



## THE SITUATION OF HUMAN RIGHTS DEFENDERS

# MALDIVES

UPR Briefing Paper - August 2014

In its last Universal Periodic Review (UPR) in November 2011, the Republic of the Maldives (Maldives) did not receive any direct recommendations relating to human rights defenders (HRDs). However, it committed to creating an enabling environment to promote the freedom of the media. This included taking all measures necessary to ensure full respect for freedom of expression and to guarantee journalists the right to practice their profession freely. Regarding government's engagement with civil society, the Maldives committed to continue to consult with civil society in the follow-up to the review.

These commitments, however, have not been fulfilled. HRDs, journalists and legal practitioners face attacks, criminalisation and legal restrictions, illustrating the need for specific recommendations regarding the recognition and protection of HRDs during this cycle.

### RISKS FACING HUMAN RIGHTS DEFENDERS

- Protesters were arrested and detained after the ousting of President Mohamed Nasheed in 2012, because they called out the word 'Baaghee' (meaning 'traitor') at law enforcement personnel.<sup>1</sup>
- Amnesty International states that during the same period, 'supporters of religious tolerance were attacked, and police or judicial authorities failed to bring the perpetrators to justice'. It was reported that 'security forces frequently attacked peaceful demonstrators, including Members of Parliament (MPs), and journalists'.<sup>2</sup>
- The UN Human Rights Committee, expressed concern 'at alleged frequent attempts at interference and obstruction of the media in the state party' and that journalists were being harassed and intimidated.<sup>3</sup>
- In June 2014, several young men were abducted by a vigilante mob. They were isolated and interrogated on the identities of administrators of Facebook groups advocating for secularism. The Maldivian Democratic Party (MDP) condemned the abductions and added that the hostages were even threatened with death.<sup>4</sup>
- The Maldives has plummeted to 108th place in the 2014 Reporters Without Border Press Freedom

Index. This is a fall of 35 places and a return to pre-2008 levels.<sup>5</sup>

- Judges have reported a difficult working environment. Contempt of court is frequently used as an excuse to curtail the freedom of expression of lawyers. The Supreme Court has reportedly promulgated a regulation limiting the ability of lawyers to speak freely on decisions taken by the courts.<sup>6</sup>

### OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- The Parliament passed the Freedom of Peaceful Assembly Act in December 2012. This Act is concerning as it restricts the working space of journalists by requiring specific accreditation to cover any protests, demonstrations and assemblies.<sup>7</sup>
- In 2013, non-governmental organisation Transparency Maldives was investigated by the Ministry of Home Affairs for so-called 'unlawful acts', amid warnings from the Minister of Home Affairs and Registrar of NGOs that 'NGOs acting outside the law will be dissolved'.<sup>8</sup>
- In July 2014, the Supreme Court enacted new regulations allowing courts to initiate legal proceedings and punish individuals for any action, gesture or writing 'inside or outside a courtroom'

that could be considered contempt of court. Moreover, this law restricts the right to appeal on a verdict of a contempt case, a right that is guaranteed under the Constitution.<sup>9</sup> This could exacerbate the criminalisation of HRDs.

## INTIMIDATION AND REPRISALS AGAINST DEFENDERS ACCESSING INTERNATIONAL HUMAN RIGHTS MECHANISMS

- The UN Secretary General's 2012 report on reprisals stated that the Human Rights Committee had been informed of threats – including death threats – made to members of non-governmental organisations who had provided reports on the human rights situation in the Maldives. The Committee noted that, while the threats may have been made by non-State actors, they engage the responsibility of the State to investigate and ensure accountability for such reprisals and take steps to prevent recurrences.<sup>10</sup>

## HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- Minivan News journalist Ahmad Rilwan Abdullah disappeared on 8 August 2014. Rilwan's disappearance is of particular concern given that 15 journalists have reported receiving death threats through anonymous text messages in the first week of August 2015 alone.<sup>11</sup>
- HRDs that advocate for rights such as freedom of religion are particularly vulnerable. Mr. Ismail Rasheed, a journalist and advocate in favour of freedom of religion, was violently assaulted near his house in Male in June 2012.<sup>12</sup> In October, Maldivian MP, Dr. Afrasheem Ali, an Islamic moderate and advocate for certain rights within Islam was stabbed to death outside his home.<sup>13</sup> Mohamed Nazim was imprisoned for four days for stating, 'I do not believe in Islam' at a public lecture. He was released after retracting his comments and openly 'reverting' to Islam. While the case was eventually dropped, Mohamed later left the Maldives as a result of the intimidation he was subjected to.<sup>14</sup>
- There is very little information on LGBTI organisations, publications or public activities. Uncodified Muslim Sharia Law criminalises homosexual conduct, thus making the Maldives a very insecure place to advocate for the rights of persons who identify themselves as LGBTI.<sup>15</sup>

