



Mothering in the Shadow of Death

AFTER SPENDING four years and seven months in a provincial jail just outside Metro Manila, Catherine (not her real name) entered the Correctional Institution for Women (CIW) in Mandaluyong City in August 2004. The court had just given her a death sentence. Two weeks after Catherine entered the CIW, the police finally arrested her husband. Since 1999, the police had been in hot pursuit of her husband, a suspected drug pusher. How did this suburban, college-educated woman, a devoted mother of five, of solid middle-class background, end up with a death sentence, when it was her husband that the authorities were really after?

Wanting to escape from a lecherous stepfather, “Marie” went to live with her aunt. Once, while her aunt was away, her aunt’s husband raped her. She was raped several times by

her uncle. Marie became pregnant, and at 16, she became a single mother. When she had saved enough for her fare, Marie fled from her aunt’s house and went back to live



Wasted lives: death row inmates at the Correctional Institution for Women (CIW) during the book launching.

CIW

with her mother and stepfather, who arranged her marriage to a man ten years older than her. What seemed at first to be a good husband soon turned into a monster. He started to have extra-marital affairs, coming home late and drunk. He became verbally abusive. Eventually, the verbal abuse progressed into physical abuse. One day, he beat her so badly she had a miscarriage. It was her sixth pregnancy. Barely a month later, when she had not yet fully recovered from the miscarriage, her husband came home drunk as usual. He wanted to have sex with her. When she refused, he started punching and kicking her. Marie grabbed hold of a pipe, struck at her husband and ran out of the house screaming for help. The policeman who accompanied her back home found her husband dead.

Mother's Day Reminder

Catherine and Marie are just two of the 31 women in the death row facilities of the CIW (right before the Death Penalty Law was repealed on June 24, 2006). Theirs are harrowing

stories of domestic violence and abuse, of extreme hardships endured in silence, of childhood traumas that would have crushed even the most hardened adults. Catherine and Marie are two of the real-life protagonists in a book launched by the Philippine Human Rights Information Center (PhilRights) and Women's Education, Development Productivity and Research Organization (WEDPRO). Titled "Invisible Realities, Forgotten Voices: The Women on Death Row from a Gender and Rights-Based Perspective", the book is based on research conducted by WEDPRO and PhilRights in late 2004 and 2005 among death row inmates at the CIW. PhilRights and WEDPRO launched the book in time for the celebration of Mother's Day to call attention to the women and mothers whose daily lives are marked with death.

The research, combining documentary analysis, survey and case study methods, aims to present a general profile of women on death row, describe the circumstances that led to

their incarceration, and describe the impact of their death row status on their self-perception and on relations with their significant others. By looking at the experiences of death row women, the research examines the gender dimension of capital punishment and prison life in general. However, the study does not delve into the legal debates on the death penalty. Neither does it tackle the legal issues of the women's cases.

Pioneering effort

The study breaks new research ground on crime and the justice system in the Philippines. Prior to this, there had been no research on the justice and penal systems that surfaces the distinct experiences of women in prison and tries to understand their circumstances from a gender and rights-based approach. Also, previous studies on capital punishment may have included women in their samples, but due to the very small female ratio in the death row population, these studies tend to obscure the distinctive characteristics and experiences that are unique to

women inmates.

At the start of the study in July 2004, CIW's death row housed 28 inmates. Of this, 13 were convicted for kidnapping for ransom; five had drug-related offenses; five were sentenced for parricide; three were in death row for murder; and two were convicted for arson with homicide. The Supreme Court had already affirmed the sentences of five women, all of which involved kidnapping. The 23 other cases had ongoing appeals. Two more women, one convicted for kidnapping and another for a drug-related offense, were added to the death row population in 2004. Of this total, 12 women agreed to participate in the survey. Four inmates later consented to take part in the case studies, each representing one case for the following crimes: murder, parricide, drug-related offense, and kidnapping.

No criminal records

The study found out that most of the women in death row come from poor families, with markedly low educational

attainment. The study reports that “the women had barely understood how the legal system works despite the legal counsel available to them.” For one inmate, the legal proceedings were all a blur because she did not understand what was going on. She did not understand the briefings her lawyer gave her. Another inmate was not informed by her lawyer that she was well qualified to be a state witness, which would have reduced her sentence; instead, she was simply told to cry in court so that the judge would take pity on her.

The researchers found it disturbing that all of the women who have been given the death sentence had no criminal records prior to their conviction. This means that these women facing capital punishment are not habitual or hardened offenders.

Lives on hold

As of November 2004, the women had each been in the death row from six months to six years and eight months. The sentence of one of the two longest-serving death row inmates had her sentence affirmed only in 2004.

All told, most of the women (78.6%) have spent more than four years in prison (on death row and in jails). Five of them had spent between eight to ten years behind bars.

Productive years lost

During the time of the study, the oldest female facing the death penalty was an 84-year-old woman who was hauled to court when she was already aged 80; the youngest was 22 years old, arrested when she was only 17. Under the law, anyone below 18 or above 70 years old at the commission of the crime cannot be sent to the death row.

The majority of the death row women, however, are usually in the most productive years of their lives. Twenty out of 28 belong to the 21 to 40 age group. Slightly more than half

of them are in their 30s.

A significant number of these women were gainfully employed immediately prior to their arrest, although in marginal, low-paying jobs. They were supporting their parents and siblings, or their own families. Ten of them worked as househelpers, nine were self-employed (vending and buy-and-sell business), and the rest were farm laborers (2), factory workers (2), and a waitress. Three were engaged in unpaid work as housewives, and one was a student.

History of violence and abuse

A critical finding of the study was the history of violence and abuse which these inmates suffered during their childhood as well as in their domestic relationships. Of the 12 inmates who participated in the in-depth interviews, six cited child abuse as the reason for their estranged relationship with some or all of their family members. These women reported experiencing various forms of physical, emotional and sexual abuse at the hands of one or both parents, stepparents and other members of their extended family.

Of the 10 women who were in a domestic relationship, eight admitted that they were abused by their respective intimate partners.

All four women who participated in the case study shared similar backgrounds of sexual violence, which led the researchers to wonder: “Could this (sexual violence) be a factor in the way they led their lives or made their choices – given the limited choices they had?”

Mothering behind bars

Relationship with their children is a significant aspect of the lives of the death row women. Of the 12 women surveyed, nine are biological mothers to their children while one was the primary caregiver of her partner’s children from his first relationship. Six of the women in the survey have three to four children, while three of

the respondents have five to six children. One has two children.

Five of these women have dependent children aged below 18 years old. In addition to this, two women have children who are still studying in college, while one is a mother of a mentally challenged son who is already in his 20s.

Two of the respondents are single and do not have children.

Despite their incarceration, women on death row continue their roles as mothers to their children. For these women, seeing their children regularly and ensuring their welfare remain as their primary concern. They continue to provide not only emotional support to their children, but even financial support as well. For example, one of the four participants in the case study takes on odd jobs within the CIW so she could send some money to her daughter who is in high school. Her dream is to send her daughter to college, and being on death row does not deter her from pursuing this.

Children of death row mothers had to be given to various people or relatives. Four out of the ten mothers surveyed stated that some of their children had to stay with their relatives. In two cases, the children’s respective fathers took sole responsibility for the upbringing of the children. The others left their children in the care of parents (1) and husband’s parents (1). Children of two of the respondents are already grown up and no longer need parental support.

Incarceration clearly took a toll on their relationship with their children. Children of death row women reacted differently to the sentencing of their respective mothers, ranging from grief to anger towards their mothers. All the mothers surveyed decried the fact that they do not see enough of their children. In one case, visits and communication from the children stopped when the woman received her death sentence, whereas before her

children regularly visited her, wrote letters and sent her money. Since her transfer to the CIW, her children had not visited nor communicated with her.

Two of the ten mothers surveyed also face possible loss of legal custody over their children. For one of the mothers, custody over her children is already being litigated.

Separation from loved ones

The imprisonment of women has severely affected their relationships. Because of their incarceration, the women could not see their loved ones as often as they would like to, and when they do, it was only for a brief period. Nine women who had been previously imprisoned in provincial jails stated that the number of visits from family members was also affected by their transfer to the CIW. Most of the inmates’ families, especially those from the provinces far from Metro Manila, do not have time nor money to visit. The families of some inmates, however, would rather forget about their loved ones inside the death row. The mother of one inmate, for example, would not visit her daughter though for a time she was residing in Manila.

Only four of the 12 inmates have regular visitors (at least once a month), which included their children, intimate partners, parents and siblings.

