

Public Communications

Focus: The communications strategy supporting the creation of a new justice system in the Bangsamoro Autonomous Region of Muslim Mindanao

Goal: Understand challenges associated with introducing parallel justice systems, particularly within a larger peace process



KEY TAKEAWAYS

The Bangsamoro Autonomous Region was created in 2019 as part of a peace process after decades of armed conflict. Its new Organic Law uniquely establishes three parallel but disparate justice systems: Philippine law, Sharia, and traditional or tribal law.

- Region is highly diverse with 13 ethno-linguistic groups, including Sunni Muslims (majority), Christian settlers, and indigenous peoples
- Relationship to peace process implicates influence from national government, which represents only 6% Muslim country
- Beyond institutionalizing a new system, goals include:
 - Strengthening local justice institutions to resolve disputes consistent with international human rights standards and procedures
 - Empowering all citizens to assert and claim their rights

A more limited form of Sharia has applied to personal and family relations and faced challenges, but the new system will extend jurisdiction to criminal, commercial, and property law.

- Sharia is codified and practitioners are educated in the area, but some benches in Sharia courts remain empty
- Appeals from Sharia courts rise to Philippine appellate courts, where often non-Muslims with limited knowledge of Sharia law decide them
 - New law establishes Sharia appellate court
- Under new law, Sharia will apply exclusively to cases involving Muslims; non-Muslims may opt in

Challenges include recent tensions and problematic “brand” of Sharia due to lack of knowledge of Sharia’s varied forms and belief it is overly punitive.

- Tensions include recent abuse by non-Muslim citizens converting to Islam to access the divorce provisions of the Code of Muslim Personal Laws as divorce is otherwise forbidden in the Philippines

- Legal tensions are reflected in a proposed bill criminalizing marriage between minors, which is explicitly permitted under Sharia

Counter to these perceptions, the proposed Sharia law would focus on restorative justice and offer a variety of benefits, including:

- Recognition of Muslim identity
- An additional local justice mechanism and capacity in otherwise crowded court system
- Less or equally punitive sentences compared to Philippine courts as Sharia code will be constrained by Philippine Constitution, national, and international law

The road-map for stakeholder engagement began with consultations to map stakeholders, analyze behavior, knowledge & attitude points, and craft key messages to encourage beneficial behavior from the stakeholders. Possible future approaches include:

- Emphasizing community and restorative justice aspects
- Improving popular understanding of the three legal systems by outlining possible outcomes
- Offering citizens a service during the consultations, e.g. resolving local disputes

Messaging is complicated by the background of an extremely “tough on crime” national government, which has populist appeal but challenges the traditional justice system.

- Crime crack-down has included extrajudicial killings by police, which reduced crime levels but circumvented the justice system
- Broader example of temptation for governments to act harshly to address social problems rather than to develop and explain reforms to their citizens



KEY EXAMPLES

- Juvenile Justice Reform Roadshow (Georgia)