



7th World Congress Against the Death Penalty

28 February 2019, Brussels

How to Prevent a Resurgence of the Death Penalty

What drives countries to reintroduce the death penalty or resume sentences and executions?
Panelists will identify potential actions which could prevent such a resurgence.

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The Commission on Human Rights of the Philippines is grateful for this opportunity to speak before the World Congress Against the Death Penalty. Thank you to the organizers, particularly to the World Coalition Against the Death Penalty.

With sustained efforts to reintroduce the Death Penalty, the challenge of affirming the right to life has become more formidable. Against this backdrop, we share the progress that we have made to prevent this scourge from happening again.

What drives countries to reintroduce the death penalty, resume sentences and executions? This is perhaps a question that is easier to answer if we look to the past and reflect on how we have come full circle.

The cycle began with the death penalty imposed, we issued a moratorium on executions, enacted a law prohibiting the imposition of the death penalty thereafter, and ratified the Second Optional Protocol to the International Convention on Civil and Political Rights that promised, in perpetuity, to end the Death Penalty in the Philippines. Now here we are poised to repeat the cycle in a bold bid to restore the capital punishment.

Almost 3 years ago, the Presidential Elections saw a dark horse candidate with a campaign promise – to restore the death penalty, among other draconian measures that will presumably put order in a drugs-driven, crime – ridden Philippine Society. The promise of swift

justice, stern political will – in this case, a ‘do it at all cost’ attitude attracted a plurality of the voting public, electing the local chief executive into the national office.

We have come to realize that public opinion has always been used as the driver for the reintroduction of the Death Penalty in our country. “Majority of the People” want this. Staunch Supporters of the death penalty cited reasons for this like a mantra:

- Death Penalty is a deterrence. There have been many ‘heinous’ crimes committed. People are furious at the gore of not just bizarre murders, mass killings and massacres of families, of rape of women, children, kidnapping, plunder and other corruption cases, even carjacking, robbery, even mobile phones. Most of these cases were part of a laundry list of crimes that in the past meted the death penalty enumerated in the death penalty law. “It will sow fear into the hearts of criminals so they will think twice about committing a crime” goes an often quoted spiel.
- “An eye for an eye.” Retributive Justice. People’s minds were conditioned in a campaign to hate the “criminal” without the trial and othering the person suspected of committing the crime by dehumanizing them, “they are animals”. They can longer be rehabilitated.

Images also helped fuel the fire: Parading suspects arrested by the police in media along with coverage of the gory scenes of the crime have stoked this frustration into anger and hate towards those presented and perceived to have committed crime without due process, a publicity before the actual trial.

Impunity and corruption also added into the mix. People in high places and people with means, were seen to have gotten away with it. Reports of convicted persons who are supposed to be serving time, have been allowed to go in and out of prison at will.

Today, the death penalty is still at the top of the President’s Legislative Agenda. This, along with the lowering of the Minimum Age of Criminal Responsibility, was a shared agenda by our Parliament’s lower house or House of Representatives. So far, the independence of the Senate on this issue has given us reprieve or may easily be a “calm before the storm”.

Midterm elections are coming up and while the lower house has traditionally been pro the Executive’s agenda, the Senate may be following suit as half of the seats will be up for elections and historical data would show that mid-term elections usually favor administration candidates. We may be electing pro-death penalty advocates soon which may render the potential actions that could stop resurgence of the death penalty may no longer be viable when the new congress convenes in July of this year.

The Commission, as a National Human Rights Institution, has been against the Death Penalty at the onset of our creation by the Constitution.

In this current crisis we are confronted with, we have reflected and set a course for a strategic, heightened and orchestrated rally against the resurgence of the death penalty.

Knowing that the fuel to reintroduce the death penalty is filled with false assumptions and misguided public opinion, the Commission went down to the ground and conducted *COMMUNITY-BASED DIALOGUES*. This was designed to raise the level of public awareness about human rights and the death penalty. Addressing wrong notions on the myth that the Death Penalty has deterrent effects, reminding them of the significance of everyone's right to due process and the tenet of an eye for an eye. But a unique feature of this dialogue is a "no judgment" discussion of why people are pro or against the death penalty. We used this as part of a market research to know the pulse of the people regarding the death penalty.

There was a different legal landscape from the first cycle when the law on the death penalty was reintroduced the first time. Pro – Death Penalty Legislators were citing that the constitution allowed for the reintroduction of the death penalty. This time with the Philippines being a state party to the second optional protocol, we beefed up our *LEGAL RESEARCH* and partnered with allies at home and abroad. We reviewed all studies on the implementation of the death penalty, cited statistics that would debunk the myths about the measure including its error-prone and anti-poor record, crime statistics falling even without the death penalty, and providing alternatives that will address criminality in society including advising our legislators to provide more resources to our law enforcement agencies.

Public Discourse from the first cycle to the current also has a different platform -- social media. We launched a PUBLIC EDUCATION CAMPAIGN and set up a COMMUNICATIONS PLAN with our allies. A broader, multi-sectoral alliance was formed from various groups including our partners in Parliament, Victims of Heinous Crimes who are against the Death Penalty, the Academe, Media Practitioners, Faith – based Organizations and collectively was called The Right to Life Network. Messaging was developed to cater to digital natives and migrants alike through social media cards/memes, short videos and protocols for making the messages go viral.

Our previous issuances were shored up and updated based on our interaction on the ground and new researches. But we felt that this was not enough. We still had to grapple with the question, why do Majority of Filipinos want the death penalty? Inspired by my experience during the World Congress Against Death Penalty in Oslo two years ago, we moved to prove that the purveying overwhelming public opinion for death penalty was a myth. We embarked on the first ever comprehensive and dedicated survey on the death penalty and the results proved promising.

From this survey, the Commission learned about people's opinion when presented with facts about the death penalty and its impact, what has shaped their opinion, who do they think they trust most in upholding human rights and what was their preferred punishment for certain crimes.

- With as high as 7 out of 10 Filipinos favoring alternatives to the death penalty isolating a core of only about 30% in favor of the Death Penalty.
- We have also learned that television is the biggest source of information with the internet / social media as a rising source.
- In the public's trust, 9 out 10 believe that teachers have respect for human rights and many more information we have obtained from this survey.

This now takes us to a higher plane in advocating for the right to life and focusing on new allies in the campaign on the right to life and against the re-introduction of the death penalty. Having come full circle has also made us realize that we have to consistently nurture our advocacy. We have to help address the drivers of the death penalty campaign. We must address the concerns of the public on crime and safety by educating the public on programs that redound to effectively addressing these issues.

Our success will involve solidarity at home and abroad. In this Congress, we find renewed strength to help us prevent a resurgence of death penalty in our country and for this we are truly grateful.

We look forward to continue finding ways with all of you to open the public's eyes and reject the false promise of the death penalty, as we address criminality through the human rights-based approach and restorative justice.

No to death penalty! Maraming Salamat po. Thank you very much.