



REPUBLIC OF THE PHILIPPINES  
COMMISSION ON HUMAN RIGHTS

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**ADVISORY ON PUBLIC OPINION ABOUT THE  
DEATH PENALTY**

**CHR (VI) A2023-001**

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**I. Introduction**

The Commission on Human Rights of the Philippines (hereinafter “the Commission”) issues this Advisory examining the role of public opinion on the death penalty. Public opinion is the complex and ever-changing collection of the beliefs of a society. As governments rely on popular support to justify their policies and practices, one of the hallmarks of a democratic society is the imperative to make decisions for the benefit of the majority. The question of how much a government should rely on strong and discernible popular opinion as well as the complexities of public opinion on a salient topic such as death penalty is as relevant as ever. During the 17th and 18th Congress alone, over eighteen (18) bills were tabled in support of reintroducing the death penalty.<sup>1</sup>

While public opinion is often relied on to support government policies, it must be noted that public attitudes towards the death penalty are susceptible to influence from different social conditions, such as the accuracy of surveys, political climate, and existing public policies.<sup>2</sup> The nature of this variability reduces the weight that can be placed on public opinion. Ultimately, in assessing where we stand in this great divide, we must be guided by reason, research, and universal respect for human rights.

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<sup>1</sup> House of Representatives. House Overwhelmingly Passes Death Penalty Bill. 2017. Accessed 6 Apr 2022.

*“Among those who voted in favor of the bill was Rep. Emi Calixto-Rubiano (Lone District, Pasay City) who said her affirmative decision was based on consultations and meetings with her constituents, which reflected overwhelming support for the death penalty reimposition. “After a series of consultations and meetings with the different sectors in our city, which started as early as November 2016, and after the survey I commissioned just last month to get the sentiments of my constituents, majority, if not all, favored the reimposition of the death penalty. Being their lone representative and voice here in Congress, I bring with me today the decision of my people. Therefore I vote Yes in favor of House Bill 4727,” said Calixto-Rubiano.*

<sup>2</sup> Hood, R., and Hoyle, C., “The Death Penalty: A Worldwide Perspective”, Ch. 10 (2015).

**CHR ng lahat: Naglilingkod maging sino ka man**



This Advisory is issued in response to the claims of allies of the current administration that there is ‘overwhelming’ public support for the reintroduction of the death penalty in the Philippines.

## II. Limitations of Public opinion surveys

Public opinion polling can provide an indication as to the distribution of viewpoints within a population subset,<sup>3</sup> but there are limitations in public opinion polls and relying on majority opinion. Such polls can be subject to a vast degree of vulnerability and bias, may not always accurately represent the views of the public, and will often capture superficial results if nuanced analyses are not performed. These polls are easily swayed by their framing and the manner in *which* and *when* questions are posed.

In 2018, the Commission conducted a ["National Survey on Public Perceptions of the Death Penalty"](#) to ascertain Filipinos' dispositions toward the death penalty which revealed that majority of Filipinos (59% vs. 32%) were in favor of restoring the death penalty for capital crimes. However, when alternatives were provided, only a minority supported the death penalty as a punishment for significant drug-related offenses, with only 30% favoring the death penalty. It revealed that on average, 7 out of 10 people will not support the death penalty when presented with facts regarding the penalty, alternatives, and impact. Whilst there may be *prima facie* support from the majority, it is clear that a superficial analysis of public opinion polls leads to inaccurate conclusions.

### *a. Representative samples*

Studies have shown demographic factors are significant variables in public opinion polling on the death penalty.<sup>4</sup> Public opinion research should be undertaken by surveying a stratified random sample, which is large enough to make inferences from the data about the views of the overall Philippines population. Characteristics of respondents, including race, age, gender, residence location, income, education level, religion and other relevant factors should also be analyzed and serve to assist in the interpretation of survey results.

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<sup>3</sup> Monroe, Alan D., "Public Opinion in America", *New York: Harper & Row* (1975).

<sup>4</sup> *E.g.*, the variations in public opinion were found from the social survey: the death penalty was supported by more males than females, more middle class than the poor and more whites than African-Americans in America. Acker, J., Bohm, R., and Lanier, C., "America's experiment with capital punishment: Reflections on the past, present, and future" 25–46 (1998). See also Labucay, *infra* note 29. It has been shown the support for the reinstatement of death penalty was higher in urban areas and among males, and those who are older; support was lower for the non-college educated, and those in Balance Luzon and/or Visayas, than in Mindanao.



