

Persons deprived of liberty essay



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2010 National Summit Declaration on Persons Deprived of Liberty Manila, Philippines “ Collaborative Partnership in Enhancing the Dignity of Persons Deprived of Liberty” The participants, representing the Executive Branch, the Legislature, the Judiciary, other public institutions, civil society organizations, faith-based organizations and other partners, AFFIRMING the State’s constitutional obligation and adherence with international laws and covenants to protect and uphold fundamental rights and freedoms of all, and the primacy of human dignity in Philippine society;

ACKNOWLEDGING the inherent dignity of persons deprived of liberty and their right to humane treatment; RECOGNIZING the roles of public institutions including the civil society and the community in upholding the physical, emotional, mental and moral integrity of persons deprived of liberty; VALUING partnerships as a means to deepen dialogue and collaboration among partners and stakeholders from government, civil society and faith-based organizations to protect the rights and enhance the dignity of persons deprived of liberty;

EMPHASIZING the need to transform the criminal justice system in accordance with the paradigm of restorative justice; AGREEING that deprivation of liberty refers to “ any form of detention, imprisonment, institutionalization, or custody of a person in a public...institution which that person is not permitted to leave at will, by order of or under de facto control of a judicial, administrative, or any other authority.... ”;

RAISING WITH DEEPEST CONCERN the situation of extreme congestion, violence, and health and sanitation risks experienced by persons in places of

deprivation of liberty; the retributive and punitive character of the criminal justice system, including the limited engagement of victims in the justice system; the prejudice and stigma of the community against persons deprived of liberty and its limited participation in rehabilitation and social re-integration programs; the inadequate legal, judicial and administrative alternatives to imprisonment and deprivation of a person's liberty; and the fragmented institutional and policy arrangements in the criminal justice system that diffuse resources, approaches and accountability, as well as the systemic problems of institutional coordination, inefficiency and corruption; CONVENING in Diamond Hotel, Manila on 16-17 November 2010 with a view to generate consensus on action measures to protect the dignity of persons deprived of liberty on specific issues affecting the offenders, victims, the community, alternatives to deprivation of a person's liberty, and governance to strengthen institutional coordination;

BEARING IN MIND the need to sustain the collaboration between government and civil society partners in the implementation and monitoring of key Summit agreements and action measures, including the other detailed recommendations of the National Summit documented in the highlights of proceedings; ADOPTS the following priority action measures of the Executive Branch to protect and enhance the dignity of persons deprived of liberty, as well as the key advocacies to the Legislature, the Judiciary, the civil society and other partners, without prejudice to their respective commitments and initiatives outside this Declaration and the other action measures discussed and documented during the National Summit: FOR THE EXECUTIVE BRANCH TO 1. Exhaust administrative measures, within the bounds of law, to

decongest lock-ups, jails, centers, homes and correctional facilities, among other places of deprivation of liberty, under the supervision and control of the Philippine National Police (PNP), Bureau of Jail Management and Penology (BJMP), provincial and local governments, Bureau of Corrections (BuCor), Armed Forces of the Philippines (AFP), Department of Social Welfare and Development (DSWD), Board of Pardon and Parole (BPP), Parole and Probation Administration (PPA), Public Attorneys' Office (PAO) and other agencies, and push for the enactment of legislative measures and coordination with the Courts and other appropriate public agencies, to address jail congestion, develop and ensure full access to a central information registry on persons deprived of liberty, and facilitate speedy resolution of cases; 2.

Create an inter-agency working group among public organizations in the criminal justice system to foster a seamless system for persons deprived of liberty from arrest to re-integration, whose initial task is to formulate common standards, protocols, systems and processes; and pursue a research agenda in aid policy-making to promote and protect the dignity of persons deprived of liberty; 3. Formulate policies, standards and procedures to tap resources of non-government partners, including families, to augment the food subsidies and medical care of persons deprived of liberty from national and local sources, particularly in detention centers under the supervision and control of the Philippine National Police; 4.

