



For Immediate Release

Maldives: Government must amend laws on freedom of assembly and association to meet Constitutional guarantees and international obligations

(Male'/Bangkok, 17 August 2014): The Asian Forum for Human Rights and Development (FORUM-ASIA) and the Maldivian Democracy Network (MDN) today jointly reiterated their call on the government of Maldives to make substantial changes to the laws on assembly and association to meet both the country's constitutional guarantees of fundamental rights as well as its legal obligations under international human rights law, including the International Covenant on Civil and Political Rights (ICCPR), to which Maldives is party.

The two groups expressed grave concern that the current laws have effectively closed the space for the fundamental freedoms of assembly and association in Maldives. Commenting on the Freedom of Peaceful Assembly Act 2012, FORUM-ASIA and MDN pointed out numerous flawed provisions, including: its problematic definition of assemblies; restrictions on physical spaces for assemblies; lack of accountability and institutional protection against police excesses; exclusion of rights of workers to assemble and protest in their places of work; cumbersome notification processes; restrictions on journalists reporting on protests; and undue liabilities placed on organisers of assemblies.

"Any law relating to assemblies must only focus on limited regulations based on international standards and must refrain from arbitrary restrictions. The State and all institutions must recognise that the right to freedoms of assembly and association are the vehicular rights that ensure that a robust and functional democracy is in place and that all human rights are enjoyed by all," urged Sushil Pyakurel, a former member of the National Human Rights Commission of Nepal and a member of FORUM-ASIA's delegation to Maldives.

These concerns were raised by the two human rights groups following their consultations with Maldivian civil society, and meetings with Parliamentarians, the Human Rights Commission of Maldives, and the Police Integrity Commission during the past week.

In addition to the Freedom of Peaceful of Assembly Act, the two groups also criticised the Associations Act 2003 as another law that fails to comply with international human rights norms and standards. The flaws in the Associations Act, according to FORUM-ASIA and MDN, include: that unregistered associations are criminalised; its burdensome requirements; the arbitrary power of the registrar in the registration and dissolution of associations; and its non-recognition of human rights organisations, networks and trade unions.

"The right to freedom of association is crucial particularly for young democracies such as Maldives. Recent instances of attacks on associations, threats to human rights defenders and arbitrary dissolutions of associations is a matter of grave concern," noted Gayatri Khandhadai, South Asia Programme Officer of FORUM-ASIA.

Shahindha Ismail, the Executive Director of MDN added, *“We thus call on the government to undertake a comprehensive review of the laws relating to freedoms of assembly and association, which should become the basis for reforms on the two laws. In doing this, the government must hold inclusive consultations with civil society and other stake holders. In the interim the government must ensure that these repressive provisions are not imposed on citizens exercising these rights.”*

FORUM-ASIA and MDN reminded the government that the fulfillment of its obligations and commitments under international human rights law will be scrutinised under the UN Human Rights Council’s Universal Periodic Review mechanism in April/May 2015.

“The government must be mindful of the fact that Maldives will be under the international spotlight when its human rights record comes under review in the UN Human Rights Council’s Universal Periodic Review in less than a year from now. All these concerns will no doubt be raised again by the international community, and it is therefore imperative for the government to undertake immediate measures to reform its laws on assembly and association to ensure that its international obligations will not be brought to question,” said John Liu, FORUM-ASIA’s South & East Asia Programme Manager.

Background:

On 13-14 August 2014, FORUM-ASIA and MDN organised consultations with the civil society and lawyers to particularly look at the provisions of the Freedom of Peaceful Assembly Act 2012. On 17 August 2014, the two groups also met with Parliamentarians, the Human Rights Commission of Maldives and the Police Integrity Commission to advocate for reforms of the laws on assembly and association in Maldives. These activities are follow-up to an earlier fact-finding mission on freedoms of expression, assembly and association, which was held by FORUM-ASIA in collaboration with MDN in June 2013. The previous fact-finding mission had concluded that there is a general lacuna in legal and institutional protection of these rights in Maldives.

About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a regional human rights group with 47 member organisations in 16 countries across Asia. With offices in Bangkok, Jakarta and Geneva, FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

About MDN:

The Maldivian Democracy Network (MDN) is a non-partisan NGO which aims to promote human rights and the values and principles of democracy in Maldives. MDN undertakes a wide range of activities under its broad mandate, including awareness raising, monitoring, reporting, lobbying and advocacy. Although based in the capital Male’, MDN is active across the country conducting workshops, trainings, monitoring and advocacy activities in various atolls.

For inquiries, please contact:

- Gayatri Khandhadai, South Asia Programme Officer, FORUM-ASIA: +9609128026 (in Maldives); +66906538263 (in Bangkok); gayatri@forum-asia.org.
- Shahindha Ismail, Executive Director, MDN: +9603343609 (phone); +9607781364 (mobile); shahindha.ismail@mvdemocracynetwork.org.