



Ministry  
of Justice

**Rt Hon Edward Argar**  
Minister of State for Justice

The Rt Hon. the Lord Goldsmith KC  
Chair, International Agreements Committee  
House of Lords  
London  
SW1A 0PW  
By email: goldsmithp@parliament.uk

7 May 2024

Dear Peter,

### **FILIPINO PRISONER TRANSFER AGREEMENT**

I am responding to the two queries in the International Agreements Committee's report on the UK-Filipino Prisoner Transfer Agreement (PTA), published on the 7 of March.

The UK has a strong track record of ensuring rights and liberties are protected domestically, and of fulfilling our international human rights obligations. I would like to reassure you that we always consider the human rights implications for prisoners in scope for prisoner transfer.

On the first query raising the Committee's concerns about human rights due to poor prison conditions in the Philippines, please be assured we are aware of the evidence in the US Annual Human Rights Report, (<https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/philippines/>) for 2022 and the Philippines Bureau of Corrections website ([http://bucor.gov.ph/?page\\_id=11002](http://bucor.gov.ph/?page_id=11002)) of maltreatment and overcrowding. These show there has been poor management of prisoners who suffer from neglect as well as direct physical abuse. These reports also reflect our understanding of prison conditions in the Philippines, in particular the limited availability of medical treatment. Such assessments are reflected publicly in our Information Pack for British Nationals detained in the Philippines, accessed here: <https://www.gov.uk/government/publications/philippines-prisoner-pack>.

The PTA was negotiated at the request of the British Government to enable British nationals in prison in the Philippines to apply to transfer back to the UK should they want to. Sadly, several British nationals have died in different settings in the Philippines since 2016. Having an agreement to allow the return of British prisoners will also enable them to be closer to home and family with easier access to potentially lifesaving medical support and other services that will better meet their welfare and rehabilitation needs. The PTA is voluntary and so a prisoner would need to request to transfer.

In terms of the PTA process being applied to Filipino prisoners held in the UK, I would like to reassure you that the PTA is voluntary (meaning the prisoner would need to consent and be actively seeking transfer) and that we will give due weight to an assessment of prison conditions before making any final decision. His Majesty's Prison and Probation Service (HMPPS) has a specialist transfer team that considers all cases including applications from prisoners under a voluntary agreement. All prisoner transfers require the Home Office to obtain deportation orders and representations against deportation can be made by

prisoners at this stage of the process. If a deportation order is successfully made, HMPPS will then analyse the latest available information and intelligence about prison conditions from international organisations including those sources named above. Prisoners are presented with the terms of transfer prior to repatriation, and this will clearly include our assessment of prison conditions in the Philippines and Human Rights considerations carry significant weight and are based on legal advice on every case. On hearing this evidence, the prisoner can withdraw their consent and stop the process at any time up to the point of issue of the warrant. Where HMPPS have serious concerns relating to prison conditions, they will refuse a transfer on human rights grounds (Article 3 ECHR) even if the prisoner is actively lobbying to return.

On the query about assessing opportunities for the transfer of UK nationals detained in the Philippines this will become possible once the Philippines Government ratify the PTA. Our Embassy in Manila is following this closely and is ready to support individual applications to transfer by British detainees in the Philippines immediately following ratification by both countries. The UK Government does not publish information on individual transfers, and where the figures are 5 or fewer, the Government does not publish a breakdown of who is in scope, as these risks identifying the individuals involved. The British Embassy in Manilla remains in close contact, including through regular prison visits, with all British detainees in the Philippines.

I hope this information is helpful. I am copying this letter to the Chair of the Joint Committee on Human Rights following a similar enquiry on Filipino prisoner transfers.

A handwritten signature in black ink, appearing to read 'Edward Argar', with a horizontal line underneath.

**RT HON EDWARD ARGAR MP**