

SONA 2022

# Philippines - Human rights wishes for Marcos' first SONA: Where will he stand?

Monday 25 July 2022, by [BUAN Lian](#) (Date first published: 24 July 2022).

**'President Marcos has a golden opportunity to get the Philippines on the right track by setting out clear priorities and policies to improve human rights in the country,' says Human Rights Watch.**

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MANILA, Philippines - There was zero mention of human rights when Ferdinand "Bongbong" Marcos Jr. delivered his inaugural speech as president of the Philippines on June 30, and he went on to serve his first month in Malacañang without appointing anyone to the empty board of the Commission on Human Rights (CHR).

For his first State of the Nation Address (SONA) on Monday, July 25, there is a mix of optimism and pessimism from the human rights community.

Phil Robertson, deputy Asia director of international group Human Rights Watch, urged Marcos to seize the "chance to distance himself from the rampant rights violations and deep-seated impunity of the Rodrigo Duterte administration."

"President Marcos has a golden opportunity to get the Philippines on the right track by setting out clear priorities and policies to improve human rights in the country," Robertson said in a statement Friday, July 22.

The progressive Filipino lawyer Edre Olalia, president of the National Union of Peoples' Lawyers (NUPL), said Friday in a forum that the human rights prospects under Marcos "quite candidly [do] not look good."

"Objectively, so far, there are clear indicators, in his inaugural speech there was no mention of peace, justice, human rights, anti-corruption, issues that need to be addressed, or make a stance on. Secondly, Marcos mentioned he will continue the NTF-ELCAC (National Task Force to End Local Communist Armed Conflict) in spite of its notorious red-tagging, abuse of processes, and he will continue it?" Olalia said in Filipino.

PLAY VIDEO [Human rights wishes for Marcos' first SONA: Where will he stand?](#)

Here are issues that Marcos can address in his first SONA for Filipinos to get a clearer idea where he stands on human rights:

## **1. Drug war killings and the ICC**

Marcos has given statements through diplomats that he supports exacting accountability for the country's human rights problems. But these statements never directly referred to the killings under Duterte's brutal drug war campaign, the casualties pegged by human rights groups at 27,000.

Marcos, if he wants to, can have the Philippines rejoin the International Criminal Court (ICC). Even without rejoining, the ICC has asserted jurisdiction over the killings under former president and Davao mayor Duterte. Now that ICC Prosecutor Karim Khan has requested to resume the investigation, the Marcos government will have to carry on the task of engaging the ICC. Will it be as hostile to the ICC as Duterte's government, or will there be a semblance of cooperation that could put the Marcos-Duterte alliance on shaky ground?

The most that Justice Secretary Jesus Crispin "Boying" Remulla has said was: "We are busy collating data and the results of the investigations being conducted about the drug war."

## **2. The anti-terror law and persecution of activists**

While Marcos has vowed full support for the NTF-ELCAC during the campaign, the new officers he installed seem to be singing a different tune compared to their predecessors.

Security adviser Clarita Carlos and Solicitor General Menardo Guevarra denounced red-tagging, while indigenous peoples commission chief Allen Capuyan said they "will not weaponize the anti-terror law." The last action of Duterte's security adviser Hermogenes Esperon was to block the websites of progressive groups including alternative news sites. Carlos said this is under review.

Human rights group Karapatan has called these statements a "facade for a continuing state repression," but a more concrete discussion during SONA will go far in boosting the confidence of the human rights community that this government will be different from Duterte's.

## **3. Clampdown on dissent and free speech**

Under Duterte, the House of Representative killed the franchise of biggest broadcast network ABS-CBN, the Securities and Exchange Commission (SEC) revoked the license of Rappler, and the former president himself harassed the Philippine Daily Inquirer it almost sold to campaign donor Ramon Ang.

Marcos' attitude toward media is not as rough as Duterte, but the President has blocked and sidelined legacy media and favored vloggers who echo the whitewashing of the repressive dictatorship of his father.

Drowning out independent media, while enabling the rise of disinformation is the challenge that journalists will face. Add to that, "libel still remains to be a weapon to suppress the press," said Jonathan de Santos, chairperson of the National Union of Journalists of the Philippines (NUJP) in the same human rights forum Friday.

“We saw it in the case of Maria Ressa and Rey Santos, and cyber libel’s prescription was even extended to 15 years, you can be sued for something you wrote that long ago,” De Santos said in Filipino.

The NUJP has been advocating for the decriminalization of libel. It is aligned with the call of global actors like United Nations Special Rapporteur on free speech Irene Khan, who recently said that Marcos “must put an end to the criminalization of libel, withdraw the charges against Maria Ressa, reverse the decisions against Rappler, Bulatlat, and Pinoy Weekly, and investigate promptly and effectively all attacks and killings of journalists.”

#### **4. Prison reform and reformatory justice**

Since the aborted release of the now deceased convicted murderer and rapist Antonio Sanchez in 2019, the Good Conduct Time Allowance (GCTA) mechanism of cutting down the sentence of prisoners has been scuttled.

To date, the Department of Justice (DOJ) has not released data on the prisoners released on GCTA ever since they rehailed the system to exclude heinous crime convicts as a response to public outrage. Human rights groups have challenged in court this exclusion of heinous crime convicts from the incentive, arguing it violates equal protection.

The pandemic also saw a high toll of deaths in prisons, including mysterious deaths of drug convicts that are now the subject of a murder complaint accusing police officers of killing the prisoners and passing them off as coronavirus casualties.

Remulla and Interior Secretary Benhur Abalos have announced prison reform, and expediting releases of prisoners with long overdue freedoms as their priority agenda. Piloting the long-awaited digital prison record system is a must for the new government, especially since this is among the projects funded through the United Nations (UN) joint human rights programme, and was cited as a basis by the UN human rights council to go soft on the Philippines. (Technical cooperation was offered to assist the government in addressing its own problems, rather than launching an investigation.)

#### **5. Opposed bills on lowering criminal liability and death penalty**

Marcos sold himself during the campaign as the continuity candidate. If he were to continue Duterte’s policies, then it’s worth watching whether he would also turn into his pet bills the measures to lower the age of criminal liability to as young as 10 years old, and to revive the death penalty - both heavily contested by the legal and human rights sectors here and abroad.

Reviving the death penalty gained traction at the House of Representatives after Duterte called for its passage in his fifth SONA in 2020, but it did not have enough numbers in the Senate. Senator Ronald “Bato” dela Rosa tried to drum up support in the upper chamber, but did not quite get it. Dela Rosa remains in the Senate.

The bill lowering the age of criminal liability from the current 15 years old had more support in the Senate than the death penalty bill, but it was eventually sidelined. Like the death penalty bill, it also faced heavy opposition especially from social workers who care for young delinquents.

Marcos was vague on the death penalty during the campaign.

“Ferdinand Marcos Jr. has become president of a country riven by human rights problems and overlaid with a systematic failure to hold abusers accountable and ensure justice for victims,” Robertson said.

“His nationwide address should be all about how he will protect the rights of all Filipinos, and right past wrongs,” added Robertson.

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