

## THE MALDIVES PROMISES TO KEEP

**T**he glittering string of more than a thousand coral islands that dot the Indian Ocean with their unparalleled beauty belies a history of stringent curbs and controls over free expression and association. A country with a population of just 400,000 and having an impressive per capita income of USD 8,049, high-end tourism-reliant Maldives appears as paradise to the world outside.

For so long, the undisturbed image of emerald isles had offered an effective smokescreen for a nation that kept a dark secrets: a media industry held under autocratic control of the executive, and a divisive political legacy that is reflected to date with lacerations that run deep.

In November 2018, Maldives ousted the autocratic former president Abdulla Yameen Abdul Gayoom through a humiliating electoral defeat and elected a liberal democrat, Ibrahim Mohamed Solih, as the country's seventh president.

Solih's Maldivian Democratic Party (MDP)-led joint opposition sought a mandate to strengthen fundamental freedoms by restoring civil liberties through democratic reforms. The April 2019 landslide victory in the parliamentary elections completed the nation's political transition. In its first year in office, the government took several important steps to restore public faith in a process of democratisation.

As many Asian states took a collective nosedive with regard to freedom of expression and assembly, imposing more curbs and controls over traditional media and stifling internet freedom, Solih's rise to power marked a significant shift from a dictatorship that battered the media into silence to an elected government largely tolerant of dissent.

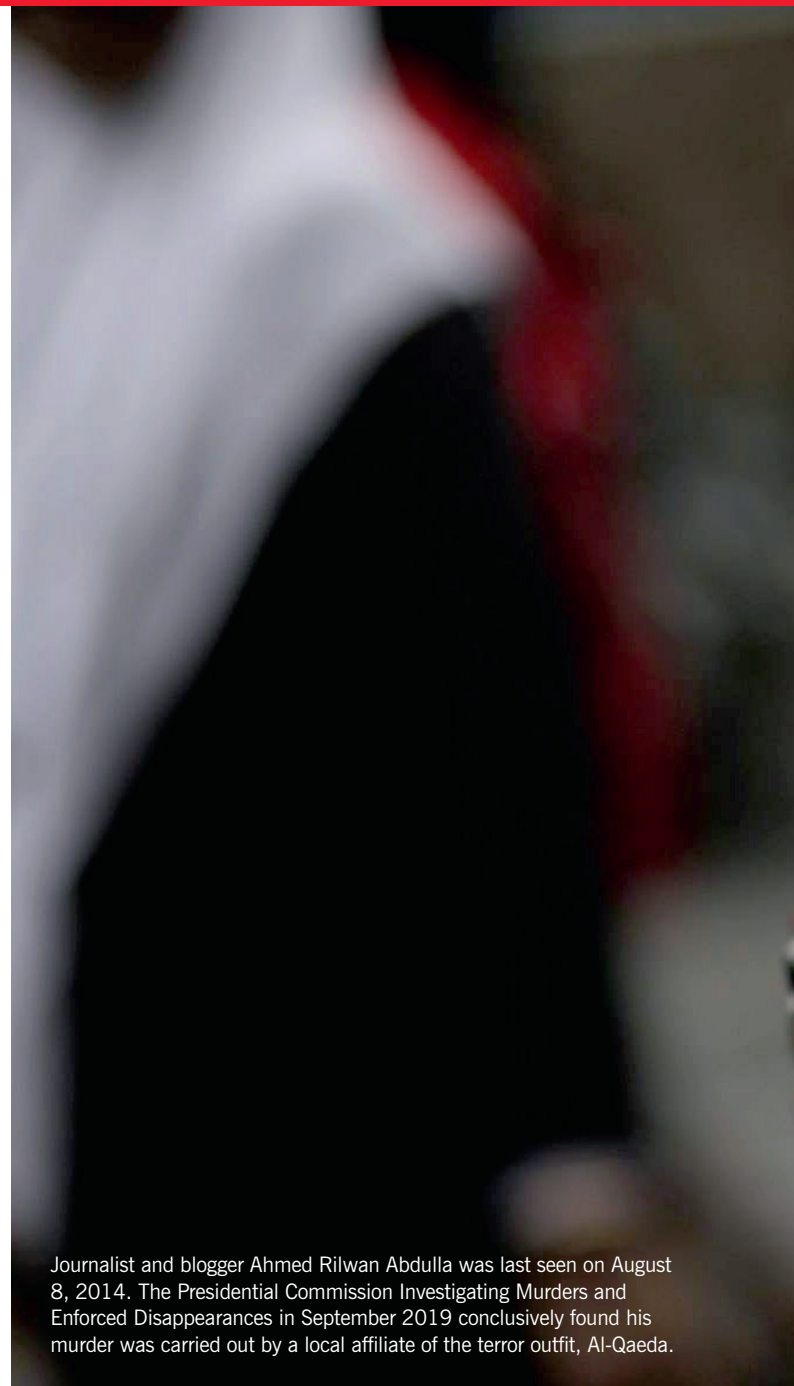
Local and international observers have welcomed the manner in which the Maldives broke away from its repressive past, recording significant progress in the global freedom of expression indices in just a year.

