

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UAG/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
MDV 4/2013

21 October 2013

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged threats directed towards the staff of Transparency Maldives, and the alleged targeting of Tourism Employees Association of Maldives, Transparency Maldives and Maldives NGO Federation.**

The Tourism Employees Association of Maldives is a non-governmental organization (NGO) registered under the Associations Act of Maldives, representing the interests of over 5,000 workers employed in the tourism industry in the Maldives. Transparency Maldives is a non-partisan organization that promotes collaboration, awareness and other initiatives to improve governance and eliminate corruption. It is the National Contact of Transparency International in the Maldives, and received formal registration from the Ministry of Home Affairs on 19 July 2007. Maldives NGO Federation is a non-governmental organisation registered in 2006 under the Associations Act of Maldives. It was created with the aim of advocating for support to the independent functioning of all NGOs and represents the interests of over 60 member NGOs from across the nation.

According to the information received:

Since late September 2013, the Tourism Employees Association of the Maldives, Transparency Maldives and Maldives NGO Federation have reportedly been facing acts of harassment following the issuance of a number of press statements which criticize the Supreme Court injunction on 23 September 2013 which ordered the Elections Commission (EC) to delay the second round of presidential elections.

On 28 September 2013, a Transparency Maldives intern was allegedly attacked on the street and her cellphone was stolen by an unidentified individual. On 29 September 2013, Transparency Maldives allegedly received death threats directed towards the staff via a phone call by an unidentified person. Transparency Maldives was also allegedly the subject of a death threat via Tweeter stating: "We will slaughter all of you goats until there are none left". Transparency Maldives reported these incidents to the police and was reassured by the Commissioner of Police that the police would investigate these matters. On 29 September 2013, Transparency Maldives allegedly received a phone call from the Ministry of Home Affairs, asking for a copy of their latest press statement.

According to the information received, on 30 September 2013, the State Minister for Home Affairs, who also serves as the Registrar of NGOs, allegedly stated on the local television station Villa TV that the Tourism Employees Association of Maldives and Transparency Maldives are under investigation for challenging the Supreme Court. Allegedly, he further stated that the Ministry for Home Affairs will not allow any organization to 'challenge the law' and that NGOs acting outside of the law will be dissolved.

On 1 October 2013, the Tourism Employees Association of Maldives and Maldives NGO Federation allegedly received letters from the Ministry of Home Affairs, signed by the Registrar and State Minister for Home Affairs, requesting them to submit a copy of their latest press statement to the Ministry before noon of 6 October 2013.

On 5 October 2013, the home of one of the Coordinators of the Transparency Maldives' Right to Information programme was allegedly broken into and his cellphone was stolen.

Grave concern is expressed with regards to the threats directed towards the staff of Transparency Maldives. Further concern is expressed that the investigation of the Tourism Employees Association of Maldives and Transparency Maldives and the threat of dissolving NGOs in the Maldives is based on their legitimate exercise of their right to freedom of opinion and expression.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "[e]veryone shall have the right

to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Similarly, we would like to refer to article 22 of the ICCPR, which provides that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would also like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?

2. Please explain what measures have been taken to ensure that all human rights defenders in the Maldives can carry out their peaceful and legitimate activities without fear of restrictions.

3. Please provide the details, and where available the results of any investigation of the threats directed towards the staff of Transparency Maldives.

4. Please provide information on the legal basis for the investigations against Transparency Maldives and the Tourism Employees Association of Maldives, and how these actions are compliant with the Maldives' obligations under international human rights law.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of
association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders