

Facilitator's Guide:

Abolish the Death Penalty Worldwide

A TEACHING RESOURCE FOR
HUMAN RIGHTS EDUCATORS

Overall Objectives for this Orientation:

1. understand why the Death Penalty is the ultimate violation of the right to life
2. understand the relevance of the Anti-Death Penalty project to the national situation
3. explain Amnesty International's work on the abolition of the Death Penalty

Guide questions that will be answered by this orientation:

1. What is the Death Penalty?
2. How is the issue of Death Penalty relevant to the Philippines?
3. What is Amnesty's work against Death Penalty?

Modules found in this Teaching Resource:

1. The Death Penalty and Human Rights
2. The Death Penalty and the State
3. The Death Penalty and Amnesty International

Contents of this Teaching Resource:

1. Facilitator's Guide (*This Document*)
In accompanying CD:
2. Slideshow Presentation
3. Video 1: The Story of Human Rights
4. Video 2: The 30 Articles of Human Rights
5. Video 3: The Covenants
6. Video 4: Death Penalty in 2011
7. Video 5: Amnesty International Ireland Die-in



MODULE 1: THE DEATH PENALTY AND HUMAN RIGHTS



Objectives:

At the end of the session, the participants will:

1. understand why the death penalty is a human rights concern
2. appreciate the impact of the death penalty on society



Activity: Paalam

Objective: At the end of the activity, participants will be able to see the link between death penalty and the right to life



Running time: 2 hours

Activity: 0:45

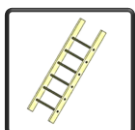
Input: 1:00

Deepening: 0:15



Materials:

Role Strips (see Annex 1)



Procedure:

1. Group participants into three
2. Tell participants that their groups represent a community

3. Assign roles by drawing lots
4. Tell participants to read their roles out loud within their groups starting with **Role 1**
5. Instruct participants to read **Scenario A** only
6. After reading their roles, separate the participants with **Role 1** from their respective groups
7. Tell the participants that they have been sentenced to death
8. Give the rest of the group 5 minutes to answer this question:

"Should the sentence be repealed? Why or why not?"

9. Allow the participants to share their reasons to the plenary
10. After the plenary discussion, tell participants to read their roles under **Scenario B**.
11. Follow the same process as step 8.
12. For this round of plenary discussion, ask if they have changed their mind given the new scenario.



Discussion:

Guide Questions:

For participants sentenced to death:

1. How did you feel when you were separated from your group?
2. How did you feel when your group was deliberating on your future?
3. In your opinion, how valid were the group's reasons?

For other participants:

4. How did you feel when your groupmate was taken away from you?
5. How did it feel to have the power over someone else's life?
6. If the death penalty were carried out, do you think this would stop others from committing the same crime?
7. Do you think the victim was brought to justice by killing the perpetrator?
8. If not the death penalty, what should have been done to the perpetrator?
9. Which of the convicted participants had the right to life?

What kind of suffering do you think convicted people are exposed to?



Input:

Key Messages:

1. Restorative justice, which focuses on the healing of the victim, the criminal, and both their families as well, is not possible with the death penalty.
2. The death penalty is the ultimate violation of human rights.
3. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights.
4. The death penalty is the ultimate cruel, inhuman and degrading punishment.
5. The death penalty is not a unique deterrent to crime.
6. The death penalty is discriminatory and is often used disproportionately against the marginalized sector of society, the poor, minorities and members of racial, ethnic and religious communities.



Deepening:

Guide Questions:

1. What do you think are the positive and negative impacts of the death penalty on family members and the society as a whole?
2. What human rights are violated by the death penalty?

MODULE 2: THE DEATH PENALTY AND THE STATE



Objectives:

At the end of the session, the participants will:

1. know which states still carry out death sentences
2. be introduced to international human rights instruments related to abolishing death penalty
3. understand the impact of the death penalty on marginalized sectors



Activity: Worldview

Objective: At the end of the activity, participants will have an appreciation of the current state of death penalty at the international level



Running time: 1 hour



Materials:

Table 1a. (Table 1b has no answers)

Are states allowed to use the death penalty for...?	No	Yes
"Most serious crime" with lethal or extremely grave consequences		✓
A crime committed by a person below 18 years of age	✓	
A crime committed by a pregnant woman or mother of dependent infant	✓	
A crime committed by mentally insane	✓	
A non-violent financial crime	✓	
A non-violent religious practice	✓	
A non-violent expression of conscience	✓	



Procedure:

1. Divide the participants into four groups
2. Flash **Table 1b** (no answers) on screen
3. Ask the groups to discuss which crimes are allowed to be committed by the state
4. After the group discussion, reveal **Table 1a**