Recognising Maldives' potential to chart a new course by reinforcing democratic governance and fostering freedom of expression and assembly, on May 3, 2019, the UNESCO in collaboration with the International Federation of Journalists (IFJ), the government of the Maldives, the United Nations (UN), Addu Women's Association (AWA), Maldivian Democracy Network (MDN) and Facebook, marked the 2019 World Press Freedom Day in Male', the nation's capital.

Following the political changes, several firsts were recorded that augur well for a country that for much of its history had known only a limited version of free expression. A significant step during the Solih administration was the attempt to check police violence, a powerful tool of suppression used against political opponents and dissenting voices during Yameen's rule.

Three days after his election, on November 21, 2018, Solih appointed the Presidential Commission Investigating Murders and Enforced Disappearances to probe the high profile murders of journalist Ahmed Rilwan Abdulla and prolific writer and digital activist Yameen Rasheed. The commission conclusively established that their murders were carried out by a local affiliate of the terror outfit, Al-Qaeda, bringing to the fore the reality of increasing radicalisation and Islamic militancy taking root in a country considered to be a liberal Islamic nation.

Despite these positive steps, there is criticism that rights organisations have been barred from attending court proceedings. There is also disenchantment among journalists that besides the defects in the delivery of justice, the state lacked



Journalist and blogger Ahmed Rilwan Abdulla was last seen on August 8, 2014. The Presidential Commission Investigating Murders and Enforced Disappearances in September 2019 conclusively found his murder was carried out by a local affiliate of the terror outfit, Al-Qaeda.

mechanisms to compensate victim families.

The media – in terms of both ownership and content – was long kept under the iron fist of founding president Maumoon Abdul Gayoom. Apart from the brief democratic window when Mohamed Nasheed briefly served as president (2008 to 2012), there was once again a significant decline under Abdulla Yameen (2013 to 2018). The Maldivian media – barring a few exceptions – has not had the opportunity to practice public-spirited journalism or adhere to international standards.

As a result, for decades, Maldivian media houses have been aligned with political entities and engaged in political agenda-setting. It is no doubt difficult to operate in a landscape that does not always recognise the role and responsibility of the media. The lack of strong media associations and industry best practices are an added challenge.

Though the recent political changes have resulted in substantial democratisation of the country's media landscape, there are several measures that are necessary to establish a truly independent and professional media.

President Solih now has to make good his promises by ending impunity, bringing perpetrators to book, introducing safety



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mechanisms, laying strong foundations for media pluralism, transparent and accountable ownership and promoting media literacy and professionalism. To break free from the past in a decisive manner, the government must urgently invest in the industry and demonstrate a genuine commitment to build capacities.

### **DIFFERENT STEPS, DIFFICULT STEPS**

Autocratic regimes have left a lasting legacy of deeply entrenched political divisions, with Yameen's regime being remembered for unprecedented violence targeting human rights defenders and the use of draconian laws to silence independent voices.