### *b. Knowledge of the respondents*

Public opinion surveys need to measure the level of knowledge of respondents relating to: administration of the death penalty, the current law, the judicial process, crime rates, and world trends. It has been shown that in some national surveys, knowledge about basic facts relating to the death penalty, such as how it is administered or what offences it applies to, has been as low as 0.2%.<sup>5</sup> Not only is knowledge regarding the death penalty relevant, but also knowledge regarding the crime itself, because respondents do not necessarily understand the rationale behind a particular policy decision. Therefore, their perception as to why a law exists may be misinformed. Further, public awareness about world trends relating to the use of death penalty is important as there is greater community support to follow world trend towards abolition when respondents are informed of this fact.<sup>6</sup> If public opinion is to be relied on, the public must be making a knowledgeable choice on the matter, and be an informed public.

### *c. Strength of opinion*

While public survey results may show support for reintroducing the death penalty for drug offences, the level of support also needs to be captured. Weak surveys often use questions such as 'are you in support of the death penalty?', which does not indicate how strong respondents feel about the issue. Rather than capturing responses in a binary manner, surveys need to obtain responses on a scale, such as from 'strongly disagree' through to 'strongly agree' to reintroducing the death penalty. Strength of opinion data is important because it indicates whether respondents have strong opinions relating to the drug policy and the death penalty or have a passive opinion.

The strength of opinion data also indicates how the public will react to policy changes that do not align with majority support. If public opinion regarding the reintroduction of the death penalty is passive, there will be a minimal reaction if it is not reintroduced. Consequently, there would be no erosion of trust in the criminal justice system or the legitimacy of the government, and would not lead to backlash from the community. Therefore, concerns of this nature can be disarmed.<sup>7</sup> Obtaining data on the strength of opinion of respondents is ultimately vital to understand how the public will

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<sup>5</sup> Hei-Yan, C., and Hood, R., "For or against abolition of the death penalty: Evidence from Taiwan", *The Death Penalty Project*, 35 (2019).

<sup>6</sup> Empirical evidence in Malaysia shows when people are told about the worldwide trends for the abolition of the death penalty and then asked whether Malaysia should follow these trends, the support for the death penalty dramatically decreased. Over half (54%) of respondents were inclined to follow worldwide trends towards abolition. The proportion of respondents who wished to maintain the mandatory death penalty for the crimes covered in this survey (murder, drug trafficking and firearms offences) fell from 70% to 46%. Hood, *infra* note 30.

<sup>7</sup> Sato and Bacon, *supra* note 23, at 23-25.



respond and whether they would accept the government deciding to exercise its leadership and allow the abolition of the death penalty to continue.

*d. Availability of alternative sanctions*

Support for the death penalty cannot be accurately understood without the inclusion of alternative sanctioning options provided in the surveys. Multiple studies have shown that in retentionist countries while some respondents may have initially supported the death penalty, when they were provided with a choice, they favoured imprisonment over the death penalty, especially in relation to drug offences.<sup>8</sup> In a recent survey conducted among the Filipino public, the majority were found to prefer prison terms over the death penalty, despite an initially having modest support for the death penalty.<sup>9</sup> This demonstrates that the death penalty is not necessarily a respondent's first preference, but can incorrectly appear this way due to lack of sufficient options. Respondents should also be asked to consider whether the death penalty should be a mandatory or discretionary sentence. Studies have shown that those in support of the death penalty value discretionary rather than mandatory sentencing, in order to allow penalties to be adjusted according to the circumstances of the offence and characteristics of the offender.<sup>10</sup> This is important information regarding how the public believes sentences should be exercised in practice.

*e. Contextualisation*

A significant limitation of public opinion polling is its ability to capture nuanced responses. It has been found that support for the death penalty, particularly for drug-related offences, is impacted by contextualisation. In surveys where respondents are provided with a series of scenarios and face the reality of having to judge whether a crime merits the death penalty, support for the death penalty dramatically decreases. When respondents are given information about a specific individual and their offending, including aggravating and mitigating factors, support for the death penalty has decreased from 74% support in favour of the death penalty, down to 9% in favour.<sup>11</sup> Similarly, in a study conducted in Taiwan, where the majority of the population favoured retention of the death penalty, support for the death penalty fell from 83% to 34% when respondents were presented with real life

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<sup>8</sup> Sandys, M., and McGarrell, E. "Attitudes Toward Capital Punishment: Preference for the Penalty or Mere Acceptance?", *Journal of Research in Crime and Delinquency*, 32(2), 191 (1995).