Discussion:

Guide Questions:

1. What made you categorize as such? Why or why not?
2. How many people do you think were executed in the world in 2011?

Show Video (o6 - VIDEO 4 - Death Penalty in 2011)



Input:

Key Messages:

1. The death penalty is the premeditated and cold-blooded killing of a human being by the state in the name of justice.
2. The death penalty legitimizes an irreversible act of violence by the state and will inevitably claim innocent victims.
3. The judiciary is composed of people who are fallible, thus the risk of executing the innocent can never be eliminated.
4. Execution brings extreme physical and mental assault on an individual. The physical pain caused by the action of killing a human being cannot be quantified, nor can the psychological suffering caused by foreknowledge of death at the hands of the state.

International & Prevailing National Standards:

1. The Second Optional Protocol to the International Covenant on Civil and Political Rights

Article 1

1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.
2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

2. Statute of the International Criminal Court

under the Statute of the International Criminal Court adopted in 1998, the death penalty is excluded from the punishments which this court will be authorized to impose, even though it has jurisdiction over extremely grave crimes such as crimes against humanity, including genocide, and violations of the laws of armed conflict. Similarly, in establishing the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda in 1993 and 1994 respectively, the UN Security Council excluded the death penalty for these crimes.

3. Republic Act No. 9346 An Act Prohibiting The Imposition Of Death Penalty In The Philippines

AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. The imposition of the penalty of death is hereby prohibited. Accordingly, Republic Act No. Eight Thousand One Hundred Seventy-Seven (R.A. No. 8177), otherwise known as the Act Designating Death by Lethal Injection is hereby repealed. Republic Act No. Seven Thousand Six Hundred

Fifty-Nine (R.A. No. 7659), otherwise known as the Death Penalty Law, and all other laws, executive orders and decrees, insofar as they impose the death penalty are hereby repealed or amended accordingly.

SEC. 2. In lieu of the death penalty, the following shall be imposed.

- (a) the penalty of *reclusion perpetua*, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or
- (b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

4. Other regional standards:

Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms

Article 1 – Abolition of the death penalty

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2 – Death penalty in time of war

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty

Article 1

The States Parties to this Protocol shall not apply the death penalty in their territory to any person subject to their jurisdiction.

Article 2

1. No reservations may be made to this Protocol. However, at the time of ratification or accession, the States Parties to this instrument may declare that they reserve the right to apply the death penalty in wartime in accordance with international law, for extremely serious crimes of a military nature.



Deepening:

Guide Questions:

1. How does the death penalty affect the marginalized sectors of the Philippines?
2. How should the Philippine government fulfill its obligation to respect, protect, and fulfill the right to life?

MODULE 3: THE DEATH PENALTY & AMNESTY INTERNATIONAL



Objectives:

At the end of the session, the participants will:

1. understand Amnesty International's work on the abolition of the death penalty
2. be able to reflect on how they can contribute individually or with their local group



Running time: 1 hour



Input:

(Amnesty International's work on the abolition of the Death Penalty)

Show Video (07 – VIDEO 5 - AI Ireland Die-in)

After showing the video, explain that this is just one of the many possible actions they can take.

Break participants into groups and allow them to come up with an action plan



Deepening:

Guide Questions:

1. What can you do to support these efforts?
2. How can your local group contribute to this project?

ANNEX 1: ROLE STRIPS

Each page contains strips for one group

Strips must not be mixed with those from other pages

If there are more than 18 participants, remaining participants will act as observers

1. You are an Overseas Filipino Worker convicted of smuggling drugs

Scenario A: You are wealthy and you did it for more money

Scenario B: You are poor and you did it because you had no choice

2. You are the spouse of the Overseas Filipino Worker.

Scenario A: Your spouse provided you with a comfortable life. You do not talk often because your spouse is always abroad busy with gambling and smuggling drugs.

Scenario B: Your spouse is a hard worker but money is difficult to come by. Your spouse writes to you regularly. In the last mail, your spouse told you about a drug smuggling deal that might bring you a better life.

3. You are the friend of the Overseas Filipino Worker.

Scenario A: Your friend regularly beats you in gambling. You still owe your friend a large amount of money. Your friend has not asked you to pay because their family has enough to live by.

Scenario B: Your friend is very poor but is a very good person. Because of your friend's kindness, you have been lending your friend some money over the years so that they would be able to live a better life.

4. You are the child of the Overseas Filipino Worker.

Scenario A: Your parent was able to provide you a comfortable life and send you to a reputable school because of earnings from gambling and drug smuggling. You are very close to your parent.

