



**The Philippines' Compliance with the International Covenant on Civil and Political Rights:
The Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996
and

The World Coalition Against the Death Penalty

**for the 136th Session of the Human Rights Committee
10 October – 4 November 2022**

Submitted 12 September 2022

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report addresses the Philippines' compliance with its international human rights obligations with respect to the death penalty. For years, the Philippines imposed the death penalty, particularly for so-called heinous crimes.¹ In 2006, President Gloria Macapagal Arroyo abolished the death penalty.² In 2007, the Philippines ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and thus committed itself to abolition under international law.³ Since then, however, lawmakers have introduced numerous bills to reinstate the death penalty, with the House adopting Bill No. 7814 as recently as March 2, 2021.⁴
2. The Philippines' newly elected President, Ferdinand Marcos Jr., has wavered on the issue of the death penalty. While Marcos Jr. has not explicitly endorsed the death penalty, he recently stated that the death penalty is not an effective means of reducing crime.⁵ By contrast, he has said that he would leave the decision of whether to implement the death penalty up to Congress.⁶ Marcos Jr. has also mentioned that some individuals "cannot be rehabilitated" and must be "removed from society."⁷
3. This report recommends that the Philippines reaffirm its commitment to the abolition of the death penalty, refrain from reintroducing the death penalty, honor its international commitments, and implement a human rights-based approach to its anti-drug policy.

¹ Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), [hrw.org/news/2020/08/05/death-penalty-danger-philippines#](https://www.hrw.org/news/2020/08/05/death-penalty-danger-philippines#).

² Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), [hrw.org/news/2020/08/05/death-penalty-danger-philippines#](https://www.hrw.org/news/2020/08/05/death-penalty-danger-philippines#).

³ Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), [hrw.org/news/2020/08/05/death-penalty-danger-philippines#](https://www.hrw.org/news/2020/08/05/death-penalty-danger-philippines#).

⁴ Congress of the Philippines, House Bill No. 7814, available at <https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>; World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-newcrime/https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>.

⁵ Cathrine Gonzales, *Bongbong Marcos believes death penalty not effective in curbing crime rate*, Inquirer.net, Mar. 19, 2022, <https://newsinfo.inquirer.net/1570706/bongbong-marcos-believes-death-penalty-not-effective-in-curbing-crime-rate>.

⁶ Cathrine Gonzales, *Bongbong Marcos believes death penalty not effective in curbing crime rate*, Inquirer.net, Mar. 19, 2022, <https://newsinfo.inquirer.net/1570706/bongbong-marcos-believes-death-penalty-not-effective-in-curbing-crime-rate>.

⁷ Cathrine Gonzales, *Bongbong Marcos believes death penalty not effective in curbing crime rate*, Inquirer.net, Mar. 19, 2022, <https://newsinfo.inquirer.net/1570706/bongbong-marcos-believes-death-penalty-not-effective-in-curbing-crime-rate>.

The Philippines fails to uphold its obligations under the International Covenant on Civil and Political Rights.

I. Right to Life (List of Issues, paragraph 11)

4. In its 2020 List of Issues, the Human Rights Committee asked the Philippines to respond to reports of legislative efforts to reinstate the death penalty and comment on the compatibility of these efforts with international law.⁸
5. In its 2022 Reply to the List of Issues, the Philippines said that it is one of only two UN Member States in Southeast Asia that has abolished the death penalty.⁹ The Philippines stated that neither the ICCPR nor the Second Optional Protocol prohibit legislative efforts to conduct stakeholder human rights dialogues with constituents in Congress or the civic space regarding the death penalty.¹⁰ The Philippines also stated that it respects the legislative independence of Congress as a “co-equal branch of government.”¹¹ The State Party did not directly address reports that there are legislative efforts to reinstate the death penalty.
6. Despite the Philippines’ assertion that it is a leader in the abolition of the death penalty in Southeast Asia, recent legislative efforts undermine that leadership. Philippine House Bill No. 7814 was introduced as part of the 2002 Dangerous Drugs Act but was just recently adopted by the House of Representatives in March 2021.¹² This bill provides a mandatory death sentence for the new crime of using or implementing a search warrant based on perjurious or falsified documents or planted evidence.¹³ Although this new crime seeks to curb police overreach and misconduct, it also re-introduces the death penalty into the Philippines’ domestic legislative framework. While the Senate has not yet approved this bill, it could go into effect in the near future, especially given that President Marcos Jr. has not firmly opposed it.
7. As recently as June 2022, anti-crime groups in the Philippines have expressed support for the reinstatement of the death penalty.¹⁴ The Anti-Illegal Drugs Campaign and the Anti-Crime Council have stated that they would collaborate to push President Marcos Jr. to reinstate the death penalty.¹⁵

⁸ United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 11.

