

Grave Concern about Undermining of Press Freedom in the Philippines

(Bangkok, 16 January 2018) – The Asian Forum for Human Rights and Development (FORUM-ASIA) strongly denounces the decision of the Securities and Exchange Commission (SEC) of the Philippines to revoke the Certificate of Incorporation of Rappler, an independent online newspaper on 11 January 2018. While Rappler is still free to continue operating, as the decision is not final, the attack against the media outlet is clearly politically motivated and threatens press freedom and freedom of opinion and expression in the country.

President Rodrigo Duterte has previously threatened Rappler, claiming that it was a foreign-owned entity, during his annual state of the nation address on 24 July 2017. Rappler, which was founded in 2012, has been a known critic of his regime, among others by reporting on official complicity in the deaths in the so-called war on drugs.

An initial investigation against Rappler was initiated after the Office of the Solicitor General (OSG) filed a complaint with the SEC in December 2016. It was followed by the formation of SEC's special panel on 18 July 2017 to conduct a formal investigation into Rappler. The investigation concluded that Rappler has been violating the national restrictions on foreign ownership and control of mass media entities, stipulated in the Constitution and the Anti-Dummy Law on foreign equity restriction in mass media by receiving funds from Omidyar Network and North Base Media, which are international entities, through Philippines Depository Receipt (PDR).

Rappler, however, clarified¹ that the PDR is widely used in other large media companies and is merely a financial instrument that does not give the foreign investors ownership or voting rights in the management or daily operations of the company. The PDR is not an indicator of ownership. Rappler is not a foreign entity, and can be held accountable for its independence and impartiality.

FORUM-ASIA is gravely concerned about the shrinking safe space for media and journalism in the Philippines. The decision by the SEC against Rappler is not the first threat against free media in the country. President Duterte has targeted other media outlets in the Philippines for their critical voices against his administration.

The Philippine President has conducted a campaign of intimidation against the Inquirer over its coverage of victims of the war on drugs in 2016. He has also accused television channel ABS-CBN of misinformation and threatened not to renew its franchise when it expires in 2020.²

All this has been taking place in a country that has long been dangerous for journalists to operate in. In 2017, the Philippines was once again the deadliest country for journalists in Asia, according to Reporters

¹<https://www.rappler.com/about-rappler/about-us/160301-rappler-debunks-lies>

²<https://www.forum-asia.org/?p=24750>

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Without Borders (RSF).³ President Duterte's ongoing threats against journalists and reporters does nothing to alleviate this reality.

As one of the signatory states of the International Covenant on Civil and Political Rights (ICCPR), the Philippines has an obligation to ensure the right to freedom of expression. The Government of the Philippines is required to provide a safe and free space for all media, including Rappler. Media should be allowed to freely conduct their work without fear of being prosecuted or shut down.

FORUM-ASIA calls on the SEC to reconsider its final decision on the license of Rappler. It also calls on the Government of the Philippines to stop the intimidation and harassment of journalists and the media, and to respect press freedom and freedom of opinion and expression in the country.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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³ <https://www.rappler.com/nation/191744-philippines-deadliest-country-journalists-asia-reporters-without-borders-2017-report>

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