<sup>9</sup> Labucay, I., "In Defense of the Right to Life: Analyzing Factors Affecting Filipino Opinion About Death Penalty", *The Commission on Human Rights of the Philippines*, 13 (2021). Available at <[https://www.righttolife.ph/online/uploads/cms\\_uploads/in\\_defense\\_of\\_the\\_right\\_to\\_life\\_analyzing\\_factors\\_affecting\\_filipino-compressed.pdf](https://www.righttolife.ph/online/uploads/cms_uploads/in_defense_of_the_right_to_life_analyzing_factors_affecting_filipino-compressed.pdf)>.

<sup>10</sup> Hood, R., "The Death Penalty in Malaysia: Public opinion on the mandatory death penalty for drug trafficking, murder and firearm offences", *The Death Penalty Project* 12-25 (2013).

<sup>11</sup> Id.



scenarios, illustrating that support for the death penalty is not entrenched.<sup>12</sup> There is a disconnect between what the public supports in theory and in practice, and this is not observed in overly simplistic public opinion polling.

### III. Political climate

Public opinion on the death penalty is highly moral and emotional.<sup>13</sup> The moral outrage connected with criminality is expressed through support for harsher punishments. Anger stems from crime, a lack of control over public order and other societal changes that they regard as threatening to the moral order.<sup>14</sup> In fact, studies show that anger is a more common response to crime than fear, notwithstanding the moral imperative for retribution.<sup>15</sup> Advocating for the death penalty is a common way of expressing rage towards crime and those who commit it. And in times of great instability and insecurity, harsher punishments may provide a sense of security and belonging.<sup>16</sup> The contention of the death penalty advocates is simple: re-imposing the death penalty will instill fear thus serving as a strong disincentive. As such, people who fear crime or regard it as a major social issue will support heavier punishments in order to preserve public safety.<sup>17</sup> Grounded in the belief that death penalty is an effective deterrent to crime,<sup>18</sup> support for the death penalty arises from the public perception of crime as prevalent and personally threatening, as well as the perception that the government has failed in its efforts to manage and control crime.<sup>19</sup>

The complexities of public opinion, particularly on a contentious issue like the death penalty, has been amenable to political leadership. For instance, the 1987 Constitution *de facto* abolished the death penalty, but a rise in crime forced its return in 1993. By 2006, the death penalty was abolished, and all sentences were commuted to life. It might be argued, however, that the 2006 elimination was a strategic decision by the Arroyo administration, which had fallen from grace following an electoral fraud scandal. The decision to abolish the death sentence was made in part to gain favor with her constituents. This illustrates how political leadership can help

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<sup>12</sup> Hei-Yan and Hood, *supra* note 25, at 19-20.

<sup>13</sup> <https://www.jstor.org/stable/2761482>

<sup>14</sup> Ditton et al., 1999; Karstedt, 2002; Lyons and Scheingold, 2000

<sup>15</sup> Ditton et al., 1999; Goodall et al., 2013; Hartnagel and Templeton, 2012; Johnson, 2009

<sup>16</sup> Carvalho and Chamberlen, 2018: 228

<sup>17</sup> Brace, Paul, and Brent D. Boyea. "State Public Opinion, the Death Penalty, and the Practice of Electing Judges." *American Journal of Political Science*, vol. 52, no. 2, 2008, pp. 360–72, <http://www.jstor.org/stable/25193818>. Accessed 8 Apr. 2022.

<sup>18</sup> Tyler, Tom R., and Renee Weber. "Support For The Death Penalty; Instrumental Response To Crime, Or Symbolic Attitude?". *Law & Society Review*, vol 17, no. 1, 1982, p. 21. *JSTOR*, <https://doi.org/10.2307/3053531>. Accessed 7 Apr 2022.

<sup>19</sup> Brace, Paul, and Brent D. Boyea. "State Public Opinion, the Death Penalty, and the Practice of Electing Judges." *American Journal of Political Science*, vol. 52, no. 2, 2008, pp. 360–72, <http://www.jstor.org/stable/25193818>. Accessed 8 Apr. 2022.



keep or abolish the death penalty. The elimination of the death penalty, which is often the product of a long and methodical process, necessitates steadfast commitment and strong political will. Needless to say, public opinion and political leadership are intricately linked.

