



## JOINT STATEMENT

### The Philippines: on World Day Against the Death Penalty, Congress encouraged to reject attempts to reintroduce death penalty

10 October 2020

On the 18<sup>th</sup> World Day Against the Death Penalty, the undersigned seven organizations express their concern at proposed legislative measures that would reintroduce the death penalty in the Philippines and call on its Congress to uphold the country's international law obligations and oppose the adoption of draft legislation to this aim.

10 October marks the World Day Against the Death Penalty, a global day of action which sees actors from all walks of life and many countries join together to say no to the death penalty. On this occasion, civil society organizations from the Philippines and internationally share their alarm at the 24 draft laws which are currently pending before Committees of the House of Representatives and of the Senate of the Philippines. These laws aim to reintroduce the death penalty as the punishment for several offences including murder, rape, drug trafficking, plunder and kidnapping. The adoption of any such laws would violate the country's obligations under international human rights law.

Following the abolition of the death penalty for the second time in 2006, on 20 November 2007 the Philippines ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights that categorically prohibits executions and commits the country to the abolition of this punishment. These obligations cannot be withdrawn at any time. In the words of the UN Human Rights Committee, abolition of the death penalty is "legally irrevocable." Furthermore, the UN Human Rights Committee has concluded that States parties may not transform an offence, which upon ratification of the Covenant, or at any time thereafter, did not entail the death penalty, into a capital offence.<sup>1</sup>

It is of further concern that the bill proposes to reintroduce the death penalty for offences, such as drug trafficking, that do not meet the threshold of the "most serious crimes", to which the use of the death penalty must be restricted under international law in countries that are yet to abolish it;<sup>2</sup> and as a mandatory punishment which, as noted by the UN Human Rights Committee, "leave[s] domestic courts with no discretion on whether or not to designate the offence as a crime entailing the death penalty, and on whether or not to issue the death sentence in the particular circumstances of the offender, [and] are arbitrary in nature."<sup>3</sup>

We are further alarmed that the continuous pursuit of the death penalty in the Philippines also risks undermining the ability of country representatives abroad to effectively advocate for the commutation of the death sentences imposed on Filipino nationals abroad, such as overseas workers. The legal assistance and political pressure that the authorities of the Philippines have provided to those facing this punishment in other countries has undoubtedly contributed to the protection of their rights, including the right to a fair trial, and could become ineffective if moves were made to re-introduce this penalty back home.

The move to reintroduce the death penalty would set the Philippines starkly against the global trend towards abolition. As of today, 142 countries have abolished the death penalty in law or practice and several other governments are taking steps to repeal this punishment from their national laws.

We oppose the death penalty in all cases and under any circumstances as a violation of the right to life, recognized by the Universal Declaration on Human Rights; and as the ultimate cruel, inhuman and degrading punishment. The reasons countries abolish the death penalty are many and include the fact that the death penalty invariably disproportionately affects those from disadvantaged socio-economic backgrounds; that society and the state are seriously harmed and brutalised by descending to the act of killing prisoners; and that there is no evidence that this punishment has a unique deterrent effect. Statistics from countries that have abolished the death penalty show that the absence of the death penalty has not resulted in an increase in the crimes previously subject to capital punishment, while evidence shows that punitive drug policies have little influence on the prevalence of drug use, or on drug-related crime.

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<sup>1</sup> UN Human Rights Committee, General Comment no.36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN Doc. CCPR/C/GC/36, para.34.

<sup>2</sup> UN Human Rights Committee, UN Doc. CCPR/C/GC/36, para.35.

<sup>3</sup> UN Human Rights Committee, UN Doc. CCPR/C/GC/36, para.37.

Today, as abolitionist advocates from around the world join forces to raise awareness against the death penalty, we renew our call on the members of the Congress of the Philippines to ensure its international commitments are respected and to reject legislative measures to reintroduce the ultimate cruel, inhuman and degrading punishment.

**This statement is co-signed by:**

ADPAN – Anti-Death Penalty Asia Network

Amnesty International

CAAPR – Colegio de Abogados y Abogadas de Puerto Rico

Capital Punishment Justice Project

FIDH – International Federation for Human Rights

Harm Reduction International

MADPET – Malaysians Against Death Penalty & Torture

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