Conduct full evaluation of current rehabilitation programs for persons deprived of liberty implemented by the Department of Interior and Local Government and the Department of Justice, in order to determine adequacy, <https://assignbuster.com/persons-deprived-of-liberty-essay/>

efficiency and effectiveness, and to modify, update or reorient these in accordance with the requirements of restorative justice; 5. Document good practices in the implementation of the Diversion Program under Republic Act 9344; the Volunteer Probation Aide Program; and inmates welfare and development programs, among others, to identify areas of harmonization and replication, in order to institutionalize community involvement and partnerships, including, where appropriate, the voluntary participation of victims in the rehabilitation and eventual social reintegration of persons deprived of liberty into the mainstream of society; 6.

Formulate a strategy to enhance after-care services, defining concrete entry points and modes of participation by the community, civil society and industry in the socio-economic reintegration of persons deprived of liberty, as well as the propriety of half-way homes and adequacy of pre and post-release support mechanisms; 7. Review all laws and their corresponding penalties arising from conviction, and for DOJ to recommend legislative amendments, where necessary, to include limiting the number of years of sentence, exploring alternatives to imprisonment, and de-criminalizing certain offences, among others; 8. Design and implement capacity development measures for the national and local governments on protecting the rights of persons deprived of liberty; and 9.

Monitor the progress of implementation of key agreements of the National Summit over three years, led by the DILG supported by the DOJ in partnership with the Commission on Human Rights and other agencies of the Executive Branch, and to substantively complete the implementation of key agreements within the control of the Executive Branch, and to provide

regular reports to the Office of the President and to the general public. FOR ALL PARTNERS TO ADVOCATE AND COLLABORATE WITH THE LEGISLATURE TO 1. Push for the modernization of BJMP and the re-engineering/modernization of BuCor, or alternatively the creation of a Department of Corrections to ensure functional and organizational harmonization of the corrections pillar; 2. Review and amend penal and prison laws update with the requirements of restorative justice; 3.

Support the enactment of the bills on jail integration subsidiary imprisonment; preventive imprisonment; community service; good conduct time allowance; and absentee voting, including amendment to the Probation Law to reconsider minimum criteria to qualify for probation; and 4. Formulate tax and non-tax incentives to encourage the business sector and industry to employ persons deprived of liberty to support after-care socio-economic opportunities. FOR ALL PARTNERS TO ADVOCATE AND WORK WITH THE JUDICIARY TO 1. Encourage law schools to provide paralegal services and legal clinics to assist the Courts in de-clogging cases and to facilitate speedy resolution of cases involving persons deprived of liberty; 2.

Adopt appropriate measures for lawyers to provide mandatory pro bono legal services, particularly to persons deprived of liberty under the custody of PNP, BJMP, provincial government, BuCor, DSWD and other agencies, in addition to, and complementary with, the requirements for the mandatory continuing legal education of lawyers; 3. Continue implementing the Judicial Reform Program, particularly activities to decongest case dockets and to address judicial delay, to protect the rights of persons deprived of liberty; and 4. Review and streamline rules of Court consistent with the requirements of <https://assignbuster.com/persons-deprived-of-liberty-essay/>

restorative justice. FOR ALL PARTNERS TO SUPPORT AND WORK WITH THE CIVIL SOCIETY TO 1.

Help in educating the community on the rights of persons deprived of liberty and to engage with government, schools, media and other institutions to address public stigma and prejudice against them; 2. Collaborate with government and other non-government organizations in developing, implementing and monitoring after-care services and social re-integration programs; 3. Initiate, document and share good practices and measures within the context of restorative justice to aid in policy-making, program development and partnership-building with government and other civil society organizations; and 4. Pursue complementary research to support measures and advocacies in strengthening institutions in the criminal justice system in accordance with the ends of restorative justice.

The foregoing action measures, commitments and advocacies have been forged and agreed as a testament of the value of partnership-building and the continuing commitment to promote and protect the dignity of persons deprived of liberty in the Philippines. DONE in the City of Manila, this 17th day of November in the year of the Lord, Two Thousand and Ten. SIGNED by the highest official representing agencies from government and civil society. J/Dir ROSENDO M DIAL, CESO III Chief, BJMP Atty. PERSIDA V. RUEDA-ACOSTA Chief, Public Attorney's Office MANUEL G. CO Director, Parole and Probation Administration RODRIGO A. MERCADO Assistant Director, Bureau of Corrections RODOLFO D. DIAMANTE Catholic Bishop's Conference of the Philippines – Episcopal Commission on Prison Pastoral Care