Despite the sense of freedom under the new dispensation and increased engagement and expression of dissent, journalists continue to practice self-censorship and skirt around religion

for fear of reprisals from the state and religious fundamentalists. While there is a marked improvement in the media climate, secularism is still an uncomfortable topic for the majority of media practitioners, with the memory of Rilwan and Rasheed serving as powerful reminders of the possible repercussions if they dare to publicly discuss matters of faith.

Additionally, there are still apprehensions of curbs through existing mechanisms such as the Maldives Media Council, the state agency entrusted with the task of guaranteeing the constitutionally guaranteed right to free expression and to monitor restrictions to the enjoyment of such freedom. On January 31, the Peoples' National Congress urged the Maldives Media Council, to remain accountable and fair in the exercise of authority and termed as "unjust" the removal of two articles published on the local site *Dhiyares*.

The 2019 Country Reports on Human Rights Practices by the US Department of State meanwhile, has claimed that the



## DESPITE THE PROBE, THERE IS NO CLOSURE IN SIGHT FOR THE FAMILIES OF THE MURDERED. RILWAN'S FAMILY HAS BEEN MAKING REPEATED CALLS TO PUNISH THE CRIMINALS, BUT THE PROBE HAS NOT LED TO CHARGING THE CULPRITS.

Communications Authority of Maldives (CAM), the regulatory body with powers to restrict online content “maintained an unpublished blacklist of all offending websites.” While it did not actively monitor internet content, it accepted requests from ministers and other government agencies “to block websites that allegedly violated domestic laws on anti-Islamism,” the report stated.

The government is also coming under fresh criticism over the stringent controls applied over the dissemination of information relating to the Covid-19 pandemic. As journalists struggle to cover the global pandemic and convey verified information, there is criticism that the state is wilfully suppressing information to cover up its missteps in tackling the local impacts of a global health emergency and to reduce economic impact as the tourism industry is hard hit.

### A SUSTAINED LEGACY OF IMPUNITY

Solih's 15 months in office have not recorded a single murder, abduction or physical assault of human rights defenders while the government appointed a presidential commission to probe the disappearance of journalist Ahmed Rilwan Abdulla in 2014 and the 2017 murder of blogger and digital activist Yameen Rasheed whose deaths represent the darkest era in Maldivian journalism.

In August 2018, just three months before the ousting of Yameen, a criminal court acquitted two suspects charged with the forced disappearance of Ahmed Rilwan, on the purported basis that the police and prosecution had conducted an incomplete investigation. The trial of alleged religious extremists linked to the 2017 murder of Yameen Rasheed's was expected to conclude in February. In Rilwan's case, no persons were charged on account of the probe that only identified a local Islamic militant outfit responsible for his abduction and murder.

On July 11, the Maldivian Democracy Network (MDN) urged the Criminal Court of Maldives to uphold its obligation to conduct a fair and transparent hearing in line with the Maldivian Constitution and the International Covenant on Civil and Political Rights (ICCPR). MDN representatives were denied entry as observers at the eighth hearing of Rasheed's case.

At the next hearing on July 31, a secret witness for the prosecution informed the court that the plan to kill Rasheed was hatched in November 2016, with the suspects accusing him of “insulting Islam and therefore [he] deserved death.” During the hearing, the same witness purportedly identified the three defendants as the men he saw at the crime scene: Ismail Haisham Rasheed and Ahmed Zihan Ismail, the two men who were seen coming out of Rasheed's home while a third person acted as a lookout, perched on a motorbike

Maldives's former president Abdulla Yameen arrives at a criminal court on November 28, 2019. Yameen was sentenced to five years in prison for money laundering after a corruption probe into the former strongman's rule of the luxury tourist destination which has seen increasing radicalisation and Islamic militancy taking root. CREDIT: AHMED SHURAU / AFP







outside Yameen's house.

