



Panelists at the launching of the book on women on death row.

Human Rights Activists and the Repeal of the Death Penalty Law

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ON JUNE 24, 2006, the Philippines joined 124 other countries that have already abolished the death penalty either in law or in practice, when President Arroyo signed Republic Act 9346 (“An Act Prohibiting the Imposition of Death Penalty in the Philippines”).

The Road to Abolition

The movement for the repeal of the death penalty law has been a long and difficult journey.

The re-imposition of death penalty in 1992 gave birth to the Coalition Against Death Penalty (CADP) which was initiated by the Catholic Church. CADP together with the Free Legal Assistance Group (FLAG) and Amnesty International (AI) spearheaded the campaign against the Death Penalty law that same year.

After the execution of Leo Echegaray in 1999, the Philippine Alliance of Human Rights Advocates (PAHRA) and AI

intensified the campaign and formed the Movement Against Death Penalty (MADPEN), a coalition of anti-death penalty advocates and organizations.

In 2003, the Mamamayang Tutol sa Bitay - Movement for Restorative Justice (MTB-MRJ) was established to further strengthen the campaign against the death penalty. The MTB-MRJ was founded on the gains and lessons learned after over a decade of campaigning for the repeal of the death penalty law.

MTB-MRJ has been at the forefront of the campaign to abolish the death penalty from the criminal justice system of the country. It has made use of



Young adults express their views on capital punishment during an art workshop.



Cutting the ties that kill: Akbayan party-list representative Etta Rosales is joined by top diplomats of the European Union (above); Congressman Edcel Lagman and Sr. Cres Lucero of the Task Force Detainees of the Philippines (top, right); Austrian Ambassador Herbert Jaeger (below) during the forum on the repeal of the Death Penalty Law.



Engaging the State to Secure Human Rights

The partnership between civil society and the state has always been at the heart of the network's approach in the campaign to repeal the death penalty law.

In the course of the campaign, the network established a strong working relationship with the House of Representatives, the Senate, Commission on Human Rights and the Presidential Legislative Liaison Office. These government institutions and the people working with the network made it possible for the prompt deliberation of the Anti-Death Penalty bill and the immediate passage of this legislative measure into law.

Senate Bill 2254 and House Bill 4826 were passed by both Houses on June 6, 2006.

On June 7, 2006, the Bicameral Conference Committee (through tele-conference) approved the final version of the bill repealing the Death Penalty Law. On June 24, 2006, President Gloria Macapagal Arroyo signed Republic Act 9346 or "An Act Prohibiting the Imposition of Death Penalty in the Philippines".

R.A. 9346 effectively repeals R.A. 7659 or "An Act to Impose Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code, as Amended, other Special Penal Laws, and for other Purposes", as well as R.A. 8177 which mandates that the death sentence shall be carried out through lethal injection.

The penalty of *reclusion perpetua* or life imprisonment without parole replaced the death penalty immediately upon the enforcement of R.A. 9346.

creative and innovative campaign modes such as film showings, symposia, photo/art contests and exhibits, cultural performances, and literary productions to convey a human rights perspective on the issue of death penalty.

The MTB-MRJ established linkages with the death row inmates and their families, church groups, academic institutions and student organizations, community-based organizations, the media, lawyers' groups and other non-government organizations beyond the traditional network of human rights groups. This makes the MTB-MRJ the broadest Anti-Death Penalty coalition formed, with over 150 organizations working in the three major island groups in the country.

The MTB-MRJ also made its presence felt in the international arena by participating in the 2nd World Congress Against the Death Penalty and the Asia Pacific Regional Consultative Meeting Against Death Penalty. Representation was made to these activities to show the network's solidarity with the

International Abolitionist Movement and to share our experiences and lessons learned with fellow anti-death penalty activists. Local campaign activities were conducted to coincide with the commemoration of the World Day Against the Death Penalty across the globe in 2004 and 2005.

Amongst the different "multilateral" agencies, the European Union played a big

role in the campaign to repeal the death penalty law. The EU supported the campaign for several years without fail and even went as far as to lobby directly with the Philippine Government to repeal the death penalty law.

But all these efforts would have been for naught had the network not been able to work closely with the government and its attached agencies.



According to Amnesty International, the Philippines is the 25th country in the Asia-Pacific region and the 125th nation to end capital punishment in law or practice.

The repeal of the Death Penalty Law is a victory for the human rights movement and Philippine society. However, there is much that must be done to protect and fulfill the human rights of all Filipinos.

Human Rights Activism and Reforming the Justice System

The repeal of the death penalty law is a major step towards the transformation of the retributive criminal justice and prison system into a restorative justice system. There is much that needs to be done to make our courts more efficient and fair; to make our prisons places of rehabilitation; and to ensure that justice prevails over the victims, offender and society. It is not enough that the offenders are tried and sentenced for their crimes. It is crucial to make certain that the victim, offender and society are processed under a restorative system to restore the harmony within the community.

Restorative justice is a response to crime that focuses on restoring the loss suffered by victims, holding offenders accountable for the harm they have caused, and building peace within communities.

Restorative justice is a different way of thinking about and responding to crime. It focuses on repairing the harm done to victims and reducing future harm by preventing crime. It seeks redress for victims, recompense from offenders and the reintegration of both within the community. It is achieved through a cooperative effort by communities and the government.

A study on the prospects and perspectives on restorative justice in the Philippines is being undertaken by the Philippine Human Rights Information Center to strengthen the advocacy for a restorative justice system. A pioneering research



Getting the message across: young children express their anti-death penalty sentiments through art (above); MTB members talk to legislators (below); a women's performance group (bottom).



on women in death row titled "Invisible Realities, Forgotten Voices: The Women on Death Row from a Gender and Rights-Based Perspective" also highlights the need to transform the justice system from being retributive to being integrative, healing and restorative (*see related story*).

A National Policy Conference on the Abolition of the Death Penalty and the Institutionalization of Reforms in the Philippine Criminal Justice System provided an outline on how to establish a restorative justice system in the country. This outline can be summarized in the following policy recommendations approved by all participants during the conference.

Policy Recommendations of MTB-MRJ:

1. Align national laws,

policies and practices of the criminal justice system to international human rights standards.

2. Re-orient the Philippine Criminal Justice system based on human rights principles and standards.

3. Improve and enhance correctional mechanisms and processes.

4. Institute support pro-

grams and mechanisms for victims of crimes.

5. Address the root causes of crime.

The journey does not end with the repeal of the death penalty law. It is but one step in the transformation of the retributive criminal justice system in the country towards a restorative justice system.

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