⁹ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 77.

¹⁰ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 78.

¹¹ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 79.

¹² Grace Keane O’Connor, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime, World Coalition Against the Death Penalty*, Apr. 30, 2021, <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>.

¹³ Grace Keane O’Connor, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime, World Coalition Against the Death Penalty*, Apr. 30, 2021, <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>.

¹⁴ Joseph Peter Calleja, *Philippine push for death penalty return resurfaces*, Union of Catholic Asian News, Jun. 27, 2022, <https://www.ucanews.com/news/philippine-push-for-death-penalty-return-resurfaces/97809>.

¹⁵ Joseph Peter Calleja, *Philippine push for death penalty return resurfaces*, Union of Catholic Asian News, Jun. 27, 2022, <https://www.ucanews.com/news/philippine-push-for-death-penalty-return-resurfaces/97809>.

8. Public support for the death penalty is also strong.¹⁶ Recent surveys show that 54% of Filipinos support reinstating the death penalty to address the perceived recent increase in heinous crimes.¹⁷
9. In addition to legislative support for the death penalty, the Philippines has recently infringed upon civil and political rights and openly disregarded the right to life. In an event referred to as “Bloody Sunday,” Filipino security forces killed nine human rights activists and arrested six in Laguna, Rizal, and Batangas Provinces in March 2022.¹⁸ Although the Justice Secretary publicly stated that the government’s Inter-Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture, and Other Grave Violations to the Right to Life, Liberty, and Security of Persons (the Committee) would thoroughly investigate “Bloody Sunday,” as of September 2022, the Committee has not made progress on the investigation.¹⁹
10. The Philippines’ failure to address the previous the administration’s extrajudicial killings and targeting of activists undermines its commitment to civil and political rights. Allowing the death penalty to be reinstated would exacerbate the Philippines’ non-compliance with international human rights standards. The reimposition of the death penalty would contravene the Second Optional Protocol as well as Article 6 of the ICCPR.²⁰

II. Prohibition of torture or cruel, inhuman, or degrading treatment (List of Issues, paragraph 13)

11. In its 2020 List of Issues, the Committee asked the Philippines to discuss its efforts to uphold the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment.²¹ More specifically, the Committee asked for information about alleged reports of widespread torture and inhuman or degrading treatment used to extract confessions from detainees.²² The Committee also asked about steps taken to prevent these practices, and the number of investigations, prosecutions, and convictions under the Anti-Torture Act and other relevant legislation, as well as the punishments handed down to perpetrators and the compensation available to victims.²³
12. In its 2022 Reply to the List of Issues, the Philippines stated that its Bureau of Jail Management and Penology (BJMP) assesses the effectiveness of trainings and educational programs on

¹⁶ Joseph Peter Calleja, Philippine push for death penalty return resurfaces, Union of Catholic Asian News, Jun. 27, 2022, <https://www.ucanews.com/news/philippine-push-for-death-penalty-return-resurfaces/97809>.

¹⁷ Joseph Peter Calleja, Philippine push for death penalty return resurfaces, Union of Catholic Asian News, Jun. 27, 2022, <https://www.ucanews.com/news/philippine-push-for-death-penalty-return-resurfaces/97809>.

¹⁸ US Department of State, Country Reports on Human Rights Practices: Philippines (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

¹⁹ US Department of State, Country Reports on Human Rights Practices: Philippines (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

²⁰ United Nations Covenant on Civil and Political Rights, 1966, Art. 6. Also available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

²¹ United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 13.

²² United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 13.