According to Husnu Al Suood, chairperson of the Commission on Disappearances and Deaths, the commission's nine-month investigation found that then-president Abdulla Yameen tried to "divert the focus" of the police investigation, while his former deputy, Ahmed Adeeb, attempted to obstruct justice. The commission also concluded that the gang had a "hit list" which included other activists and government critics.

Despite the probe, there is no closure in sight for the families of the murdered. Rilwan's family has been making repeated calls to punish the criminals, but the probe has not led to charging the culprits.

## RELIGION SETS THE AGENDA

Though instances of physical intimidation were absent, promotion of secularism appears to draw extreme responses, from the authorities as well as radical elements.

Reports have emerged on how those promoting religious freedom and secularism were being brought under severe pressure, with several human rights defenders receiving death threats online, a form of violence that goes unmonitored in the Maldives.

In January this year, *Maldives Independent*, formerly *Minivan News* suspended operations. The online platform was an influential voice promoting democracy and human rights in the country since 2004. In its wake, *Minivan Radio*, once anchored from Colombo by exiled journalists, also closed operations because the premises had to be vacated, but local associates said that political pressure had been exerted to shut the station down.

Historically, the democratisation of the Maldivian media landscape has taken shape in the digital space where young bloggers and online activists grew in influence, in defiance of both the state and the traditional media. Both Rilwan and Rasheed were two social media influencers who provided leadership to powerful online engagements promoting religious

freedom and secularism. If it was hard then, it remains hard still, to discuss religion and not have to pay a price.

A Maldivian human rights defender speaking on the basis of anonymity said religious extremism was becoming a convenient excuse to explain violence and convince society that voices against Islam won't be tolerated. "At the risk of commenting on a matter before court, I wish to say that while Rilwan and Yameen may have indeed been murdered by religious fanatics, they [the fanatics] also would have enjoyed political patronage. The links were too strong to not acknowledge, legally. If someone is harmed by fundamentalists for promoting secularism, the incumbent government too would use religion as the excuse; as if the state has no obligation to protect people from coming to harm for their belief in secularism."

## ARCHAIC LEGAL FRAMEWORK

The Constitution of the Republic of Maldives (2008), guarantees freedom of expression, as long as it is exercised in a manner that is "not contrary to any tenet of Islam," a vague condition that encourages self-censorship in the media.

Set up under the Maldives Media Council Act of 2008, the Maldivian Media Council (MMC) is the main agency tasked to give effect to the constitutionally guaranteed right of free expression. The main purpose of the MMC is to uphold and encourage freedom of the media in the country and to monitor any restrictions placed on this fundamental right.

The Broadcasting Act (2010) upholds freedom of expression and contains provisions about the regulatory aspects of complaints against broadcasters, though how these rights are guaranteed and effectively monitored remain grey areas.

The Communications Authority of Maldives (CAM) functions as the ICT regulator and holds sole authority to regulate online content and is mandated to impose necessary restrictions on internet content on local sites and block access to websites hosted outside of Maldives.





## ONLINE THREATS

Maldives applies stringent controls over reporting on religion while content that is considered anti-Islamic continues to face strong resistance, a practice continued by the new government.

With many new entrants to the field, the country's media sector's evolution has largely taken place in the digital space, with the emergence of influential bloggers breaking barriers.

Soon after the election of Solih, in June 2019, UN Special Rapporteur in the field of cultural rights, Karima Bennouna, visited the Maldives and voiced concerns over "extremist positions being advocated, including online and by teachers, and of people being harassed and threatened by those motivated by fundamentalist ideology." She noted that such intimidation shrank the space for freedom of expression and that "those who speak out against fundamentalism, including in the fields of arts and culture, need unequivocal support and for their safety to be ensured urgently."

Amplifying the points made by the UN Special Rapporteur, the US Department of State in the *Country Reports on Human Rights Practices for 2019* highlighted the unique censorship model that exists in the Maldives. The report noted that the Maldivian Constitution prohibits utterances contrary to tenets of Islam or challenges the government's religious position that creates grounds for self-censorship.

