



The Republic of the Maldives  
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**Submission by CIVICUS: World Alliance for Citizen Participation  
NGO in General Consultative Status with ECOSOC**

**And**

**The Asian Forum for Human Rights and Development (FORUM-ASIA)  
NGO in General Consultative Status with ECOSOC**

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## 1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in 180 countries throughout the world.
- 1.2 The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 81 members in 21 countries that works to promote and protect human rights, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia and beyond.
- 1.3 In this document, the authors examine the Government of the Republic of the Maldives' compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the Maldives' fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in 2015. To this end, we assess the Maldives' implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide follow-up recommendations.
- 1.4 During the 2<sup>nd</sup> UPR cycle, the Government of the Maldives received 16 recommendations relating to the space for civil society (civic space). All were accepted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of the Maldives has partially implemented all 16 recommendations relating to civic space. The political changes in the Maldives since November 2018 have helped drive these civic space reforms.<sup>1</sup> While the new government has made significant strides in opening up the space for the exercise of fundamental freedoms and reviewing legislation restricting civic space since its last UPR examination, there are still implementation gaps with regard to the protection of HRDs and the freedom of expression.
- 1.5 We are alarmed by ongoing reports of harassment of and threats against HRDs and journalists, particularly by extremist groups, and the lack of effective action by law enforcement agencies.
- 1.6 We are also concerned by the slow progress in undertaking comprehensive reforms of the laws related to the freedoms of association and peaceful assembly.

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<sup>1</sup> 'Maldives: Political change offers opportunity for human rights reforms', CIVICUS Monitor, 18 October 2018, <https://monitor.civicus.org/newsfeed/2018/10/18/political-change-offers-opportunity-human-rights-reforms>.

**1.7** As a result of these issues, civic space in the Maldives is currently classified as obstructed by the CIVICUS Monitor.<sup>2</sup>

- Section 2 of this submission examines the Maldives' implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines the Maldives' implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines the Maldives' implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression and independence of the media.
- Section 5 examines the Maldives' implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 contains a number of recommendations to address the concerns raised and to advance implementation of recommendations under the 2<sup>nd</sup> cycle.
- An annex on the implementation of 2<sup>nd</sup> cycle UPR recommendations related to civic space can be found in Section 7.

## **2. Freedom of association**

**2.1** During the Maldives' examination under the 2<sup>nd</sup> UPR cycle, the government received two recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to "address limitations in the existing law governing the operation of civil society organizations" and "develop and implement specific laws, policies and mechanisms that recognize and protect the work of civil society." The government accepted both recommendations. However, as evidenced below, the government has only partially implemented both recommendations.

**2.2** Article 30 of the Maldives Constitution guarantees the right to the freedom of association. Section 30(a) of the Constitution affirms that "every citizen has the right to establish and to participate in the activities of political parties." Section 30(b)(i) states that "everyone has the right to establish and participate in any association or society for economic, social, educational or cultural or purposes" and Section 30(b)(ii) adds that everyone has the right to form and participate in trade unions.<sup>3</sup> Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a state party, also guarantees the freedom of association. However,

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<sup>2</sup> CIVICUS Monitor: Maldives, <https://monitor.civicus.org/country/maldives>.

<sup>3</sup> Constitution of the Republic of Maldives 2008, <https://www.wipo.int/edocs/lexdocs/laws/en/mv/mv001en.pdf>.

despite these commitments, the legal framework regulating CSOs continues to remain restrictive and was often used by the previous government, between 2013 and 2018, to threaten CSOs critical of the state.

- 2.3** The 2003 Associations Act governs the formation and operation of associations in the Maldives.<sup>4</sup> The Act requires official permission for associations to operate, which is inconsistent with international standards. According to article 37(b) of the Act, a stiff penalty of between two to five years in prison, house arrest or banishment to another island is imposed for operating a CSO without prior registration.
- 2.4** The Associations Act is overly broad and does not clearly stipulate the grounds upon which CSO registration may be denied. The Act leaves the decision to accept or refuse registration solely up to the discretion of the Registrar, who is a presidential appointee. Further, article 5 of the Act establishes a complex registration process, with burdensome requirements, creating barriers for smaller, less well-resourced CSOs to register.<sup>5</sup>
- 2.5** Article 19(a) of the Associations Act explicitly forbids the incorporation of associations that conflict with the principles of Islam and promote the beliefs of any other religion. This is an undue limitation on the freedom of association and is not permissible under international human rights law.
- 2.6** In 2015, the Regulation on Associations 2015/R-180 was issued.<sup>6</sup> One of the challenges of the Regulation is that it contains an onerous requirement for CSOs to notify the Registrar of Associations of their activities and budgets a year in advance of any project worth more than MVR 25,000 (approx. US\$1,600) and to seek approval for any foreign assistance. A 2016 amendment of the regulation requires CSOs to obtain permission from the Registrar before accepting any support, financial or otherwise, exceeding MVR 150,000 (approx. US\$9,700) from a foreign or local source.<sup>7</sup>
- 2.7** According to human rights groups, the Associations Act was often used by the previous government to stifle dissent by intimidating CSOs critical of the state. Whenever CSOs issued statements questioning government policies, the law was often used to threaten them with suspension or dissolution. For example, in 2018 the Registrar of Associations dissolved the Maldives NGO Federation, a registered

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<sup>4</sup> Associations Act 1/2003, <http://www.agoffice.gov.mv/pdf/sublawe/294.pdf>.