Governments (Japan, USA) have successfully and consistently cited public support to retain capital punishment,<sup>20</sup> whereas discourse on capital punishment in Southeast Asia has been largely dependent on frequency studies and public opinion polls.<sup>21</sup> American electoral politics have long capitalized on public opinion polls as strategies to pronounce the saliency of an issue that appeals most to voters, such as crime and punishment.

The political practice of courting votes by capitalizing on the public's anxieties about security and safety by way of pushing for punitive short-term solutions to address criminality marked the return of populism—the '*strongman era*'<sup>22</sup>—in the Philippines.<sup>23</sup> Although not a novel concept in the Philippines, the populist narrative of "us versus them" remains highly effective. Pitting "the moral and pure people/us" against "the evil and corrupt/them" effectively encourages animosity and triggers strong emotional response to criminality, as well as reinforcing the belief that restoring order in the country requires a strong and decisive leadership, irrespective of its negative impact on the rule of law and human rights. *Penal populism* refers to an understanding of justice in which criminal acts should be harshly punished.<sup>24</sup> It illustrates how a country's political and economic insecurity may be traced back to inadequacies in the justice system, and where residents perceive policies and legislation as favoring 'criminals' while neglecting the plight and concerns of 'law-abiding citizens' and victims of heinous crimes.<sup>25</sup>

Within the populist paradigm of "us vs. them", groups are formed in opposition to what they are *not*. Though such distinction is not the only prerequisite to the formation of a group (*us*), it is necessary. Including 'us' necessitates excluding 'them' as our own identity emerges and solidifies only when compared to something or someone else.<sup>26</sup>

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<sup>20</sup> Mai Sato & Paul Bacon, *The Public Opinion Myth: Why Japan Retains The Death Penalty* (2015).

<sup>21</sup> *Id.*

<sup>22</sup> Bremmer, Ian. "The 'Strongmen Era' Is Here. Here's What It Means for You." *Time*, Time, 3 May 2018, [time.com/5264170/the-strongmen-era-is-here-heres-what-it-means-for-you/](https://time.com/5264170/the-strongmen-era-is-here-heres-what-it-means-for-you/).

<sup>23</sup> (Ramos, 2020).

<sup>24</sup> Kenny, Paul D., and Ronald Holmes. "A NEW PENAL POPULISM? RODRIGO DUTERTE, PUBLIC OPINION, AND THE WAR ON DRUGS IN THE PHILIPPINES". *Journal Of East Asian Studies*, vol 20, no. 2, 2020, pp. 187-205. Cambridge University Press (CUP), <https://doi.org/10.1017/jea.2020.8>. Accessed 7 Apr 2022.

<sup>25</sup> (Curato, 2017; Kenny, 2018)

<sup>26</sup> Bauman, Zygmunt. "Time and Space Reunited." *Time & Society*, vol. 9, no. 2–3, June 2000, pp. 171–185, doi:10.1177/0961463X00009002002.



#### IV. Existing policies and repercussions

When considering the death penalty, the increase in the number of countries that have abolished it since the 1980s has not necessarily been a result of the public majority demanding or supporting abolition at the time.<sup>27</sup> The ‘will of the majority’ does not necessarily dictate all policies that the government makes, but it can place some boundaries within which policymakers should function.

There has been a strong push for the reintroduction of the death penalty in the Philippines from the previous administration; however, reintroducing the death penalty despite our legally binding international obligations will have a severe impact on the Philippines' reputation in the international world, as well as its relations with its economic and trade partners.

##### a. 1987 Constitution

Article III, Section 1 of the Constitution provides clearly that “No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws.” The constitutional guarantee to the right to life is “not just a protection of the right to be alive or to the security of one’s limb against physical harm. The right to life is the right to a good life.”<sup>28</sup>

The current administration’s legislative push for the revival of the capital punishment is combined with the firm belief in the principle of *Lex Talionis* or “*an eye for an eye, a tooth for a tooth*”.<sup>29</sup> In simple terms, it is the desire for retribution. Members of the ruling party in both houses of congress argue that their proposal to revive the death penalty is constitutional as the Article III, Section 19 expressly states that Congress can provide for its imposition for “compelling reasons involving heinous crimes.”<sup>30</sup> In other words, the Constitution itself allows for the imposition of the death penalty and as legislators it is within their authority to legislate such measure.