²³ United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 13.

preventing torture and ill-treatment.²⁴ The State Party said that BJMP reported zero incidents of torture and ill-treatment committed against persons deprived of liberty from 2016 to 2020.²⁵ The Philippines admitted, however, that the Administrative Order No. 35 Series 2012 Secretariat (AO35) does not have dedicated resources to conduct a comprehensive evaluation on the matter. The Philippines-United Nations Joint Program on Human Rights thus proposed that the case monitoring system of the AO35 secretariat be upgraded to allow for real-time monitoring of cases of torture and ill-treatment.²⁶

13. In its Reply to the List of Issues, the Philippines also commented on steps taken to prevent torture and ill-treatment. The State Party said that it has included in law enforcement policies prohibitions on any form of torture or other cruel, inhuman and degrading treatment or punishment—including blindfolding.²⁷ The BJMP issued a memorandum creating the BJMP Human Rights Affairs Office,²⁸ which allows for mandatory reporting of torture cases and a comprehensive screening system to report and document torture cases in BJMP jails.²⁹ The Philippines stated that it has trained jail personnel to prevent the commission of acts of torture and to understand the rights of persons deprived of liberty and prevailing international and domestic human rights law.³⁰ The Philippines reported that 94.39% of all personnel have completed online training on the Mandela Rules.³¹
14. The Philippines also addressed the number of punishments it has meted out to perpetrators. It stated that between July 2016 and June 15, 2020, records show that government officials have suspended or dismissed more than eleven thousand police personnel for various offenses.³² The Philippines said the Bureau of Corrections has not received any reports that jail or prison officials have used strip searches, blindfolding, paddling, or other physical punishments to extract confessions from persons deprived of liberty.³³ The State Party added that reports about the widespread use of torture and ill-treatment committed by the security sector are “mere allegations intended to vilify the State before the UN and the international community.”³⁴ Further, the Philippines stated that its Anti-Torture Law has strict provisions which empower

²⁴ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 101.

²⁵ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 102.

²⁶ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 103.

²⁷ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 104.

²⁸ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 105.

²⁹ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 105.

³⁰ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 107.

³¹ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 107.

³² United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 111.

³³ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 113.

³⁴ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 114.

victims to file cases against government perpetrators.³⁵ The State Party said that the National Human Rights Institution conducts unannounced and unrestricted spot visits to detention facilities to ensure compliance with torture.³⁶

15. Despite receiving several recommendations to enact a national preventive mechanism (NPM) against torture during its 2017 UPR, the Philippines has failed to do so.³⁷ In 2016, the Philippines Commission on Human Rights (CHR) established an interim national preventative mechanism to facilitate the government's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and its optional protocol.³⁸
16. The Philippines has a history of police perpetrating torture and other cruel, degrading, inhuman punishment. In 2014, the Philippine Commission of Human Rights received 75 complaints of police-inflicted torture.³⁹ As recently as 2020, local authorities violated the Convention Against Torture and the Philippines Anti-Torture Act of 2009 when they subjected multiple people to degrading treatment to punish them for violating quarantine protocols.⁴⁰ Local barangay officials allegedly detained individuals in dog cages and subjected them to physical and psychological harm.
17. In September 2021, the International Criminal Court agreed to formally investigate possible crimes against humanity, including police and government officials' use of torture, carried out by former President Duterte during his "war on drugs" from 2016 to 2019.⁴¹ Despite this decision, in early August 2022, President Marcos Jr. said he had no intention of re-joining the ICC or complying with the investigation.⁴² The ICC's investigation has been paused since November 2021 when the Philippines requested a deferral.⁴³ When the ICC asked to resume its investigation in June 2022, President Marcos Jr. and his administration requested another deferral, arguing that the Philippines is already conducting its own investigation on the matter.⁴⁴

³⁵ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 114.

³⁶ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 116.

³⁷ Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), [hrw.org/news/2020/08/05/death-penalty-danger-philippines](https://www.hrw.org/news/2020/08/05/death-penalty-danger-philippines).

³⁸ Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), [hrw.org/news/2020/08/05/death-penalty-danger-philippines](https://www.hrw.org/news/2020/08/05/death-penalty-danger-philippines).

³⁹ Amnesty International, *Above the Law: Police Torture in the Philippines* (Dec. 14, 2014), <https://www.amnesty.org/en/latest/news/2014/12/above-law-police-torture-philippines/>.

⁴⁰ Amnesty International, *Philippines: Investigate humiliating abuses by local officials enforcing curfew* (Apr. 8, 2020), <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>

⁴¹ Sebastian Strangio, *Philippines Sill Not Rejoin International Criminal Court, Marcos Says*, *The Diplomat*, Aug. 2, 2022, <https://thediplomat.com/2022/08/philippines-will-not-rejoin-international-criminal-court-marcos-says/>.

