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Philippines: Lawmakers must urgently oppose attempts to reintroduce death penalty

Members of the Philippines Congress must oppose bills aimed at reintroducing the death penalty, Amnesty International said today. The re-introduction of the death penalty would not only represent a major setback for the promotion and protection of human rights in the country but also violate the Philippines' obligations under international law.

A sub-committee of the House of Representatives is currently considering seven bills that, if adopted, would reintroduce the death penalty for a wide array of crimes. In what appears to be an accelerated procedure, the bills could be considered by the House of Representatives and the Senate before the end of 2016. The Philippines, which fully abolished the death penalty for the second time in 2006, is party to an international treaty that categorically prohibits executions and commits the country to the abolition of this punishment. These obligations cannot be withdrawn at any time.

Amnesty International opposes 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. It is an irrevocable punishment, imposed and administered through justice systems that can be vulnerable to discrimination and error.

At a time when more and more countries are abolishing this punishment and 141 in total are now abolitionist in law or practice, a move to reintroduce the death penalty would set the Philippines starkly against the global trend towards its abolition. It would also undermine the country's strong track record of advocating for the commutation of the death sentences imposed on Filipino nationals abroad, such as overseas workers. The legal assistance and political pressure 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.

Amnesty International is further concerned by the Philippines authorities' claims about the death penalty's ability to deter crime and provide justice to victims, in order to justify this reintroduction. When governments are upholding their obligation to respect and protect the human rights of victims of violent and other serious crime, they also have the responsibility to ensure that all relevant human rights are protected and respected. This includes ensuring fair judicial processes, as well as that punishments are not cruel, inhuman and degrading punishment or amount to torture and have as primary aim the reformation and social rehabilitation of prisoners.

The proposed legislation would make crimes that do not involve intentional killing punishable by death, including drug-related offences or aggravated circumstances of kidnapping, rape and robbery. Under international law, in countries that have not yet abolished the death penalty, the punishment must be restricted to intentional killing. The proposed legislation would also prescribe the death penalty as the mandatory punishment for certain circumstances, breaching another prohibition set out in international instruments.

There is no conclusive evidence that the death penalty has a 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 policies have little influence on the prevalence of drug use.

Amnesty International urges members of the Sub-Committee on Judicial Reforms of the Committee on Justice, and of the Congress more broadly, to reject in full the proposed legislation.

Background information

The Sub-Committee on Judicial Reforms of the Committee on Justice of the House of Representatives is currently considering House Bills Nos. 1, 16, 513, 3237, 3239, 3240 and 3418, on the reintroduction of the death penalty. The Philippines ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 20 November 2007.

As of today, 141 countries—more than two-thirds of the world's countries—have abolished the death penalty in law or in practice. The number of countries that carry out executions has also been declining, with only 11 countries known to have carried out executions every year in the past five years. In 2015, 169 (88%) of the 193 UN Member States were execution-free.

In the Asia-Pacific region, 19 countries have abolished the death penalty for all crimes following the abolition of the death penalty in Fiji and Nauru in 2015 and 2016, respectively, and a further eight are abolitionist in practice. In 2015 Mongolia also adopted a new Criminal Code, effective from 2017 that abolishes the death penalty.