<sup>5</sup> CSOs must stipulate in their governing statute the types of membership, membership procedures, fees, membership termination processes, their activities, fundraising strategies, their governance structure and the procedures for the appointment, election and removal of their executive committee, the frequency and structure of general meetings and of the meetings of the executive committee, the procedure for amending the governing regulation and for shutting down the CSO.

<sup>6</sup> Copy of the regulation in Dhivehi, <http://www.mvlaw.gov.mv/pdf/gavaid/minHome/R180-2015.pdf>.

<sup>7</sup> Information obtained from an interview with a Maldivian civil society activist.

network of 62 CSOs, after it released a statement calling for the enforcement of a Supreme Court order to release nine detained opposition figures.<sup>8</sup>

- 2.8** In March 2019, the new government proposed a bill in Parliament to amend the 2003 Associations Act. The bill was accepted and sent to parliament’s Social Affairs Committee. However, as new parliamentary elections were held in April 2019, the bill needs to be resubmitted. This has not occurred at the time of writing.<sup>9</sup>
- 2.9** The Constitution and labour laws allow workers to form trade unions, and a number of unions are active. However, collective bargaining is not protected, and strikes are prohibited in many sectors, including the crucial tourism industry.<sup>10</sup>

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Under Maldives’ previous UPR examination, the government received nine recommendations on the protection of HRDs, civil society representatives and journalists. The government committed to several relevant recommendations, including to “develop and implement laws, policies and mechanisms that ensure full protection of all journalists and human rights defenders against attacks and reprisals” and “ensure an enabling environment for the activities of journalists, HRDs and the other civil society actors.” All nine recommendations were accepted by the government. However, as examined in this section, the government has failed to operationalise these recommendations effectively, and has only partially implemented them.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. However, in spite of these protections, HRDs and journalists have faced threats and intimidation, both offline and online, and have been killed or disappeared for their work. HRDs who have received threats on social media platforms have reported that the police have often failed to respond to their complaints or have done so only cursorily, even when violent attacks have followed the threats. According to Maldivian Democracy Network, a human rights group, the authorities have failed “to

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<sup>8</sup> ‘Maldives 2018 Human Rights Report in Annual Country Reports on Human Rights Practices’, US State Department, March 2019, <https://mv.usmission.gov/wp-content/uploads/sites/212/HR-report-2018-Maldives-English.pdf>.

<sup>9</sup> Press Release from the Maldives Attorney General’s office, 27 March 2019, <https://bit.ly/2i1UIBA>.

<sup>10</sup> ‘Freedom in the World 2019: Maldives entry’, Freedom House, <https://freedomhouse.org/report/freedom-world/2019/maldives>.

acknowledge or identify HRDs at risk or introduce special mechanisms” to protect them.<sup>11</sup>

- 3.3** Extremist groups in the Maldives, often endorsing violent ultra-nationalist or Islamist ideology, have also harassed and attacked journalists, activists and HRDs for publishing material and expressing views they deem as offensive to Islam, advocating for the rights of religious minorities, opposing the imposition of the death penalty and other Sharia-prescribed punishments, such as corporal punishment, or promoting the rights of LGBTQI people or other political causes the groups oppose.<sup>12</sup>
- 3.4** In April 2017, prominent HRD and social media activist Yameen Rasheed was found stabbed to death outside his home. Rasheed had been a vocal critic of rising religious extremism, human rights abuses, injustice and government corruption in the Maldives. He had received multiple death threats before his murder, which he had reported to the police, but no action was taken.<sup>13</sup> His murder created a chilling effect throughout Maldivian civil society. Despite the arrests of six suspects,<sup>14</sup> for more than a year there was no effective investigation into his murder.<sup>15</sup> Further, preliminary hearings from September 2017 to April 2018 were held behind closed doors and his family was denied access. The first open hearing took place in late July 2018 but his family was only allowed into the courtroom in October 2018, after the September 2018 presidential election.<sup>16</sup> The trial is ongoing at the time of writing.
- 3.5** On 2 April 2018, Shahindha Ismail, an HRD and Executive Director of the Maldivian Democracy Network, was accused of blasphemy by the police for allegedly criticising Islam in a Twitter post in December 2017.<sup>17</sup> The politically motivated investigation under the Religious Unity Act<sup>18</sup> appeared to be an attempt by the authorities to obstruct her legitimate work as an HRD. Shahindha also received death threats and calls for violence against her via Twitter and Facebook after a news website, Vaguthu

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<sup>11</sup> ‘Police Reforms in the Maldives: A Compilation (2019)’, Maldivian Democracy Network, April 2019, <http://mdn.mv/police-reforms-in-the-maldives-a-compilation-2019>.

<sup>12</sup> ‘An All-Out Assault on Democracy: Crushing Dissent in the Maldives’, Human Rights Watch, 16 August 2018, <https://www.hrw.org/report/2018/08/16/all-out-assault-democracy/crushing-dissent-maldives>.

<sup>13</sup> ‘Maldives: One year later, no justice for Yameen Rasheed’, CIVICUS, 23 April 2018, <https://www.civicus.org/index.php/media-resources/media-releases/3137-maldives-one-year-later-no-justice-for-yameen-rasheed>.

<sup>14</sup> ‘RSF calls for open trial of Maldivian blogger’s accused murderers’, Reporters Without Borders, 23 April 2018, <https://rsf.org/en/news/rsf-calls-open-trial-maldivian-bloggers-accused-murderers>.

<sup>15</sup> ‘Maldives: New government must break with repressive past’, Amnesty International, 25 April 2018, <https://www.amnesty.org/en/latest/news/2018/09/maldives-new-government-must-break-with-repressive-past>.