Scenario B: Your parent has not been able to provide you a comfortable life. Your parent is an absentee parent due to the demands of hard work.

5. You are the parent of the Overseas Filipino Worker.

Scenario A: Your child has not given you any financial support but you are aware of their extravagant lifestyle.

Scenario B: Your child sends you a small amount of money regularly even though you are aware of how difficult their life is.

6. You are the neighbor of the Overseas Filipino worker.

Scenario A: Your neighbor is friendly. Whenever your neighbor is in the country, you receive small gifts from their family.

Scenario B: Your neighbor once asked for some salt and rice as they were not able to fit the budget for the month. Your neighbor does not know your name.

1. You have been convicted of murdering 5 people.

Scenario A: You are a minor. You murdered your neighbors with some of your gang friends because you are convinced that they stole your dog.

Scenario B: You are not a minor. You and your friends were doing it for fun but you didn't think it would lead to murder.

2. You are the romantic partner of the convicted murderer.

Scenario A: Your partner is a minor. Your partner once killed the neighbor's cat because it stole your partner's sandwich.

Scenario B: Your partner is not a minor. Your partner is a generally good person who gets involved in gang wars occasionally. It is not clear to you if your partner is guilty of the crime.

3. You are a close friend of the convicted murderer.

Scenario A: Your friend is a minor. You are absolutely sure that your friend is guilty because other gang members have told you what happened.

Scenario B: Your friend is not a minor. You are sure that your friend is not guilty because other gang members told you your friend just happened to be in the wrong place at the wrong time.

4. You are the sibling of the convicted murderer

Scenario A: Your sibling is a minor. Your sibling once beat you in a fist fight. Based on your sibling's personality, you know for a fact that your sibling is capable of committing the crime.

Scenario B: Your sibling is not a minor. Your sibling once defended you from the neighborhood bully. Your sibling is capable of violence but you are not sure if your sibling is capable of murder.

5. You are the parent of the convicted murderer

Scenario A: Your child is a minor. A few years ago, your child hit you with a bat after a heated argument. You are now on good terms but have enough reason to believe that your child is guilty of the crime.

Scenario B: Your child is not a minor. It is not clear to you if your child is guilty of the crime because you deliberately withdraw and walk away whenever the topic is being discussed.

6. You are the neighbor of the convicted murderer

Scenario A: Your neighbor is a minor. A few years ago, you saw your cat dead on your front yard and you had a strong feeling that your neighbor killed it. You believe that your neighbor deserves the conviction.

Scenario B: Your neighbor is not a minor. Your neighbor is often involved in neighborhood gang wars but your neighbor is very friendly towards you. You are an eyewitness to the entire crime and can testify with certainty that your neighbor is guilty.

1. You sexually assaulted and then murdered your child

Scenario A: You are a neighborhood bully. You regularly battered your spouse. You have the

highest respect for your child and you know that you were framed by your neighbor
Scenario B: You are a good person with a clean record. You did the crime on a night that your friends fed you a large amount of drugs. You have no idea how you can live with what you have done.

2. You are the spouse of the convicted murderer.

Scenario A: Your spouse regularly batters you. You do not know if your spouse is guilty of the crime as you were not home when it happened.

Scenario B: Your spouse is a very good person who treats you well. It is unclear to you if your spouse committed the crime because it was over when you came home.

3. You are a close friend of the convicted murder.

Scenario A: You are currently not on good terms with your friend. You got into a fight two months ago and have not been talking since.

Scenario B: You could not reach your friend's phone when the crime happened. You cannot imagine your friend committing the crime.

4. You are the child of the convicted murderer.

Scenario A: You and your sibling are always told to leave the room whenever your parents fight. Your parent never hit you and your sibling.

Scenario B: Your parent regularly shouts at you and your sibling for not finishing your dinner. On the night that the crime happened, you were told by your parent's friend to go to your room.

5. You are the parent of the convicted murderer

Scenario A: You do not have a good relationship with your child. When you heard about the crime, you were reminded of the day that your child killed your household dog because it would not stop barking.

Scenario B: You are very close to your child. Your child was a consistent honor student who has a clean record. You are convinced he did not commit the crime.

6. You are the neighbor of the convicted murderer

Scenario A: Your neighbor is a threat to your neighborhood. Your neighbor has hit you once during a petty quarrel but you thought nothing of it. On the night that the crime happened, your neighbor was actually at your house with some friends watching a movie.

Scenario B: Your neighbor is a good person but you have many disagreements about politics and religion. On the night that the crime happened, you could see through your window that your neighbor was with a group of people that you are not familiar with. It is still unclear to you if your neighbor is guilty.

FACILITATOR'S NOTES: