**What are the Conditions of Prisons and Activism in the Philippines?**

**What are the conditions inside Philippine prisons?**

Prison conditions in the Philippines are notorious. Even under “typical” conditions, one in five detainees at the national penitentiary, New Bilibid Prison, dies each year. This comes to around 5200 individuals in maximum security, according to the prison hospital chief who testified before the Senate in 2019[[1]](#footnote-0). Overcrowding in the prison leads to uncontrollable outbreaks of pulmonary tuberculosis.

The prison system is more than 500% over capacity. While the Department of Health reported 215,000 inmates, including pre-trial detainees, the Bureau of Jail Management reported a total capacity of 40,610 in the 933 jail and prisoners of the Philippines. With deaths already high due to well-known respiratory illnesses, inmates are greatly at-risk of COVID-19. In March, one inmate from the New Bilibid Prison had already died from COVID-19 infection, in addition to two prisoners from the Correctional Institute for Women. One inmate from the Cebu City Jail and another from the Quezon City Jail had also died from the disease. The actual numbers of detainees who have tested positive for COVID-19 and the disease’s death toll in prisons are likely severely underreported.

There are particular concerns over the death of 61-year-old peasant activist and political prisoner Adelaida “Nanay Ede” Macusang. She had been detained at the Compostela Valley Provincial Rehabilitation Center since March 24, 2020, on a trumped-up charge of illegal possession of explosives. On May 4, 2020, Ede was rushed to a hospital in Tagum City, Davao del Norte but was declared dead on arrival. Initial findings of physicians stated that she succumbed to kidney failure and cardiac arrest. Prior to her arrest, Ede had already been diagnosed with severe hypertension and cardiomegaly. She died without being tested for COVID-19.

Political prisoners have consistently raised a demand for separate quarters from the general prison population, as well as an end to dispersal to local jails. Rather than a demand for special treatment, this reflects the UN Standard Minimum Rules for the Treatment of Prisoners, which recognizes that political prisoners have been arrested, charged and imprisoned due to their political beliefs and actions. Separate physical quarters help assert the distinctive political and historical status of political prisoners, and helps prisoners secure their physical safety, protect their rights and welfare, and allow them to provide a support system for the elderly and the sick.

Many prisoners cannot afford to purchase their own food and necessities in prison, making do with poor quality or spoiled prison rations. With such crowding, space to lay down or sleep is often reserved to prisoners who can pay for it. Visitation rights have been particularly restricted, and essentially halted entirely under COVID-19. When visitors have been allowed, humiliating strip searches have been demanded by guards at prisons like New Bilibid.

The United Nations High Commissioner for Human Rights Michelle Bachelet has called on governments to release political prisoners and to make imprisonment a last resort amid this public health crisis. Human Rights Watch has also called for the release of elderly and the sick inmates. In response to an urgent appeal by Philippine human rights organization Karapatan, various local and international human rights organizations, such as the World Organization Against Torture (OMCT), have supported the call for release, with demands for the Philippine government to end the detention and ill-treatment of quarantine violators.

**Why are activists inside prisons?**

As of March 28, 2020 there were 609 political prisoners, including one hundred women and forty-seven elderly or suffering from serious ailments. The prisoners include farmers, union leaders, critics of the government and human rights defenders jailed under trumped-up charges. Most of these prisoners have yet to undergo trial, which according to the Philippine Constitution and international law, makes them innocent until proven guilty beyond reasonable doubt.

The number of political prisoners has nearly doubled in the past decade, from 317 in June 2010 to 609 in June 2020. This doubling has occurred primarily during the Duterte government’s term in office.

The fundamental reason why peasants, members of the urban poor, human rights defenders, and Indigenous Peoples are in jails and prisons is the semi-feudal control of land by a few families, and the semi-colonial control of the Philippines by foreign companies.

Haciendas, plantations, and other forms of oligarchic land ownership has meant that increasingly few Filipinos are able to support their communities through agriculture. By organizing themselves to demand access to land, or the return of stolen lands, Filipino peasants become a target for repression organized by powerful landowners or foreign corporations. Even the practice of bungkalan, cultivating idle cropland during the off-season, has resulted in the extra-judicial killings of peasants. President Rodrigo Duterte in 2018 called for the arrest or killing of peasants occupying idle lands (<https://www.philstar.com/headlines/2018/10/29/1864201/state-forces-arrest-shoot-groups-occupying-land-duterte-warns>).

At that time, Duterte also called for repression of Kadamay, an organization of the urban poor, which has had several activists imprisoned on trumped-up charges. The urban poor, composed mainly of displaced peasants, often live in sprawling slums or shanty-towns around major cities like Manila. Residents of these areas have organized their neighbours to demand access to sanitation and electricity, and led occupations of housing projects to demand better living conditions. In November 2019 the Tondo 3, young activists involved with the urban poor, were arrested after organizing a campaign to oppose housing demolitions in a poor neighbourhood.

Indigenous Peoples also find themselves under assault. Wealthy landlords are eager to claim the lands of the Ifugao in the Cordilleras, the Aeta in Luzon, the Lumads in Mindanao, among others. These ancestral lands often represent areas of old-growth forest and undisturbed mineral resources, under centuries-long caretaking by Indigenous Peoples. Foreign lumber and mining companies, including Canadian companies, use paramilitaries and the Armed Forces to displace indigenous peoples and harass or kill local activists.

Prisoners come from these sectors and more - human rights defenders, union organizers, outspoken teachers and public servants - but at the root of this repression lies a fundamental conflict over access to land, and sovereign control of resources.

1. <https://www.rappler.com/nation/hospital-chief-maximum-security-inmates-die-every-year> [↑](#footnote-ref-0)