

## *On the Sexual Abuse and Torture of Women in Custody*

Cases of rape, sexual abuse and torture committed against women detainees by the police, military and prison officials/personnel in the country have been brought to the attention of the Commission on Human Rights. Women in police custody have been reported being subjected to other forms of torture or ill treatment, including threats, slaps, punches, kicks and sexual assault, such as groping of breasts. The male officers had been allowed access to female detainees without the presence of female prison officers.

Most of the victims belong to the socially disadvantaged groups, including suspected prostitutes, street children, drug addicts and the poor. Often, they were arrested for minor crimes, such as petty theft or on suspicion of violating anti-vagrancy laws. Usually, in majority of the arrests incidents, the police apprehended the suspects without a warrant of arrest.

The anti-vagrancy law has been used as a pretext for arbitrary arrest and detention of women, who have subsequently complained of rape, sexual abuse and other ill treatment by police officers. Women as sex workers are among the most marginalized and discriminated group in Philippine society. They are particularly very vulnerable to human rights violations because of their low status.

To cite one instance, which is quite common in many prisons and detention centers, is the data revealed in the independent survey conducted by health professionals in 1997 at the Correctional Institute for Women (CIW) in Mandaluyong City that of the 1,000 detained women interviewed, 10% had sexual contact with guards at the provincial, city or municipal jail prior to their transfer to the CIW.

By virtue of its constitutional function "to monitor the Philippine Government's compliance with international Rights finds the aforesaid reports as violations of the following:

1. Article 7 of the International Covenant on Civil and Political Rights provides that: *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"*.
2. Article 10, par. 1, of the same Covenant also provides, thus: *"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent right of the human person."*
3. Principle 6 of the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment provides that: *"No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment."*
4. Rule 53 (1 to 3) of the UN Standard Minimum Rules for the Treatment of Prisoners provide that where men and women are detained in the same institution, the area set aside for women should be *"under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution."* No male members of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer. Female prisoners should be attended to and supervised only by female officers and male staff such as doctors who provide professional services should always be accompanied by female officers.

To prevent or at least minimize the aforesaid abuses, the Commission on Human Rights suggests the following measures:

- Improve prison conditions.
- Ensure that female security personnel are present during the interrogation of women detainees.
- Ensure that female detainees are always held separately from male detainees.
- There should be no contact between male guards and female detainees without the presence of female guards.
- All complainants of rape, sexual abuse or torture committed by state officials must be instigated promptly and independently. A medical examination by a female doctor should be provided immediately for any woman in custody who alleges she has been raped.
- Take effective steps to protect women detainees who report rape or sexual harassment from threats, reprisals or any other form of intimidation.
- Police, military and prison personnel should receive adequate training on standards for the protection of women's rights, and how to respect and enforce them properly.
- Recruit an adequate number of women police officers to specialize in cases of violence against women.

This human rights advisory is addressed to all government authorities and agencies concerned, especially the Department of Justice (DOJ), the Bureau of Corrections (BUCOR), the Bureau of Jail Management and Penology (BJMP), the Philippine National Police (PNP), and the Armed Forces of the Philippines (AFP) to protect the human rights of women in custody.

*Quezon City, 31 October 2001*