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Maldives: Proposed defamation law is an attack on freedom of expression

Maldives authorities must immediately scrap a proposed new law that would alarmingly increase the government's control of independent media and have a stifling effect on the right to freedom of expression, Amnesty International said.

The "Defamation and Freedom of Expression Bill", usually referred to as the Defamation Bill, is currently before the Maldivian parliament and is expected to be voted on soon. In March 2016, when the Bill was first proposed by the Maldives government it caused an outcry among media organisations and civil society. After widespread protests the government agreed to revise the Bill, but a new draft submitted to parliament in July 2016 carried almost no substantive changes, except for lowering fines and jail terms for offenders.

The Defamation Bill criminalises "defamatory" speech, remarks and other actions as well as comments against "any tenet of Islam" or comments that "threatens national security" or "contradict general social norms". Offenders can be punished with a fine of between rufiyaa 50,000 (US\$3,200) and rufiyaa 5 million (US\$324,000). Those unable to pay the court-imposed fine face a jail term of between three and six months. Newspapers and websites which publish "defamatory" comments could also have their licenses revoked.

The Bill is vaguely formulated, giving the authorities wide discretion to target and silence journalists or media outlets critical of the government. It has also been proposed at a time when freedom of expression in Maldives is increasingly under threat. In April this year, 16 journalists were arrested after staging a peaceful protest outside the President's office in Malé, the capital of Maldives.¹ This week, police also blocked a peaceful protest by journalists against the Defamation Bill in Malé. Over the past few months, several news outlets and individual journalists in Maldives have also had restrictions imposed on them and some outlets have even been forced to shut down.²

Human rights groups and media organisations have expressed concern that the Bill is being

¹ "Arrest of 16 journalists in the Maldives threatens freedom of the press", Amnesty International, 4 April 2016, available at <https://www.amnesty.org/en/documents/asa33/3773/2016/en/>

² "Closure of news outlets signals further erosion of media freedom in the Maldives", Committee to Protect Journalists, 12 July 2016, available at <https://cpj.org/blog/2016/07/closure-of-news-outlets-signals-further-erosion-of.php>

proposed at a time when large-scale corruption allegations against senior government officials in Maldives are being investigated, so as to silence media exposure of such allegations.

Defamation was decriminalised by parliament in Maldives in 2009 under the government of President Mohamad Nasheed. The use of defamation laws with the purpose or effect of inhibiting peaceful criticism of government or public officials violates the right to freedom of expression. Amnesty International opposes laws which criminalise defamation. Libel, slander and similar issues should be treated as matters for civil litigation.

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR), as well as in several international treaties which Maldives has ratified, including Article 19 of the International Covenant on Civil and Political Rights (ICCPR). This right includes the right to “receive and impart information and ideas through any media”. Under international human rights law, restrictions on the right to freedom of expression must be narrowly construed: they must be provided in law, serve limited purposes and be necessary and proportionate to the attainment of these purposes.

The UN Special Rapporteur on the right to freedom of opinion and expression has underlined that the only purpose of defamation, libel, slander and insult laws must be to protect reputations and not to prevent criticism of governments.

Amnesty International calls on the Maldives authorities to scrap the proposed Defamation Bill or to substantially revise it to meet the requirements of international human rights law and standards. The Maldives authorities should create an environment where journalists and other media workers can exercise their right to freedom of expression peacefully without fear of reprisals.