- In January 2014, a prominent lawyer, Mr. Husnu Suood, was found to be in contempt of court and suspended from all courts. He had allegedly questioned the Supreme Court verdict that invalidated the first round of results of the presidential election, stating that it was unconstitutional.<sup>16</sup>
- Journalists have expressed concern about the fresh wave of anonymous threats received via SMS. The threats prevent reporting on the recent gang violence in August 2014. A threat analysis report reveals that approximately 84% of journalists interviewed had received at least one anonymous threat.<sup>17</sup>

## THE RESPONSE OF THE STATE REGARDING THE PROTECTION OF HUMAN RIGHTS DEFENDERS

- The Ministry of Foreign Affairs set up a coordinating committee during the first cycle of the UPR to ensure the involvement of civil society. However, only one meeting was held after the UPR Working Group session in November 2011.
- The legal framework protecting freedom of expression remains weak. In November 2011, the Maldives Broadcasting Commission drafted new regulations that would curtail the power and reach of the country's broadcasters. High licensing fees and ownership rules favouring international companies over locally owned stations are to be introduced. These changes if implemented would be a great threat to Maldivian media.<sup>18</sup>
- Freedom of Information has also been regulated by a presidential decree since 2009.<sup>19</sup> The Right to Information Act was passed by the Parliament in December 2013 and ratified by the President in January 2014. It came into force in July 2014 and an 'independent' Commissioner of Information was appointed by the President and endorsed by the Parliament on the 22nd of July 2014. This positive step, which holds whistle-blowing protection, aims at enhancing access to information for the public and media.<sup>20</sup>

## ABOUT THIS BRIEFING PAPER

ISHR encourages States to consult UPR submissions by local activists and make recommendations to the Maldives regarding the protection of HRDs. An excellent local source of information on HRD security is the Maldivian Democracy Network (<http://www.mvdemocracynetwork.org/>) For further information on this briefing paper, contact Pooja Patel ([p.patel@ishr.ch](mailto:p.patel@ishr.ch)).

## RECOMMENDATIONS TO THE GOVERNMENT OF THE REPUBLIC OF THE MALDIVES

- Refrain from threatening media activists for performing their professional duties, and investigate all threats and intimidation against journalists and civil society by both State and non-State actors.
- Develop and implement specific laws, policies and mechanisms that recognise and protect the work of HRDs and journalists.
- Implement campaigns to raise awareness about the importance and legitimacy of HRDs' work, targeting public officials and law enforcement agencies.
- Guarantee protective measures for HRDs which respond to the level and nature of risk they face, with particular attention on those working on freedom of religion and the rights of the LGBT population.
- Strengthen the legal framework protecting freedom of expression, including by reviewing the Freedom of Peaceful Assembly Act in order to remove restrictions on press coverage of protests.
- The Supreme Court should review their guidance on court regulations, guaranteeing the right to appeal.
- Guarantee implementation of the Right to Information Act.
- Extend invitations to the UN Special Procedures with the view to address the ongoing human rights challenges on the ground, particularly the Special Rapporteurs on the situation of HRDs, on the right to freedom of opinion and expression, as well as on the right to freedom of peaceful assembly and of association.

Civil society is gravely concerned about the increasing number of restrictions that hinder civil liberties such as freedom of expression, religion and assembly in the Maldives. This represents a significant backslide in the progress made towards democratisation and human rights protection in the country, which the government must work to reverse.

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3. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6Qk-Gld%2fPPRiCAqhKb7yhsm0BTKouDPNIMXWwAuPwondEf2g-DweUrYtj07d56fdE9lg8T8FSpdj%2bv3t8TMjcZBVJZ7tkVxW%2bbQLILT9lkBTv%2bWN7zmo0Y5uYWtwtdFqro>
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