<sup>16</sup> ‘Maldives: Political change offers opportunity for human rights reforms’, op. cit.

<sup>17</sup> On 20 December 2017, then-President Yameen said in a public speech that because Islam was the only religion in the Maldives, there was no room for any other religion. Ismail responded on Twitter: “Religions other than Islam exist in the world because Allah has made it possible. No other religion would exist otherwise, is it not?”

<sup>18</sup> The Religious Unity Act criminalises actions that “may lead to religious conflict in the Maldives,” which can lead to a prison sentence of up to five years.

Online, accused Shahindha of advocating for other religions in the Maldives and branded her an apostate.<sup>19</sup> Other activists have also been accused of blasphemy.<sup>20</sup>

- 3.6** Journalist have also been targeted. In March 2017, journalists from private broadcaster Raajje TV reported to the Maldives Police Service that they had received threats that they would be killed if they sent journalists to the administrative division, Faafu Atoll, to cover a visit by the King of Saudi Arabia, but they did not receive any protection.<sup>21</sup> In May 2017 Maldivian social media activist Thayyib Shaheem spent almost one month on remand in Dhoonidhoo island prison. He was accused of “spreading panic” on social media after he criticised a development project in Maldives.<sup>22</sup>
- 3.7** In February 2018, journalists were targeted as part of nationwide crackdown after a state of emergency was declared. The widespread crackdown on dissent began when the Supreme Court ordered the release of detained opposition leaders. This decision led to a state of emergency and the arbitrary arrest of judges, scores of opposition politicians and activists as well as the use of unnecessary force by police to disperse peaceful demonstrations. On 3 February 2018, Raajje TV journalist Murshid Abdul Hakeem was arrested while covering a mass protest in Malé, the capital. Police officers tackled Murshid, pinned him to the ground, handcuffed him and dragged him away.<sup>23</sup> At least a dozen journalists were injured while covering protests, with reporters being arrested and ill-treated. There has been no independent investigation into the violations.<sup>24</sup>

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<sup>19</sup> ‘An All-Out Assault on Democracy: Crushing Dissent in the Maldives’, op. cit.

<sup>20</sup> Aishath Velezinee, an outspoken whistleblower, was arrested in November 2018 upon her return to the Maldives after living away from the country for several years. Velezinee is accused of “mocking Islam and leaving the principles of Islam.” See ‘Whistleblower declared an apostate arrested on return to Maldives’, Maldives Independent, 14 November 2018, <https://maldivesindependent.com/society/whistleblower-declared-an-apostate-arrested-on-return-to-maldives-142644>.

<sup>21</sup> ‘Maldives: Alarming crackdown on protests and media ahead of Saudi Arabian King’s visit’, Amnesty International, 21 March 2017, <https://www.amnesty.org/download/Documents/ASA2959252017ENGLISH.PDF>.

<sup>22</sup> ‘Urgent Action further information: Social media activist released from prison’, Amnesty International, 31 March 2017, <https://www.amnesty.org/en/documents/asa29/6835/2017/en>.

<sup>23</sup> ‘RaajjeTV condemns the violent arrest of journalist Murshid’, Raajje.Mv, 4 March 2018, <https://raajje.mv/en/news/27951>.

<sup>24</sup> Ahmed Zareer of Raajje TV was beaten on the chest and legs and allegedly sexually abused by the police. Hussain Hassan of Raajje TV was ill-treated and strangled by the police before being taken to the police station, where he was beaten before being taken to hospital. Hussain Waseem, video journalist for V Media, sustained injuries to his back and was left unable to walk due to police beatings. Leevan Ali Nasir, video journalist for V Media, was beaten and arrested. Ahmed Dilah, Ibrahim Fauzan and Mohamed Rasheed, camera operators for V Media, were heavily pepper sprayed and had difficulty breathing. Abdulla Yaameen, video journalist for Sangu TV, had a pepper spray canister that was sprayed heavily placed inside his mouth, resulting in breathing difficulties, and sustained a blow to his chest by a policeman who used his knee. See ‘Repression in Paradise: Assault on fundamental freedoms in the Maldives’, CIVICUS, April 2018, <https://www.civicus.org/documents/PolicyBrief.MaldivesApril2018.pdf>.

- 3.8** Ahmed Rilwan, a journalist with the Maldives Independent newspaper, was likely abducted in August 2014 and remains missing. Two men were accused of forcing Rilwan into a car at knifepoint outside his home in Hulhumalé on 8 August 2014.<sup>25</sup> In August 2018, the Criminal Court acquitted the two individuals. The weak police investigation into Rilwan’s case and concerns about the credibility of the trial raised serious questions about the willingness of the state to bring the perpetrators to justice.<sup>26</sup>
- 3.9** In November 2018, incoming President Solih established a Presidential Commission to probe unresolved murders and disappearances, including the cases of Yameen Rasheed and Ahmed Rilwan. The commission was mandated with conducting “a free, independent and trustworthy investigation” into cases that occurred between 1 January 2012 and 17 November 2018 and were “not properly investigated for various reasons.”<sup>27</sup> On 2 September 2019, the Commission revealed that a local affiliate of the terrorist group al-Qaeda was behind the abduction and murder of Rilwan and various authorities had been involved in its cover-up.<sup>28</sup>
- 3.10** In January 2019, journalist Aishath Aniya was questioned by the police following her comments about a mosque being built in Malé with funds from the Saudi government. She was also targeted and threatened by extremists, online.<sup>29</sup> In August 2019, the Observatory for the Protection of Human Rights Defenders reported that at least 15 HRDs, including journalists, lawyers and CSO workers, have been subjected to repeated acts of harassment and intimidation online since the new government took office in November 2018 and condemned the lack of action by law enforcement agencies to investigate and respond to these threats.<sup>30</sup>

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<sup>25</sup> ‘Maldives: Still no justice for abducted Maldives journalist’, CIVICUS, 2 August 2018,

<https://www.civicus.org/index.php/media-resources/news/3355-maldives-still-no-justice-for-abducted-maldives-journalist>.

<sup>26</sup> ‘In Maldives, Suspects Are Cleared in Disappearance of Prominent Journalist’, New York Times, 2 August 2018, <https://www.nytimes.com/2018/08/02/world/asia/maldives-ahmed-rilwan-abdulla-disappearance.html>.

<sup>27</sup> ‘Presidential commissions to probe corruption and unresolved murders’, Maldives Times, 20 October 2018, <https://maldivestimes.com/presidential-commissions-to-probe-corruption-and-unresolved-murders>.

<sup>28</sup> ‘Rilwan killed by Maldives group linked to al-Qaeda, presidential commission reveals’, Maldives Independent, 1 September 2019, <https://maldivesindependent.com/crime-2/rilwan-killed-by-maldives-group-linked-to-al-qaeda-presidential-commission-reveals-147705>.

<sup>29</sup> ‘Three questioned in hate speech probe’, Maldives Independent, 14 January 2019, <https://maldivesindependent.com/crime-2/three-questioned-in-hate-speech-probe-143460>.

<sup>30</sup> According to the World Organisation Against Torture, HRDs who have advocated for the respect of human rights, gender equality and accountability for violations, as well as those who have expressed their support for religious tolerance, have been especially targeted. Online news outlet Vaguthu Online, Facebook page Siru Arts and the now defunct Telegram channel Murtad Watch (‘Apostate Watch’) Mv have been the preferred platforms for religious extremists to attacks HRDs and label them as ‘un-Islamic’, ‘anti-religious’ and ‘apostates’. See ‘Maldives: Open letter to President Solih: Take action to stop the ongoing threats against HRDs’, International Federation for Human Rights, 8 August 2019, <https://www.fidh.org/en/issues/human-rights-defenders/maldives-open-letter-to-president-solih-take-action-to-stop-the>.

**3.11** In a positive move for HRDs, the government has proposed a bill to protect whistleblowers. The bill is currently at the committee stage in parliament and is reportedly in line with international good practices on whistleblower protection.<sup>31</sup> Further, in June 2019, the Legal Professions Bill was passed, which will enable the establishment of an independent Bar Association to regulate lawyers.<sup>32</sup> Previously, the Supreme Court was the main authority overseeing the legal profession and would suspend human rights lawyers who were critical of the judiciary.

#### **4. Freedom of expression and independence of the media**

**4.1** Under the 2<sup>nd</sup> UPR cycle, the government received six recommendations relating to the freedom of expression and access to information. For example, the government pledged to “uphold freedoms, including freedoms of speech” and “take concrete measures to guarantee freedom of expression and the media.” All six recommendations were accepted, but as discussed below, the government has only partially implemented them.

**4.2** Article 19 of the ICCPR guarantees the right to freedoms of expression and opinion. Article 27 of the Maldives Constitution provides for the right to the freedom of thought and the freedom to communicate opinions and expression in a manner that is not contrary to any tenet of Islam. This constitutional limitation on the freedoms of expression and opinion stands at odds with international human rights norms. Article 28 of the Constitution protects the freedom of the media and protects journalistic sources while article 29 of the Constitution protects the freedom of acquiring and imparting knowledge.<sup>33</sup> However, in policy and practice the freedom of expression has been undermined and there have been attacks on government critics and independent media as well as attempts to censor media.

**4.3** The Anti-Defamation and Freedom of Expression Act, enacted in 2016, re-criminalised defamation.<sup>34</sup> The Act was systematically used against the media, opposition activists and dissidents. The Act established heavy fines and jail terms for content or speech that “contradicts a tenet of Islam, threatens national security, contradicts social norms, or encroaches on another’s rights, reputation, or good name”.<sup>35</sup> The Act empowered the Maldives Broadcasting Commission (MBC) and the

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<sup>31</sup> ‘Parliament accepts whistleblower protection law’, Maldives Independent, 10 December 2018, <https://maldivesindependent.com/politics/parliament-accepts-whistleblower-protection-law-143113>.

<sup>32</sup> ‘Parliament passes Legal Professions Bill’, The Edition, 26 June 2019, <https://edition.mv/news/11216>.

<sup>33</sup> Constitution of the Republic of Maldives, op. cit.

<sup>34</sup> Maldives first decriminalised defamation in November 2009 under the former President Mohammad Nasheed. See ‘Maldives commended for decriminalizing defamation’, President’s Office, 3 December 2009, <https://presidency.gov.mv/Press/Article/748>.

<sup>35</sup> The 2016 law criminalised defamation and imposed hefty fines for news outlets, journalists, or individuals who were found guilty. The fines ranged from MVR 50,000 to 2 million (approx. US\$3,200 to US\$130,000) for media outlets, and from MVR 50,000 to 150,000 (approx. US\$3,200 to US\$9,600) for individual journalists. Those convicted could appeal only after first paying the fine. Media outlets that failed to pay the fines could

Maldives Media Council as the principal authorities to receive complaints, investigate them and act against media outlets and journalists in cases of defamation allegations.

- 4.4** In 2017, the MBC fined MediaNet, a cable TV service provider, MVR 500,000 (approx. US\$32,000) for not preventing the broadcast of an Al Jazeera documentary, 'Stealing Paradise', which exposed systematic corruption, abuse of power and criminal activities at the highest levels of the Maldives' government. In addition to the fine, the MBC ordered MediaNet to issue a public apology for broadcasting content that "threatened national security."<sup>36</sup> The defamation law was also repeatedly used in politically motivated cases to target Raajje TV. On 8 August 2018, Raajje TV was imposed with a fine of MVR 2 million (approx. US\$130,000) under the Act, for live broadcasting a politician's speech from an opposition demonstration.<sup>37</sup> The heavy fine was the fourth imposed on Raajje TV.<sup>38</sup>
- 4.5** In a positive move by President Ibrahim Solih, after taking power in November 2018, the Maldives' Parliament passed a bill on 14 November 2018 to repeal the draconian Anti-Defamation and Freedom of Expression Act.<sup>39</sup>
- 4.6** Other moves were made to influence or intimidate the media by the previous government. In June 2016, Ismail Rasheed, the editor of a popular website Channel News Maldives, said attempts had been made by the authorities to take over the company and change it into a pro-government news website. When this failed it was forced to shut down.<sup>40</sup> In September 2016, police raided the premises of the Maldives Independent newspaper, on the basis that it was suspected of involvement in a coup plot. The raid took place hours after the premiere of the 'Stealing Paradise' documentary, in which the newspaper's editor was interviewed.<sup>41</sup>
- 4.7** The previous government also used the 2015 Anti-Terrorism Act, with its overly broad and ambiguous provisions, to prosecute government critics. The law includes

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have their licenses suspended or revoked; journalists who failed to pay faced prison terms of between three and six months.

<sup>36</sup> 'An All-Out Assault on Democracy: Crushing Dissent in the Maldives', op. cit.

<sup>37</sup> 'Maldives: Ahead of elections, abuse of laws crippling Maldives' nascent democracy says rights group' CIVICUS Monitor, 27 August 2019, <https://monitor.civicus.org/newsfeed/2018/08/27/ahead-elections-abuse-laws-crippling-maldives-nascent-democracy-says-rights-group>.

<sup>38</sup> 'RSF seeks press freedom pledges from Maldives presidential candidates', Reporters Without Borders, 12 September 2018, <https://rsf.org/en/news/rsf-seeks-press-freedom-pledges-maldives-presidential-candidates>.

<sup>39</sup> 'Criminal defamation law repealed but those expressing critical views still at risk', CIVICUS Monitor, 30 January 2019, <https://monitor.civicus.org/newsfeed/2019/01/30/criminal-defamation-law-repealed-those-expressing-critical-views-still-risk>.

<sup>40</sup> 'RSF calls on Maldives to stop dismantling critical media', Reporters Without Borders, 30 June 2016, <https://rsf.org/en/news/rsf-calls-maldives-stop-dismantling-critical-media>.

<sup>41</sup> 'Annual Report 2017/2018: Maldives', Amnesty International, <https://www.amnesty.org/en/countries/asia-and-the-pacific/maldives/report-maldives>; 'Corruption report sends Maldives journalist into flight', Index on Censorship, 24 January 2018, <https://www.indexoncensorship.org/2018/01/corruption-report-sends-maldives-journalist-into-flight>.

as acts of terrorism “disrupting public services” for the purpose of “exerting an undesirable influence on the government or the state.” Of the scores of opposition figures and activists detained during the 2018 state of emergency, most were charged with committing “acts of terrorism.”<sup>42</sup> Amendments to the anti-terrorism law made in September 2019 have raised free speech and due process concerns. Amendments include clauses on the possession of photos and literature deemed supportive of terrorism and giving wider discretion to the police, including powers to arrest suspects and enter a private property without a court warrant.<sup>43</sup>

**4.8** Since the change of government in November 2018, the space has opened up for the freedom of expression and media freedoms. However, many still face threats and intimidation when discussing topics related to religion. In one incident, in January 2019, Ibrahim Ismail, the chairman of Mandhu College in the Maldives and a former lawmaker, came under attack for expressing his religious views. Ibrahim made critical comments after a magistrate on Naifaru island sentenced a woman to death by stoning for adultery. His remarks prompted a group of around 30 unidentified assailants to break the glass on his school’s main door. There were also open threats from Islamist groups that accused him of blasphemy and set up a social media campaign to track his movements.<sup>44</sup>

## 5. Freedom of peaceful assembly

**5.1** During the Maldives’ examination under the 2<sup>nd</sup> UPR cycle, the government received one recommendation on the right to freedom of peaceful assembly, which it accepted. The government committed to “uphold freedoms essential for a stable democracy, including freedoms of assembly.” However, as evidenced below, the government has failed to realise this recommendation adequately. However, the new government has made some positive moves on the freedom of peaceful assembly, partially implementing the recommendation.

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<sup>42</sup> ‘Maldives: Ahead of elections, abuse of laws crippling Maldives’ nascent democracy says rights group’, op. cit.; ‘Maldives Government abuses anti-terror law to silence public officials’, International Commission of Jurists, 29 March 2016, <https://www.icj.org/maldives-government-abuses-anti-terror-law-to-silence-public-officials>.

<sup>43</sup> The changes include new provisions that would criminalise forms of speech in support of terrorist groups as well as organising rallies or meetings in support of such organisations. The sporting of banners, photos, literature, or clothes deemed a declaration of support for terrorist organisations would also be criminalised with jail sentences of up to five years. The amendments also propose granting wider discretion to the police, including powers to arrest suspects and enter private property without a court warrant. The suspects could also be detained for 48 hours before being presented to court. See ‘Maldives government seeks sweeping counter-terrorism powers’, Maldives Independent, 12 September 2019, <https://maldivesindependent.com/politics/maldives-government-seeks-sweeping-counter-terrorism-powers-147937>; ‘Parliament approves changes to anti-terror law’, Maldives Independent, 12 September 2019, <https://maldivesindependent.com/politics/parliament-approves-changes-to-anti-terror-law-148242>.

<sup>44</sup> ‘Criminal defamation law repealed but those expressing critical views still at risk’, op. cit.

- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 32 of the Maldives Constitution provides for the right to the freedom of peaceful assembly without prior permission of the state. However, in practice and policy, this right has been restricted through arbitrary arrests and excessive use of force against protesters.
- 5.3** The Freedom of Peaceful Assembly Act 2013 imposes undue limitations on assemblies and gives the police wide discretion in granting permission.<sup>45</sup> The Act also allows the police to restrict demonstrations to designated areas and limits access by journalists.
- 5.4** Further, rather broadly, article 9(1)(b) states that an assembly is not considered peaceful and is therefore forbidden “if the things said or behaviour of certain people at an assembly draws resentment from other people or if it disturbs other people or if it is deemed unacceptable for other people.” Article 9(1)(b) sets up almost impossible criteria, which goes way beyond acceptable international limitations on peaceful assembly.
- 5.5** Article 24(a) requires prior written permission from the Maldives Police Service, in consultation with the Maldives National Defence Force, for any type of assembly near the headquarters of the Maldivian National Defence Force, other National Defence Centres, the Maldives Police Service headquarters, the President’s and Vice President’s official residences, and the Maldives Monetary Authority’s head offices. The Act does not stipulate any grounds for deciding on whether assemblies should be allowed and it does not allow for an impartial review of the decision. Article 24(c) forbids assemblies that are less than 50 feet away from mosques, schools, all police stations except the headquarters, courts of law, the President’s Office, People’s Maljīs (parliament) and diplomatic missions. Also, article 24(e) bans protests outside private residences. The law does not give any justification for this arbitrary restriction. Article 24(a)(7) also places a ban on assemblies within the vicinity of tourist resorts, ports and airports.
- 5.6** Article 54 only gives the right to accredited reporters to document protests and subsection (c) protects them from police interference and proscribes damage to their equipment. However, if accredited reporters do not maintain sufficient physical distance from a protest and behave in such a way that they could be misconstrued as protesters then they lose their special protection. For non-journalists, article 57(a) of the Act restricts the right to gather, store and record an assembly to individuals who represent government organisations, entities protecting human rights and independent organisations. Section 57(b) notes that these individuals must identify themselves to the police beforehand, unfairly restricting who has the right to document protests.

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<sup>45</sup> 2013 Freedom of Peaceful Assembly Act,  
<http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/106007/129796/F1856810830/MDV106007.pdf>.

- 5.7** In 2016, the government amended the law to impose further restrictions. The amendments require that any gatherings held in Malé must obtain prior permission from the police, unless the gathering is held at a location preapproved by the Ministry of Home Affairs, limited to one closed-off location in the city. According to international watchdog groups, these restrictions have rendered the right to the freedom of peaceful assembly meaningless under the law.<sup>46</sup>
- 5.8** In April 2016, 16 journalists were arrested after staging a peaceful protest against the defamation law outside the President's Office. On 24 July 2017, the military used pepper spray and teargas to disperse parliamentarians trying to enter Parliament.<sup>47</sup> On 8 August 2017, a march led by relatives and friends of Ahmed Rilwan to mark the third anniversary of his disappearance was blocked by police officers who used pepper spray, snatched banners, tore up placards and briefly detained nine people.<sup>48</sup>
- 5.9** Violations of the right to peaceful assembly, including arbitrary arrests and excessive use of force by the police, escalated during the mass protests in February 2018 after the Supreme Court ruling (see above). On 2 February 2018, opposition activists gathered outside the Maldivian Democratic Party headquarters in Malé. Police wearing riot gear and armed with batons and shields arrived and ordered the crowd to disperse and return home. When they refused, police fired teargas canisters and used excessive force to disperse them. On 16 February 2018, thousands gathered all across the island to demand the arrest of President Yameen and the release of opposition leaders. Many were pepper sprayed and beaten by riot police. At least 25 people, including two journalists, Hussain Hassan and Leevaan Naseer, were detained by security forces.<sup>49</sup> The Maldivian Democracy Network also documented that at least 12 journalists suffered injuries.<sup>50</sup>
- 5.10** On 18 March 2018, at least 139 peaceful protesters were detained as they attempted to defy the state of emergency and march in Malé. Witnesses said that masked special operations police officers arrested protesters, while riot police charged with shields and used pepper spray and teargas to break up the protests. During an opposition protest on 23 March 2018, protester Abdullah Saleem suffered an epileptic episode after being pepper sprayed by the police at very close proximity. He subsequently went into a coma and was unconscious for two days.<sup>51</sup> No one has been held to account for the violence during these protests.

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<sup>46</sup> 'An All-Out Assault on Democracy: Crushing Dissent in the Maldives', op. cit.

<sup>47</sup> 'Maldives: Arrest of 16 journalists threatens freedom of the press', Amnesty International, 4 April 2016, <https://www.amnesty.org/en/documents/asa29/3773/2016/en>.

<sup>48</sup> 'Annual Report 2017/2018: Maldives', Amnesty International, op. cit.

<sup>49</sup> 'Maldives: Protesters and journalists arrested and ill-treated under state of emergency', CIVICUS Monitor, 19 January 2019, <https://monitor.civicus.org/newsfeed/2018/02/19/protesters-and-journalists-arrested-and-ill-treated-under-state-emergency>.

<sup>50</sup> 'Press Release on the use of disproportionate, violent force by Police against journalists and demonstrators on 16 February 2018', Maldivian Democracy Network, 18 February 2018, <http://mdn.mv/press-release-on-the-use-of-disproportionate-violent-force-by-police-against-journalists-and-demonstrators-on-16-february-2018>.

<sup>51</sup> 'Repression in Paradise: Assault on fundamental freedoms in the Maldives', op. cit.

**5.11** Since the new government came to power in November 2018, restrictions against peaceful protests have reduced drastically. Further, there have been moves in Parliament to remove the 2016 amendments (see Section 5.7).<sup>52</sup> Nevertheless, in February 2019, supporters of former President Yameen were pepper sprayed inside a hospital in Malé, to which he was brought for treatment from prison where he was detained on charges of money laundering.<sup>53</sup> In March 2019, an anti-India protest in Malé was not allowed to go ahead after the city council revoked a permit to use the artificial beach area and requested police assistance.<sup>54</sup>

## **6. Recommendations to the Government of the Maldives**

CIVICUS and FORUM-ASIA call on the Government of the Maldives to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and UN Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate with the UN and international human rights mechanisms, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

### **6.1 Freedom of association**

- Take measures to foster a safe and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the freedom of association.
- Remove all undue restrictions on the ability of CSOs to receive international and domestic funding, in line with the best practices articulated by the UN Special

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<sup>52</sup> 'Raft of legislation submitted to reverse draconian laws', Maldives Independent, 18 August 2019, <https://maldivesindependent.com/politics/raft-of-legislation-submitted-to-reverse-draconian-laws-147394>.

<sup>53</sup> 'Opposition protesters demand release of ex-president Yameen', Maldives Independent, 21 February 2019, <https://maldivesindependent.com/politics/opposition-protesters-demand-release-of-ex-president-yameen-143915>.

<sup>54</sup> 'Maldives: Civil society urges new parliament to empower commission to probe murder and disappearances', CIVICUS Monitor, 20 May 2019, <https://monitor.civicus.org/newsfeed/2019/05/20/presidential-commission-lacking-powers-address-murder-and-disappearance-blogger-and-journalist>.

Rapporteur on the rights to peaceful assembly and of association and relevant UN Human Rights Council resolutions (A/HRC/RES/32/31).

- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of CSOs, HRDs, journalists, political activists and others.
- Amend the 2003 Associations Act and the Regulation on Associations 2015/R-180 to remove all undue restrictions on the freedom of association, in accordance with article 21 and 22 of ICCPR. Consult meaningfully with civil society in any review of these laws and regulations.
- Guarantee the effective and independent functioning of autonomous trade unions and remove undue limitations on the right to strike in various sectors, in line with international standards, particularly International Labour Organization conventions No. 87 and No. 98.

## **6.2 Protection of human rights defenders**

- Create a safe, secure and enabling environment, through legislation and policy, for HRDs, CSOs, journalists and the media to carry out their work without fear of reprisals, attacks, harassment and intimidation. Conduct impartial, thorough and effective investigations into all allegations of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment.
- Repeal or amend all legalisation and decrees that unwarrantedly restrict and criminalise the legitimate work of HRDs, in line with the UN Declaration on Human Rights Defenders.
- Publicly condemn at the highest levels instances of harassment and intimidation of HRDs and CSOs.
- Adopt legislation that guarantees recognition and protection of the legitimate work of HRDs, in accordance with UN Human Rights Council resolution 27/31.

## **6.3 Freedom of expression and independence of the media**

- Ensure the freedom of expression and media freedom, both online and offline, by bringing all national legislation into line with international law and standards.
- Review the 1994 Religious Unity Act and ensure amendments to the 2015 Anti-Terrorism Act comply fully with international standards and best practices on the freedom of expression.
- Repeal all legislation that criminalise blasphemy, in conformity with article 19 of the ICCPR.
- Ensure that journalists and writers are able to work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Take appropriate measures in law and policy, in line with international standards, to combat hate speech and prevent attacks and intimidation, both online and offline, against religious and sexual minorities, as well as those who advocate for their protection and rights, by both state and non-state actors, investigate all allegations of such attacks and hold the perpetrators accountable.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.

#### **6.4 Freedom of peaceful assembly**

- Amend the Freedom of Peaceful Assembly Act 2013 in order to guarantee fully the right to the freedom of peaceful assembly, in conformity with international standards and best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 report.
- Drop all pending cases against peaceful protesters, HRDs and journalists who are facing criminal charges for exercising their right to the freedom of peaceful assembly.
- Conduct impartial, transparent and credible investigations into all allegations of the use of excessive force by security forces, particularly during the 2018 mass demonstrations that followed the imposition of the state of emergency.

#### **6.5 Access to UN Special Procedures mandate holders**

- The Government should prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association;

## **6.6 The state's engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the UN Human Rights Council on the implementation of the recommendations of this session.