Indeed, the legislative department may also eradicate the imposition of the death penalty even after it has been reinstated. However, what is

<sup>27</sup> Hood, R., “Is Public Opinion a Justifiable Reason Not to Abolish the Death Penalty? A Comparative Analysis of Surveys in Eight Countries”, *Berkeley Journal of Criminal Law* (2019).

<sup>28</sup> Joaquin G. Bernas, S.J., “The 1987 Philippine Constitution: A Comprehensive Reviewer”, 2011 edition.

<sup>29</sup> Second State of the Nation Address of President Rodrigo Duterte in July 2017

<sup>30</sup> Article III, Section 19 of the Constitution.



important to emphasize is that the power of the legislature to reintroduce death penalty is not absolute as it is, as ruled in the case of *People v. Echegaray*, “subject to a clear showing of compelling reasons involving heinous crimes.”<sup>31</sup>

*a. International law*

As democratic nations are undergirded by the “rule of the majority”, such political systems likewise subscribe to the notion of protecting rights of all individuals as part of its social contract. The death penalty violates a plurality of human rights including: the right to life; the prohibition against cruel, inhuman, or degrading treatment; the prohibition against torture; and in certain cases, the right of non-discrimination.<sup>32</sup> Except for non-discrimination, these are all non-derogable rights per Article 4 of the International Covenant on Civil and Political Rights (‘ICCPR’) and therefore must not be limited.<sup>33</sup> Not only does this imply that the death penalty should never be used, but at a minimum, that significant weight needs to be given to these individual human rights when balanced against other collective rights such as democracy.

This sentiment towards the protection of individual human rights is further affirmed in the last article of the Universal Declaration of Human Rights (‘UDHR’).<sup>34</sup> The article states that “[n]othing in this Declaration may be interpreted as implying for any State...to perform any act aimed at the destruction of...the rights and freedoms set forth herein.”<sup>35</sup> This has been understood by human rights law scholars as a warning for States to not misinterpret the UDHR to the effect of violating fundamental human rights.<sup>36</sup> The drafters of the UDHR were fully aware of the clash between individual and collective rights and sided with the protection of individual rights above all else.<sup>37</sup> An identical statement is also contained in Article 5 of the ICCPR.<sup>38</sup>

<sup>31</sup> *People v. Echegaray*, G.R. No. 117472, February 7, 1997

<sup>32</sup> Center for Constitutional Rights, “The Death Penalty is a Human Rights Violation: An Examination of the Death Penalty in the U.S. from a Human Rights Perspective”, 1 (2012).

<sup>33</sup> International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), art. 4 (‘ICCPR’).

<sup>34</sup> Universal Declaration of Human Rights, 10 December 1948, GA Res 217A (III), UN GAOR, UN Doc A/810, art. 30.

<sup>35</sup> *Id.*

<sup>36</sup> United Nations Human Rights Office of the High Commissioner, “Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 30” (November 2018),

<sup>37</sup> *Id.*

<sup>38</sup> ICCPR art. 5.



The United Nations have been abundantly clear their global position on the death penalty, that it ‘has no place in the 21st century’.<sup>39</sup>

Reintroducing the death penalty will contravene our treaty obligations and the doctrine of *pacta sunt servanda*. The Philippines signed and ratified the Second Optional Protocol to the ICCPR in September 2006 and November 2007 respectively. This treaty obligates its State parties not to execute anyone within their territorial jurisdiction as well as to take all necessary measures to abolish the death penalty. By entering into this treaty, the Philippines willingly bound itself to permanently abolish the capital punishment. States are compelled to observe, keep, and undertake the promises it made to its fellow State parties and to the international community. In line with the international law principle of *pacta sunt servanda*, a State party to a treaty is bound to comply with the obligations it assumed under such treaty in good faith.<sup>40</sup> In the case of *La Chemise Lacoste v. Fernandez*, the Supreme Court explained that “the generally accepted principle of international law of *pacta sunt servanda*... has been adopted as part of the law of our land.”<sup>41</sup>

