

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on freedom of religion or belief

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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 situation of human rights defenders and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 34/18, 34/5 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning death threats against, and harassment of, Ms. **Shahindha Ismail**, a human rights defender in the Maldives.

Ms. Ismail founded and runs the Maldivian Democracy Network (MDN), an NGO in the Maldives that focuses on human rights and democracy issues. She also advocates for religious tolerance in the country and speaks in favor of deradicalization.

According to the information received:

On 21 December 2017, President Yameen Abdul Gayoom stressed in a speech that he will not allow for any religion but Islam. This was quoted as the headline on the online news outlet *vnews.mv*. Ms. Ismail tweeted in response to the quote by saying, "Other religions exist in the world because Allah allowed for it, or none would be in existence."

On 28 December 2017, *Vaguthu Online* published several news articles misinterpreting Ms. Ismail's tweet as a call for the Government to allow for other religions to be practiced in Maldives, accusing her of blasphemy and labelling her as an apostate. Many people commented in response to the *Vaguthu Online* articles with death threats and intimidation against Ms. Ismail and even called for violence against her through Twitter and Facebook posts.

On the same day, the Ministry of Islamic Affairs had issued a statement urging the citizens of the Maldives to refrain from making anti-Islamic speech. The Maldives police launched a criminal investigation against Ms. Ismail, based on her tweet. The enquiry followed a complaint, invoking Section 617 of the Penal Code under

the Religious Unity Act, which criminalizes “actions that may lead to religious conflict in the Maldives” and carries a prison sentence of up to five years.

On 11 January 2018, Ms. Ismail lodged a complaint to the Maldives Police Service against the threats she received and requested protection. On 19 January, the police invited her to clarify her complaint and from 21 January onwards, has been providing her security around the clock.

Without prejudging the accuracy of these allegations, we express concern at the death threats, harassment, incitement to acts of violence, and criminal investigation against human rights defender, Shahindha Ismail, for having exercised peacefully her rights to freedom of thought, conscience, and expression in highlighting the reality of religious diversity around the world. The criminal investigation initiated against Ms. Ismail in connection to her tweet appears to be in violation of the international human rights obligations of the Maldives.

In particular, we would like to refer to the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Maldives on 19 September 2006, in particular article 18 which guarantees the right to freedom of thought, conscience and religion; while article 19 that provides that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. Moreover, Human Rights Committee General Comment 34 (CCPR/C/GC/34) says that freedom of opinion cannot be limited under any circumstances.

We are also drawing Your Excellency’s Government’s attention to article 19 (3) of the ICCPR, which sets out the requirement that any restrictions to the right to freedom of expression must be necessary, proportionate and prescribed by law. The use of religion as a ground for limitation does not meet these criteria, the protection of religion itself does not and therefore cannot be used to limit the right to freedom of expression (CCPR/C/GC/34).

Furthermore, we wish to refer 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1, 2, 5 and 6 of the Declaration which state, inter alia, that everyone has the right 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.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

We welcome the police protection provided to Ms. Ismail and effective protection should be given to her for as long as necessary. We call on Your Excellency's Government to close the criminal investigation in connection with her tweet, and to guarantee her rights to freedom of thought, conscience and expression. The Maldivian authorities have the responsibility to publicly condemn, prevent and prosecute any call or incitement to violence against Ms. Ismail as well as the death threats against her.

As 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 observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the measures taken to guarantee the continuous protection of Ms. Ismail, including her psychological integrity and her right to freedom of thought, conscience and expression.
3. Please provide information on the steps taken to investigate the public threats and intimidation against Ms. Ismail, including death threats and other calls to acts of violence against her.
4. Please provide detailed information about the measures taken by the Maldivian authorities to effectively guarantee in law and practice, the peaceful exercise of the rights of individuals to freedom of thought, conscience and expression. In particular, please detail specific measures that are taken to ensure the protection of individuals, including human rights defenders, who engage in public debate over religious and political matters and may be accused of blasphemous or dissenting activities.
5. Please provide information on the measures taken to prevent incitement to violence and/or religious intolerance; and to foster an environment where all religious beliefs can be peacefully expressed and practised, without fear of persecution of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

Ahmed Shaheed

Special Rapporteur on freedom of religion or belief