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Maldives: Government must Respect Freedom of Assembly and Association to ensure People's Right to Political Participation

Preliminary findings of an International Fact Finding Mission

(Male, 22 June 2013) - The Asian Forum for Human Rights and Development (FORUM-ASIA), a regional human rights group with 47 member organisations from 16 countries across Asia, facilitated an international mission to the Maldives from 17 June to the 22 June 2013. The primary objective of the mission is to evaluate the rights to freedom of expression, assembly and association in the Maldives ahead of elections and to engage with various stakeholders to promote the protection of these rights. The international mission with members from Nepal, Indonesia and India engaged with government officials, independent commissions, political entities, civil society members, UN officials, international experts, security officers and media personnel. At the outset, the mission appreciates the willingness of all the different sectors in engaging with them in an open dialogue and their commitment to human rights. The progress made by the Maldives, as an emerging democracy is commendable, and the mission expresses its solidarity with the people of the Maldives towards this end.

The mission recognizes the shortcomings in the laws relating to freedom of assembly, particularly relating to the shrinking space for exercise of the right to assemble and the right of all workers to associate and assemble. The limitations prescribed in the Peaceful Assembly Act fail to meet the parameters prescribed under international human rights law and thus must be amended. The mission is further concerned about reports of security forces relying on existing statutory provisions and engaging in excessive use of force to prevent and disburse assemblies.

The mission has further recorded the difficulties faced by the various associations in the Maldives attributed to unclear regulations especially relating to registration. The Maldives being a signatory to the core international conventions and sponsor of significant resolutions at the United Nations must ensure that an enabling environment is created for the formation and functioning of civil society and unions.

In view of the above, the mission wishes to:

- **Remind** Maldives of its obligations as a signatory to the core international human rights instruments relating to freedom of expression, assembly and association.
- **Record** that the restrictive provisions of the Freedom of Peaceful Assembly Act must be amended to meet constitutional guarantees and international norms.
- **Call** on all persons exercising their right to assemble to adhere to peaceful and democratic means.
- **Urge** security personnel to exercise restraint and refrain from using excessive force, irritants or dyes on assemblies, and the Police Integrity Commission to closely monitor preventing such situations.
- **Urge** the state to implement in spirit and law the recommendations and reports made by statutory bodies including the Human Rights Commission and the Police Integrity Commission of Maldives.
- **Implore** the government, judiciary, legislature, independent commissions and media to...
develop and strengthen their engagement with CSOs, which are essential for a healthy democracy.

- **Encourage** civil societies and human rights defenders to unite with one another in solidarity, and engage with the state machineries and international mechanisms to promote a culture of human right.
- **Request** all political parties to adopt a human rights perspective and to formally include human rights promotion in their official agenda and manifestos ahead of elections.

The mission calls on all sectors to work together to ensure that the upcoming elections are conducted and concluded in a peaceful, inclusive and democratic manner. The mission would like to call on all parties to uphold the spirit of the Maldivian constitution, ensuring that all people continue to enjoy their right to freedom of expression, assembly and association in an unfettered manner. This engagement, the mission hopes will continue leading to a greater partnership between the Maldives and the international community.

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