The Supreme Court also clarified that, “[b]y their inherent nature, treaties really limit or restrict the absoluteness of sovereignty. By their voluntary act, nations may surrender some aspects of their state power in exchange for greater benefits granted by or derived from a convention or pact”<sup>42</sup> Entering into a treaty does not merely create a moral responsibility but it produces a “legally binding obligation on the parties...A State which has contracted valid international obligations is bound to make its legislation such modifications as may be necessary to ensure the fulfillment of the obligations undertaken.”<sup>43</sup> Clearly, when the Philippines ratified the ICCPR in 1986 and Second Optional Protocol to the ICCPR without any reservations in November of 2007, our country freely and willingly chose to limit our sovereignty; therefore, we have to comply with our legal obligations to undertake “all necessary measures to abolish the death penalty.”<sup>44</sup> Interestingly, Article 56 of the Vienna Convention on the Law of Treaties expressly states that treaties which does not contain stipulations concerning withdrawal or denunciation cannot be denounced or be withdrawn from unless it can be established that the parties intended to admit the possibility of denunciation or withdrawal or a right to denunciation or withdrawal may

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<sup>39</sup> Bachelet, M., “Human rights violations related to the use of the death penalty, in particular with respect to whether the use of the death penalty has a deterrent effect on crime rate.” Speech, *UN Biennial High Level Panel*, Geneva, (2021).

<sup>40</sup> Vienna Convention on the Law on Treaties, Article 26.

<sup>41</sup> *La Chemise Lacoste v. Fernandez*, G.R. No. L-63796-97, 1984.

<sup>42</sup> *Tanada v Angara*, G.R. No. 118295, May 2, 1997.

<sup>43</sup> *Ibid.*

<sup>44</sup> Second Optional Protocol to the ICCPR, Article 2



be implied by the nature of the treaty.<sup>45</sup> In this case, these conditions that would merit withdrawal have not been satisfied. In fact, there is even a global trend towards the abolition of the death penalty. The international thrust is “to curtail or abolish death penalty both in practice and in law.”<sup>46</sup> The language of the General Comment No. 36 to Article 6 of the ICCPR cannot get any clearer: “the Second Optional Protocol does not contain termination provisions and State parties cannot denounce it. Abolition of the death penalty is therefore legally irrevocable.”<sup>47</sup> Violating our international commitments and legally binding obligations will not only make the reputation of the Philippines suffer in the eyes of the international community but also possibly strain our relations with other countries.

## **V. Conclusion and Recommendations**

The ability for the abovementioned factors to restrict the value of public opinion and to influence community attitudes has suggested that public opinion evidence is inherently volatile. This undermines the role of public opinion as a justification for the reintroduction of the death penalty for drug offences. Under international human rights frameworks, the individual human rights that are threatened by the death penalty must be protected over the public’s right to democratic power over such a policy. While public opinion polling can be a tool to provide insight into the views of the public, it contains inherent limitations and only an extremely nuanced approach will capture the preferences of the people. As a consequence, public opinion polling that has not been designed to factor in these limitations, should not be afforded much weight, and cannot be used to justify the reintroduction of death penalty of the drug offences in the Philippines.

The various provisions in international human rights standards related to the death penalty are typically not fully appreciated by the general public. Since the legality of the death penalty rests on narrow limits and a restrictive interpretation of those constraints, public opinion must not be permitted to circumvent clear legal provisions and the government has a duty to explain these. A case in point is the difficulty of the general public to distinguish between the death penalty and a mandatory death penalty.

Informed public debate depends on freedom of expression. Recalling the Special Rapporteur Philip Alston’s point on the legal obligation of transparency, meaningful public debate requires detailed disclosure by the State of information regarding the use of the death penalty.

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<sup>45</sup> Vienna Convention on the Law on Treaties, Article 56

<sup>46</sup> Amnesty International, Amnesty International Global Report: Death Sentences and Executions 2017, <https://www.amnesty.org/download/Documents/ACT5079552018ENGLISH.PDF>, accessed on 5 December 2019.

<sup>47</sup> General Comment No. 36 to Article 6 of the ICCPR, par. 34



A free and informed media can also play an active and important role in invigorating debate and shaping public opinion. Challenges that the media may face in doing so add to the difficulty of understanding the real state of public sentiment on the death penalty.

Public knowledge is important in promoting an informed public debate about the issues surrounding the death penalty. Governments are responsible for human rights education, including promotion of respect for the right to life. Leadership in promoting various aspects of the debate, such as the proportionality of punishments, conformity with international human rights norms, and alternative measures, can have a significant bearing on public opinion.

Issued this 13<sup>th</sup> day of February 2023, Quezon City, Philippines.



**RICHARD P. PALPAL-LATOC**  
Chairperson



**BEDA A. EPRES**  
Commissioner



**FAYDAH M. DUMARPA**  
Commissioner