The remaining eight women have had no visitors in the past four years of their imprisonment. In one case, no family member has visited the respondent since her transfer to CIW, although she was visited once while in jail. The respondent’s family is based in Mindanao and cannot afford the travel to Metro Manila. The respondent also decided not to write to her family who has yet to be informed of her conviction to the death row, and of the fact that the Supreme Court has already affirmed her sentence.

Having one’s family living in Metro Manila does not assure

regular visits, however. One inmate lamented that her children rarely visit her, and on the rare occasion that they did, it was only to persuade her to transfer her house to their name.

Relationships

Relationships with their intimate partners also suffer because of their incarceration. Of the 12 inmates surveyed, seven were in an intimate relationship prior to their arrest. Of these, only one maintained her relationship with her partner. The others (4) broke off their relationship, while one maintains communication with her former live-in partner because he happens to have custody of one of her children. There is no information on the status of the relationship of one inmate.

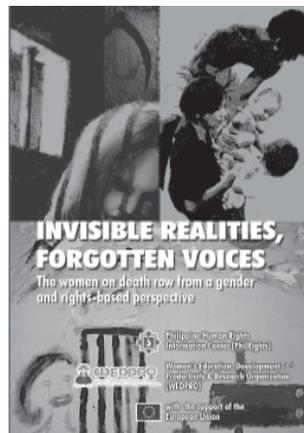
Some of the women, however, have formed relationships with fellow inmates. In these relationships, the partners are referred to as “kaibigan” (friend). As one inmate explains, “*Hindi naman kasi kagaya ng mag-asawa eh. Parang companionship lang. Siya ang tumulong sa iyo, umalalay sa iyo, nagmalasakit sa iyo.*” (It’s not like being married to a man. It’s more for companionship. She helps you out, supports you, shows compassion for you.)

Abolition

The study points out that the experiences of the death row women, before and after sentencing, painfully illustrate the flaws and weaknesses of the country’s judicial and penal systems. The marked degree of violence and abuse that characterized most of the women’s childhood and married life, the seemingly half-hearted legal defense that they got, the deprivation and hardships before sentencing that are intensified inside prison, the responsibilities that these women are still expected to perform for their families (especially their children) even when they are already in prison



PhilRights’ Dr. Nymia Pimentel Simbulan and WEDPRO’s Aida F. Santos distribute copies of the book. CIW



INVISIBLE REALITIES, FORGOTTEN VOICES:

The women on death row from a gender and rights-based perspective

Combining quantitative and qualitative modes of inquiry, this study looks into the world of women who have been marked for death. It offers new ways of understanding the circumstances of women in prison, specifically the women on death row. Its aim is to derive from the women’s life stories conceptual handles with which to interrogate the flaws in the country’s justice and penal systems.

and facing the death penalty, and the constant torment brought about by their death sentences, all these are realities that are not taken into account by the courts and prison institutions. Under a gender-responsive and rights-based legal system, these lived realities should be primary considerations in the dispensation of justice and punishment.

Aside from advocating for a gender and rights-based approach to justice, the study proposes an alternative to the prevailing system of justice. The study deplores the fact that the existing justice system is retributive in nature. The alternative it offers comes in the form of restorative justice, a new approach to crime and penalty that is “integrative and healing,” that sees crime as rooted in political, socio-cultural and economic factors, in which the pursuit of justice is both offender- and victim-centered. Because capital punishment is the foremost embodiment of the retributive nature of criminal justice, the study strongly suggests that its abolition is crucial to the creation and mainstreaming of a restorative justice system.

Even as the study calls for the abolition of capital punishment, it also urges the government to reorient the criminal justice system and make it more responsive to the needs and welfare of women inmates, because, as the study points out, “women inmates have not relinquished the most basic role that society and culture has ingrained in them: that of being mothers.”

Postscript

On June 24, 2006, President Arroyo signed into law the legislative measures that would repeal Republic Acts 7659 and 8177, just in time for her scheduled audience with Pope Benedict XVI (please see related story on the repeal of the Death Penalty Law). The repeal was received with mixed reactions even from the anti-death penalty activists: it stipulated that death row inmates who would benefit from the repeal would not be eligible for parole.

For Catherine and the rest of the mothers on death row, their dreams of rebuilding their lives with their children had just been dashed to the ground.

– jmvillero