THE GLOBAL campaign for the abolition of the death penalty made a significant leap when the United Nations General Assembly (UNGA) in its 62nd Session adopted a Resolution on the Moratorium on the Use of the Death Penalty. The Resolution was recommended by the Third Committee (Social, Humanitarian and Cultural Committee). It was passed despite overwhelming protests from a number of Member States on December 18, 2007 by a vote of 104 to 54, with 29 abstentions.

GLOBAL MORATORIUM ON EXECUTIONS:
TOWARDS WORLDWIDE ABOLITION OF THE DEATH PENALTY

Moratorium on executions

The resolution on moratorium on the use of the death penalty reaffirms the right to life as it is affirmed in Article 3 of the Universal Declaration on Human Rights and in other international human rights treaties such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. It also recalls resolutions on the question of the death penalty adopted by the former Commission on Human Rights.

The resolution welcomes “the decisions taken by an increasing number of States to apply a moratorium on executions, followed in many cases by the abolition of the death penalty”.

It calls on all States that continue to impose the death penalty to “respect international

In October 2007, PhilRights took part in lobbying for the adoption of a global moratorium on the use of the death penalty.

Marlin Gray Vigli Pictures, October 26, 2005, St. Louis Independent Media Center.

www.stlims.org
to review their use of the death penalty.

### Debate at the Third Committee

The draft resolution on a moratorium on the use of the death penalty was approved by the Third Committee with a recorded vote of 99 in favor to 52 against and with 33 abstentions. The approval of the draft resolution had been a result of intense debate and deliberation. Each Member State stood firmly on their national positions on the death penalty: abolitionist or retentionist, for or against.

#### Retentionist

A total of 14 amendments to the draft resolution were introduced by countries (Egypt, Singapore, Barbados, Antigua and Barbuda, and Botswana) opposed to the moratorium on the use of the death penalty.

Opponents to the resolution stated that the move was an attempt by States that have abolished the death penalty to impose their values on States that have not.

The draft resolution was perceived as an imposition on the sovereignty of each State to practice its own legal systems. A number of Member States argued that the death penalty is not illegal under international human rights law and that every State has the sovereign right to determine its own criminal and judicial system. Opponents to the resolution also argued that the death penalty is a matter of the country’s criminal justice standards that provide safeguards guaranteeing the protection of the rights of those facing the death penalty, and to provide the Secretary-General with information relating to the use of capital punishment and the observance of safeguards”.

The resolution entreats other countries to “progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed”.

The resolution also calls on all States that have abolished the death penalty not to reintroduce it.

Although not legally binding, the UNGA resolution on a moratorium on the use of the death penalty is a significant human rights tool. The resolution is an affirmation of Member States’ commitment to work towards abolition of the death penalty. It is also a relevant instrument that will encourage other Member States to review their use of the death penalty.
Abolitionists

Co-sponsors and supporters of the draft resolution defended that the draft resolution does not violate the sovereignty principle of any Member State, as such resolutions are not interventions. They believed that the promotion of a moratorium on the death penalty by the international community did not constitute a form of intervention in the domestic jurisdiction of a State. The purpose of the draft resolution was not to intervene, but to reinforce a growing trend towards phasing out the death penalty, which was a legitimate concern of the international community.

They believed that the issue of death penalty is a matter that fell within the principle of human rights as well as the dignity of a human person, and that the promotion of all human rights and fundamental freedoms must be considered a priority concern of the UN. The death penalty is certainly not just within the domestic matters of a State.

Co-sponsors had hoped that the adoption of the draft resolution will lead to a universal dialogue on the death penalty and human rights.

In the end all proposed amendments were defeated and the draft resolution was adopted.

Cross-Regional Initiative

The initiative for a global moratorium on executions was primarily led by ten countries: Albania, Angola, Brazil, Croatia, Gabon, Mexico, New Zealand, the Philippines, Portugal (for the European Union) and Timor Leste. The idea was to organize a cross-regional initiative that will call on other States to adopt a resolution calling for a moratorium on executions. Eighty-seven countries, including the 27
The resolution did not abolish the death penalty. However, the call for a moratorium establishes a framework of abolishing the death penalty. The resolution is a powerful tool for human rights activists to organize actions that will compel governments to review and report its implementation.

According to Amnesty International, a total of 133 countries, from all regions of the world, have abolished the death penalty in law or practice and only 25 countries carried out executions in 2006. 91% of all known executions took place in six countries: China, Iran, Iraq, Pakistan, Sudan and the USA.

The 2008 budget: hefty, but is it enough?

IT IS the country’s biggest budget ever. With a P1.2267 trillion budget, people should be expecting more services from the government in 2008. The 2008 budget is premised on the generation of P1.236 trillion in government income, of which P1.108 trillion is expected from taxes, and P127 billion from non-tax sources.

The approved budget is about P300 million less than what Malacañang originally proposed. Lawmakers cut some P25.9 billion from debt servicing as proposed in the budget Malacañang submitted to Congress. They likewise cut P12.638 billion from the proposed allocations for “slow-moving projects, excess allocations and other miscellaneous allotments.” According to Rep. Edcel Lagman, head of the House committee on appropriations, these amounts were then reallocated to social services.

The P38.5 billion coming from the debt service reduction and the cuts in “slow-moving projects” were realigned to increase the appropriations for health, education, agriculture, social welfare, infrastructure, local governance and development, justice and the judiciary, labor and employment, energy, environment, and public safety and security.

Infrastructure allocations received the highest realignment of P12.982 billion, for a new total appropriation of P94.729 billion.

Health, education and agriculture also received increases of P5.790 billion, P4.829 billion and P1.872 billion respectively.

With the increased allocation, basic and higher education now has an appropriation of P158.602 billion; health, P25.847 billion; and agriculture, P29.161 billion.

At P295 billion, debt servicing remains the biggest budgetary item, eating about 24% of the total budget.

Aside from debt servicing, the other contentious items include the insertion of additional P13.5 billion as Priority Development Assistance Fund (PDAF) for congressmen, popularly referred to as “pork barrel”, and the P114 billion “unprogrammed funds” requested by Malacañang, which Rep. Lorenzo Tañada III described as a “blank check” being handed to President Arroyo.

SOURCES:


