WRITTEN QUESTION E-3223/03
by Anna Karamanou (PSE) to the Commission

(31 October 2003)

Subject: Children sentenced to death in the Philippines

A recent report by Amnesty International reveals the presence in Philippine prisons of children who have been sentenced to death and are awaiting execution. However, under the Convention on the Rights of the Child, to which the Philippines is a signatory and Philippines national law, juvenile offenders who have committed offences whilst below the age of 18, cannot be sentenced to death or executed. Clearly, the Government of the Philippines is therefore in breach of both national and international law.

What pressure will the Commission bring to bear on the Philippine Government, so as to ensure that it complies fully, in principle and in practice, with the limits imposed by national and international law regarding penalties for child offenders?

Answer given by Mr Patten on behalf of the Commission

(3 December 2003)

The Commission shares the concern expressed by the Honourable Member about the alleged sentencing of children to death in the Philippines.

The Commission confirms that the Philippines is a signatory of the International Convention on the Rights of the Child, and that, in application of this Convention, Article 47 of the Penal Code of the Philippines states that the death penalty shall not be imposed if the offender was below the age of 18 at the time that the crime was committed.

Research indicates that the age of the accused is not automatically included in the file of a case when it goes to court. Judges do not enquire systematically about it and only if the defence brings up the issue will the age be taken into account in the court’s ruling. This is particularly a problem for those who cannot afford private legal representation. The problem is further complicated by the fact that some of those convicted do not have birth certificates and it is difficult therefore to prove that they are minors.

There are currently 17 people sentenced to death in the Philippines that were allegedly minors at the time that the crimes for which they are convicted were committed. The Philippines Jesuit Prison Service Foundation brought this issue to the attention of the Supreme Court of the Philippines. The Supreme Court has now ordered a regional court to ascertain the real age of these people.

The Commission, through its Delegation in Manila and together with the Member States’ Representations in the Philippines, has been monitoring closely developments regarding the death penalty and has expressed its concern to the government through Troika ‘démarches’ on several occasions.

Moreover, the issue of the death penalty is a constant element in the Commission’s cooperation policy with the Philippines. Under the European Initiative for Democracy and Human Rights (EIDHR), the Commission provides support to local non-governmental organisations (NGOs) and institutions that are actively working for the abolition of the death penalty.

The funds committed for this purpose since November 2000 amount to a total EUR 805,798 and cover actions such as the provision of free legal assistance to indigent death row convicts, training of lawyers and judges, post-conviction DNA testing (aimed at finding evidence that can help the revision of wrongful convictions), research, and lobbying activities.

As evidenced by the issue of minors sentenced to death, the judicial system in the Philippines has a number of deficiencies. The Commission has identified this as one of its priority areas for assistance to the country, and will fund a good governance programme that aims to improve access to justice for the poor.
A bill abolishing the Death Penalty in the Philippines has been tabled at both the House of Representatives and the Senate and, after having been finalised at committee level in May 2003, is ready to be discussed at both chambers of Congress. However, and although the groups lobbying for the abolition of the death penalty seem to have gathered enough support to pass the bill in both chambers, the likelihood of this happening decreases as the elections in May 2004 approach, since the death penalty remains a controversial issue in the Philippines.

(2004/C88 E/0144) WRITTEN QUESTION E-3244/03
by Margrietus van den Berg (PSE) to the Commission
(3 November 2003)

Subject: Policy Coherence for Development Network

On a Netherlands initiative, a Policy Coherence for Development Network was recently set up for the purpose of promoting information-exchanges between EU Member States on maintaining policy consistency.

1. Can the Commission state how the network operates?
2. What have been the initial results of information-exchanges?

Answer given by Mr Nielson on behalf of the Commission
(11 December 2003)

At the meeting of Union Directors General for Development Cooperation on 2/3 October 2003, the Dutch Director General tabled a proposal to set up a senior level informal network on coherence, which would foster capacity building, co-ordination and set concrete targets for work on coherence. The participants would alert each other on policy initiatives with implications for development co-operation and spot incoherence where it exists.

The prime objective of the network would be to improve co-ordination between the Member States. On key issues of policy coherence, Member States would communicate and co-ordinate more intensively: exchange information about pending decisions, share analyses of development aspects, draft positions and where possible co-ordinate strategies. It was argued that such an exchange would help to ensure that the development perspective is effectively taken into account in decision making at Union level.

The proposal was warmly welcomed.

The Commission will participate as one of the members of this network.

At this stage the network is still in its inception phase. Member States are designating co-ordinators for information exchange and collaboration between Member States and with the Commission concerning coherence issues. A list of priority issues is being prepared.

(2004/C88 E/0145) WRITTEN QUESTION E-3252/03
by Baroness Sarah Ludford (ELDR) to the Commission
(3 November 2003)

Subject: International Criminal tribunal for the former Yugoslavia (ICTY)

The External Relations Council of 13 October, expressing deep concern that certain Western Balkan countries were still failing to cooperate sufficiently with the International Criminal Tribunal for the former Yugoslavia (ICTY), reiterated the need to intensify efforts to bring Radovan Karadzic, General Mladic and General Gotovina to the ICTY.