

## Philippines

### 1. Application of the death penalty

Pursuant to Republic Act No. 7659, death penalty was re-imposed in the Philippines. This piece of legislation took effect on January 1, 1994, seven years after its landmark abolition.

Prior to the passage of RA 7659, the Commission on Human Rights of the Philippines issued in 1991 Resolution No. A91-033 and expressed its view against the re-imposition of the death penalty by stating, “The proper response to the failure of our justice system is political will to effectively apprehend, prosecute and rehabilitate criminals. To mete out to criminals the very final, irrevocable and inhuman verdict of death is tantamount to punishing them for the failure of the system. The Commission extended P410,000.00 as financial support to the FLAG (free Legal Assistance Group) in its representation (as counsel) of the death convicts.

A resolution on the re-examination of the death penalty law (R.A. 7659) was passed by the Commission on 6 March 1997 requesting then President Fidel V. Ramos to exercise his power of executive clemency in the case of Leo P. Echagaray and Pablito Andan, two convicts scheduled to suffer the penalty of death by lethal injection. This was in anticipation to the move of Congress to repeal Republic Act No. 7659 that was then being deliberated on. In the same resolution, the Commission recommended that the Philippine Senate ratify the Second Optional to the International Covenant on Civil and Political Rights abolishing the death penalty.

Human Rights Advisory CHR-A-02-99 was issued on 13 September 1999 by the Commission on Human Rights of the Philippines as regards the death penalty on minors. It reiterated the stand of the Commission against any law imposing death penalty. The same recommended to the Senate the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. It was emphasized that the International Criminal Court, approved in Rome, and the UN special Tribunals, trying more serious cases of genocide and crimes against humanity do not impose death penalty.

The members of the Third Commission, the incumbent Chairperson and the four (4) Commissioners, are strongly opposed to the re-imposition of the death penalty. On August 6, 2002, the Commission through Chairperson Purificacion C. Valera Quisumbing, submitted the Commission resolution of 6 March 1997, together with the separate opinion of CHR Commissioner Nasser A. Marohomsalic, recommending to the Supreme Court to declare RA 7659 as unconstitutional or unenforceable. The transmittal letter advanced the view that the Commission “remains steadfast on its stand that death penalty is inhuman and does not really deter crimes xxx. It is against the principle on justice that holds that punishment should educate and rehabilitate the offender.” Said documents were transmitted on the occasion of the House of Representatives’ hearing on the bill proposing for the abolition of the death penalty. Chairperson Quisumbing, in reply to an invitation from the Bureau of Prisons to witness the execution of the death penalty, reiterated the Commission’s stand against the death penalty re-imposition. She declined to send CHRP representatives to the scheduled execution and made known her hope that the execution will be postponed as what happened in an earlier case.

During the term of President Gloria Macapagal Arroyo, there has been a moratorium in the execution of person convicted to suffer the death penalty. On the part of those opposed to the re-imposition of the death penalty, an anti-death penalty campaign plan has been drawn up by a coalition composed of groups from the government and non-government sectors, to which the Commission is a member. This shows that, while in the performance of its principal mandate to protect the human rights of all, the Commission is also working hand in hand with non-government agencies against RA 7659.

## **2. Trafficking of women and children**

The Philippine Congress has recently enacted Republic Act No. 9208 on May 26, 2003, otherwise known as “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purpose”.

In relation to the implementation of said law, the Commission on Human Rights of the Philippines has been actively involved in inter-agency collaboration for the enforcement of the anti-trafficking law.

The Commission’s role in human rights protection includes investigation and monitoring of cases on trafficking of women and children; provides free legal aid and counseling services to victims, and other assistance [i.e. financial, medical/medico-legal services, referral/linkages/coordination with other government and non-government agencies concerned for proper action, to include rehabilitation of the victim].

The Commission’s mandate in the conduct of a continuing program on human rights research, information and education encompasses women and child rights advocacy in the different sectors of society, to include the military and the police. This has been in place since 1988. It has now included in its human rights advocacy/training course modules on the Anti-Trafficking Law. The training course covers, among others, the area of investigation in handling cases relative to abuses and trafficking of human beings, particularly women and children.

The Commission has a Child Rights Center in its Central Office, with units in all Regional Offices throughout the country, to provide special focus on issues and concerns involving the women and children sectors. Through the Center’s operation, a number of trainings have been implemented for purposes of enhancing the knowledge and skills of officers / personnel involved in the handling of children and women, particularly along the aspect of investigation. Also, information materials / references have been developed and are being disseminated for public consumption.

Development of standards, policies and procedures for investigation and monitoring of cases, to include, in particular, trafficked women and minors. Part of the Philippine Delegation to the ASEM Seminar on Enhancing Support and Cooperation for Strengthening Social Policies to Assist Trafficked Women and Children, scheduled on 1 – 3 September in Bangkok, Thailand.