⁴² Sebastian Strangio, *Philippines Sill Not Rejoin International Criminal Court, Marcos Says*, *The Diplomat*, Aug. 2, 2022, <https://thediplomat.com/2022/08/philippines-will-not-rejoin-international-criminal-court-marcos-says/>.

⁴³ Sebastian Strangio, *Philippines Sill Not Rejoin International Criminal Court, Marcos Says*, *The Diplomat*, Aug. 2, 2022, <https://thediplomat.com/2022/08/philippines-will-not-rejoin-international-criminal-court-marcos-says/>.

⁴⁴ Sebastian Strangio, *Philippines Sill Not Rejoin International Criminal Court, Marcos Says*, *The Diplomat*, Aug. 2, 2022, <https://thediplomat.com/2022/08/philippines-will-not-rejoin-international-criminal-court-marcos-says/>.

III. Conditions of Detention (List of Issues, paragraph 14)

18. In its 2020 List of Issues, the Committee asked the Philippines to provide further information about its efforts to reduce overcrowding and other problematic conditions of detention.⁴⁵ More specifically, the Committee asked about current investment in prison infrastructure, the efficacy of prisoner transfers and releases to control infectious diseases and address poor detention conditions, reports that the Philippines' anti-drug initiatives have increased pressure on the prison system, and any measures taken to alleviate the situation.⁴⁶ The Committee also asked about reports of multiple deaths among prisoners in police custody and any measures taken by the Philippines to reverse this trend.⁴⁷
19. In its 2022 Reply to the List of Issues, the Philippines said it is building many new jails and intends to build, modify, and repair jails to cater to persons deprived of liberty and lessen congestion.⁴⁸ The Philippines added that the implementation of the Expanded Good Conduct Time Allowance Law is expected to reduce congestion to 76% (from its current 136%).⁴⁹ The Philippines stated that it has developed a number of programs focusing on rehabilitation and restorative justice.⁵⁰ The State Party said it has a paralegal program which affords eligible individuals the ability to obtain early modes of paralegal release such as bail, provisional dismissal, and others.⁵¹ It asserted that the BJMP adheres to the Nelson Mandela Rules and preserves the right to health of persons deprived of liberty.⁵² Programs on communicable and non-communicable diseases are being implemented.⁵³ The Philippines said its Jail Bureau continues to increase the number of medical forces within jails and prisons.⁵⁴ It also said most of the deaths reported among persons deprived of liberty in the first half of 2021 occurred because individuals became ill before entering BJMP jails and prisons.⁵⁵
20. Despite its commitment to adhere to the Nelson Mandela Rules, the Philippines has not implemented a national preventative mechanism to address overcrowding in detention facilities.

⁴⁵ United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 14.

⁴⁶ United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 14.

⁴⁷ United Nations Human Rights Committee, *List of issues in relation to the fifth periodic report of the Philippines* (June 30, 2020). U.N. Doc. CCPR/C/PHL/Q/5, ¶ 14.

⁴⁸ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 117.

⁴⁹ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 119, 120.

⁵⁰ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 121, 122.

⁵¹ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 125.

⁵² United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 126.

⁵³ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 127.

⁵⁴ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 130.

⁵⁵ United Nations Human Rights Committee, *Replies of the Philippines to the list of issues in relation to its fifth periodic report* (March 18, 2022). U.N. Doc. CCPR/C/PHL/RQ/5, ¶ 128.

21. The CHR has noted that if authorities do not address poor hygiene, dramatic overcrowding, and poor healthcare infrastructure within detention facilities, especially given the COVID-19 pandemic, those conditions may amount to cruel, inhuman, and degrading treatment or punishment.⁵⁶ Poor sanitation, ventilation, and a lack of potable water have also persisted in correctional facilities throughout the pandemic and contributed to health problems among detained individuals.⁵⁷ From January to July 2020, 1,069 individuals in detention died.⁵⁸ The Bureau of Corrections attributed 31 of the 498 deaths in its facilities to COVID-19.⁵⁹ Observers accused the Bureau of Corrections of using the virus to cover up the unlawful execution of inmates or inmate escapes.⁶⁰ From January to July 2021, the BJMP reported 20 COVID-19-related deaths while the Bureau of Corrections reported 32 confirmed and suspected COVID-19-related deaths.
22. Depriving detained individuals of adequate access to healthcare and detaining them in crowded facilities (particularly during a global pandemic) is a potential violation of Article 6 of the ICCPR.⁶¹