## Annex: Assessment of implementation of civic space recommendations under the 2<sup>nd</sup> cycle

Recommendation	Position	Full List of Themes	Assessment/Comments on level of implementation
<b>Theme: D45 Freedom of association</b>			
141.84 Take concrete measures to guarantee freedom of expression and the media and to address limitations in the existing law governing the operation of civil society organizations (Netherlands);  <b>Source of position:</b> A/HRC/30/8/	Accepted	D45 Freedom of association  <b>Affected persons:</b>  - CSOs	Status: Partially implemented Source: Paragraph: 2.1-2.9
141.89 Develop and implement specific laws, policies and mechanisms that recognize and protect the work of civil society, human rights defenders and journalists (Norway);  <b>Source of position:</b> A/HRC/30/8/	Accepted	D45 Freedom of association  <b>Affected persons:</b>  - CSOs	Status: Partially implemented Source: Paragraph: 2.1-2.9
<b>Theme: H1 Human rights defenders</b>			
141.89 Develop and implement specific laws, policies and mechanisms that recognize and protect the work of civil society, human rights defenders and journalists (Norway);  <b>Source of position:</b> A/HRC/30/8/	Accepted	H1 Human rights defenders  <b>Affected persons:</b>  - journalists  - HRDs	Status: Partially implemented Source: 3.1-3.11
141.90 Ensure a safe environment for civil society participation, particularly the protection of persons contributing to the work of the Human Rights Council (Paraguay);  <b>Source of position:</b> <b>Source of position:</b> A/HRC/30/8/	Accepted	H1 Human rights defenders  <b>Affected persons:</b>  - HRDs	Status: Partially implemented Source: 3.1-3.11

<p>143.60 Develop and implement laws, policies and mechanisms that ensure full protection of all journalists and human rights defenders against attacks and reprisals (Latvia);</p> <p><b>Source of position:</b>  <b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <p>- HRDs</p>	<p>Status: Partially implemented  Source: 3.1-3.11</p>
<p>143.61 Take appropriate measures to fully guarantee the safety of journalists and human rights defenders so that they can carry out their activities without fear of persecution or restriction (Republic of Korea);</p> <p>Source of position:  A/HRC/30/8/Add.1</p>	Accepted	<p>H1 Human rights defenders</p> <p>Affected persons:</p> <p>- HRDs  - media</p>	<p>Status: Partially implemented  Source 3.1-3.11</p>
<p>143.62 Ensure an enabling environment for the activities of journalists, human rights defenders and the other civil society actors (Tunisia);</p> <p><b>Source of position:</b>  A/HRC/30/8/Add.1</p>	Accepted	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <p>- HRDs</p>	<p>Status: Partially implemented  Source: 3.1-3.11</p>
<p>143.63 Create and maintain, in law and in practice, a safe and enabling environment, in which human rights defenders and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council resolutions 22/6 and 27/31 (Ireland);</p> <p><b>Source of position:</b>  A/HRC/30/8/Add.1</p>	Accepted	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <p>- HRDs</p>	<p>Status: Partially implemented  Source: 3.1-3.11</p>
<p>143.64 Protect human rights defenders and ensure their right to exercise their work without restrictions (Timor-Leste);</p> <p><b>Source of position:</b>  A/HRC/30/8/Add.1</p>	Accepted	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <p>- HRDs</p>	<p>Status: Partially implemented  Source: 3.1-3.11</p>

<p>143.65 Take measures aimed at diminishing threats and intimidation against journalists and civil society, as well as opponents against the Government (Trinidad and Tobago);</p> <p><b>Source of position:</b> A/HRC/30/8/Add.1</p>	Accepted	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 3.1-3.11</p>
<p>143.66 Take urgent action to protect human rights defenders, non-governmental organizations and journalists, and to investigate and prosecute all who threaten them (United Kingdom of Great Britain and Northern Ireland);</p> <p><b>Source of position:</b> A/HRC/30/8/Add.1</p>	Accepted	<p>H1 Human rights defenders</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 3.1-3.11</p>
<p><b><i>Theme: D43 Freedom of opinion and expression</i></b></p>			
<p>141.82 Ensure respect for freedom of opinion and expression (France);</p> <p><b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>D43 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> <li>- government critics</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 4.1-4.8</p>
<p>141.83 Uphold freedoms essential for a stable democracy, including freedoms of speech and assembly (Australia);</p> <p><b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>D43 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> <li>- government critics</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 4.1-4.8</p>
<p>141.84 Take concrete measures to guarantee freedom of expression and the media (Netherlands);</p> <p><b>Source of position:</b> A/HRC/30/8</p>	Accepted	<p>D43 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> <li>- media</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 4.1-4.8</p>

<p>141.85 Increase measures to promote and protect freedom of expression in the country (Spain);</p> <p><b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>D43 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> <li>- media</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 4.1-4.8</p>
<p>141.87 Strengthen efforts to protect freedom of expression, including the safety of journalists (Greece);</p> <p><b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>D43 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> <li>- media</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 4.1-4.8</p>
<p>141.88 Guarantee freedom of expression in all its forms and ensure investigations into attacks against journalists and the media and bring those responsible to justice (Switzerland);</p> <p><b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>D43 Freedom of opinion and expression</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- HRDs</li> <li>- media</li> </ul>	<p>Status: Partially implemented</p> <p>Source: 4.1-4.8</p>
<p><b>Theme: D44 Right to peaceful assembly</b></p>			
<p>141.83 Uphold freedoms essential for a stable democracy, including freedoms of speech and assembly (Australia);</p> <p><b>Source of position:</b> A/HRC/30/8/</p>	Accepted	<p>D44 Right to peaceful assembly</p> <p><b>Affected persons:</b></p> <ul style="list-style-type: none"> <li>- protesters</li> </ul>	<p>Status: Partially implemented</p> <p>Source: Paragraph: 5.1-5.11</p>