

The Philippines: Immediately rescind SEC Memorandum Circular No. 15 (s. 2018)

(Bangkok, 26 February 2019) – The Asian Forum for Human Rights and Development (FORUM-ASIA) and its Filipino member organisations, Balaod Mindanaw, Karapatan Alliance Philippines, Task Force Detainees of the Philippines (TFDP), and Philippine Alliance of Human Rights Advocates (PAHRA), express their utmost concern over the Securities and Exchange Commission (SEC) Memorandum Circular No. 15 (s. 2018). It mandates all non-profit organisations in the Philippines to comply with arbitrary and invasive registration requirements.

Apart from the administrative harassment, the memorandum also authorises the Commission to take unbridled actions when it considers an organisation to be categorised as ‘at risk’ of money laundering or terrorist financing abuse. In a continuously deteriorating human rights environment, FORUM-ASIA and its member organisations call on the Philippines’ SEC to immediately rescind the memorandum, as it restraints the right of individuals to enjoy their freedom of association.

SEC Memorandum Circular No. 15 (s. 2018) was published on November 2018 with the supposed aim of ‘protect[ing] non-profit organisations from money laundering and terrorist financing abuse.’¹ It mandates organisations to disclose details, such as a full list of donors, current and intended beneficiaries, and amount of funds.² An incomplete submission will be deemed a failure to comply, and can result in the revocation of an organisation’s registration.

Organisations will also be assessed on whether they pose a risk, based on an undisclosed points system. If an organisation is deemed to be ‘high-risk’, it will be subjected to ‘enhanced monitoring and supervision measures.’³ The Commission may also demand background checks of officers and trustees. Organisations deemed ‘high risk’ will be asked to submit more requirements, a form of administrative harassment that hinders their work.

This development comes amidst increasing government pressure on civil society, and allegations of surveillance targeting human rights defenders. The memorandum will further legitimise the invasion of privacy of individuals, and hinder the capacity of organisations to do their legitimate human rights work.

FORUM-ASIA and its member organisations call on the SEC to immediately rescind this unnecessary memorandum, as it further stifles the already shrinking civic space in the country. Given the continuously deteriorating human rights situation in the Philippines, this memorandum comes as yet another attack on fundamental freedoms. The Government of the Philippines, as a signatory to eight international core human rights treaties, must respect all Filipinos’ freedom to associate, and ultimately refrain from resorting to arbitrary and invasive procedures curtailing basic freedoms.

¹ <http://www.sec.gov.ph/wp-content/uploads/2018/11/2018MCNo15.pdf>

² Annex A, SEC Memorandum Circular No. 15, S. 2018

³ Section 2.4, SEC Memorandum Circular No. 15, S. 2018

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 67 member organisations in 21 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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