IV. Administration of Justice and Fair Trial (ICCPR, article 14)

23. In 2004, the Supreme Court of the Philippines admitted in *People v. Mateo* that 71.77% of death penalty convictions were wrong and were either modified or overturned.⁶²
24. In addition to re-introducing the death penalty for certain crimes, House Bill 7814 also provides for the presumption of guilt for individuals accused of trafficking and drug crimes.⁶³ The presumption of guilt for people accused of being drug traffickers, financiers, protectors, “coddlers,” or otherwise being involved in illegal drugs violates due process, and thus contravenes Article 3 of the Constitution.⁶⁴ This provision of House Bill 7814 would undermine the right to a fair trial in capital cases.⁶⁵

⁵⁶ The Philippines’ Commission on Human Rights, Statement of CHR spokesperson, Atty Jacqueline Ann de Guia, on improving the plight of persons deprived of liberty through the Interim National Preventive Mechanism (May 14, 2020), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-improving-the-plight-of-persons-deprived-of-liberty-through-the-interim-national-preventive-mechanism/>.

⁵⁷ US Department of State, Country Reports on Human Rights Practices: Philippines (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

⁵⁸ US Department of State, Country Reports on Human Rights Practices: Philippines (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

⁵⁹ US Department of State, Country Reports on Human Rights Practices: Philippines (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

⁶⁰ US Department of State, Country Reports on Human Rights Practices: Philippines (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

⁶¹ United Nations Covenant on Civil and Political Rights, 1966, Art. 6. Also available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁶² *People v. Mateo*, G.R. No. 147678-87 (July 7, 2004), available at <https://thecorpusjuris.com/judiciary/jurisprudence/2004/07/gr-no-147678-87.php>.

⁶³ Grace Keane O’Connor, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime*, World Coalition Against the Death Penalty, Apr. 30, 2021, <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>.

⁶⁴ The Constitution of the Republic of the Philippines, 1987, Art. 3(1). Also available at <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

⁶⁵ World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>.

25. In 2018, the Public Attorney’s Office (PAO) Accomplishment Report stated that each PAO lawyer handles 465 cases per year.⁶⁶ Given the heavy caseload and operational problems in the PAO, the PAO would not be able to ensure protection of fair trial rights for people from disadvantaged socioeconomic backgrounds who could be charged with capital offenses.⁶⁷

V. Suggested Recommendations for the Philippines

26. The coauthors of this report offer the following suggested recommendations:

- Honor all commitments pursuant to human rights treaties the country has ratified or acceded to, specifically those under the Second Optional Protocol to the ICCPR and the Convention Against Torture.
- Reaffirm its commitment to the abolition of the death penalty.
- Immediately call for the abandonment of all existing efforts—legislative or otherwise—to reintroduce the death penalty, including a proposed mandatory death sentence for drug-related offenses, as contrary to the country’s obligations under international human rights law.
- Refrain from future campaigns and legislative efforts to reintroduce the death penalty.
- Provide administrative and executive support to elected officials who strive to maintain the abolition of the death penalty.
- Undertake efforts to collaborate with civil society and the Commission on Human Rights to elaborate and implement a human-rights based approach to the anti-drug policy.
- End illegal arrests, ensure fair trials and an independent judiciary, and eradicate impunity for human rights violations arising in the context of the administration of justice.
- Conduct an independent and impartial investigation of poor detention conditions and increase efforts to ensure that detention conditions comply with the Nelson Mandela Rules.
- Provide enhanced funding and human resources to the Public Attorney’s Office to ensure that defendants who have limited financial means to defend themselves are afforded comprehensive and effective legal assistance, including well qualified legal counsel and funding for carrying out an investigation to gather evidence for the defense, prioritizing defendants charged with the most serious crimes.
- Create a National Preventive Mechanism against torture.

⁶⁶ Free Legal Assistance Group, FLAG Anti-Death Penalty Task Force Position Paper (2019), at pp. 4-5 (on file with authors).

⁶⁷ Free Legal Assistance Group, FLAG Anti-Death Penalty Task Force Position Paper (2019), at pp. 4-5 (on file with authors).