon the order of a court in Mauban, Quezon because of supposed kidnapping and murder charges. She had since been detained at the Camp Bagong Diwa in Taguig City where she shares a 5x10-meter room with 31 other inmates;

Whereas, the court denied Andrea Rosal's petition to attend the burial of her daughter in Ibaan, Batangas but allowed her to attend her baby's wake for three hours last May 21 at the IFI Cathedral on Taft Avenue, Manila;

Whereas, international laws and conventions give equal protection to women as to men who are incarcerated, especially pregnant prisoners who must be subject of adequate medical attention when needed;

Whereas, the Philippines officially became a state party to the Optional Protocol on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) when the Philippine Senate approved it in 2012. The OPCAT is an important instrument in the effort to prevent torture and other forms of inhuman treatment in prisons as it ensures that relevant medical personnel has frequent access to detention facilities;

Whereas, the National Preventive Mechanism was required under the OPCAT to prevent ill treatment and to improve the conditions of detention of all persons deprived of liberty;

Whereas, Part 1, Rule 10 of the United Nations Standard Minimum Rules for the Treatment of Prisoners states that "All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation";

Whereas, there is an urgent need to review the condition of facilities in the country especially the situation of female prisoners if they are given proper care by authorities;

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Philippine Senate, that the Senate Committees on Women, Family Relations and Gender Equality and on Justice and Human Rights be directed to conduct an inquiry, in aid of legislation, on the condition of female prisoners in country, with the objective of instituting measures for the equal protection of women in prison and to implement the constitutional guarantee against substandard or inadequate penal facilities.

Approved,


GRACE POE