In August, Maldives Customs Service confiscated 109 books from a public book fair for "content that violated principles of Islam" though charges were not pressed.

On August 8, the Observatory for the Protection of Human Rights Defenders, a partnership of the International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), wrote an open letter to President Solih, calling for meaningful steps to prevent increasing online threats to human rights defenders.

The Observatory stated that it had received information that at least 15 human rights defenders, including journalists,

Maldives' president Ibrahim Mohamed Solih next to vice president, Faisal Naseem and former president Mohamed Nasheed in Male city on February 17, 2020. To break free from its repressive recent history in a decisive manner, the government must urgently invest in the media industry and demonstrate a genuine commitment to build its capacities. CREDIT: AHMED SHURAU / AFP

lawyers and NGO workers had been subjected to repeated acts of harassment and intimidation online since the new government took office in November 2018. It stated: "We are particularly troubled by the lack of action by law enforcement agencies to investigate and respond to threats and death threats against human rights defenders. Coupled with a lack of condemnation by your administration, this impunity emboldens extremists who have little hesitation to turn their words into action."

On September 1, police arrested a person for criticising the tenets of Islam via his Twitter account, days after receiving death threats for "irreligious" comments via social media.

In a separate incident, journalist Aishath Aniya received death threats for criticising the design of a new mosque in the city of Male'. Maldivian police also claimed that 15 similar complaints have been received and seven had to be abandoned due to lack of evidence.

Amidst growing criticism over condoning online violence targeting liberal secularists, President Solih appointed a committee to find solutions to dealing with debate and criticism regarding religious issues.

## SHRINKING SPACE

The new government's popularity took a beating when it banned a reputed human rights organisation, Maldivian Democracy Network (MDN), in November over a human rights report produced by them in 2015 that delved into the

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radicalisation of Maldivian society. The closure came against the backdrop of threats to the MDN's staff, including its director, Shahinda Ismail, from religious hardliners, Amnesty International said in a media release.

A month later, on November 5, the Maldivian Ministry of Youth, Sports and Community Empowerment – which regulates the activities of NGOs – announced the decision to shut down the operations of MDN. The decision was linked to a 2015 report published by the NGO looking at radicalisation in the Maldives. “The new Maldivian government was supposed to mark a break with the island nation's repressive past. The decision to shut down the MDN's operations, however, shows that time-worn tactics to intimidate human rights defenders and shrink space for civil society remain a threat,” Amnesty International said.

Significantly, the current government includes former prisoners of conscience whose release Amnesty International and MDN had campaigned for, it further noted.

### MISSING THE GLASS CEILING

Among the key weaknesses in the Maldivian media sector is the absence of prominent women journalists, mechanisms to mainstream gender or women journalists' collectives able to advance the gender agenda.

While there are more and more women entering journalism in the Maldives, there are hardly any women who lead organisations or hold leadership positions. Most women remain at the entry and mid-level, where they invariably encounter a glass ceiling and fail to advance their careers beyond a point.

In 2019, a baseline study on building a gendered media in the Maldives by Addu Women's Association (AWA), conducted in collaboration with UNESCO and South Asia Women's Network (SWAN) was released to the public. The first such study in the Maldives, it identified critical areas that required several important interventions.

Launching the report in Male at the World Press Freedom Day 2019 celebrations, AWA's co-founder Dr Mariyam Shakeela said: “Very few women occupy decision-making positions in the country's media as well as advertising agencies, though they carried much weight, especially in mid-level administrative positions. Working structures, norms and practices reflected gender biases and there were institutional and structural disadvantages for women's succession in media.”

While wage disparities and common entry level concerns were not recorded, the study recognised several constraints for women's advancement in the industry and to influence content. In recent years, there had been attempts by women journalists to form themselves into a formal association, but going forward, women journalists say that there needs to be an understanding of common issues that impede their growth and an agenda to mainstream women's voices and help develop their careers.

“Key to achieving success as effective networks is institutional support,” says media entrepreneur Shim Ahmed, who is CEO and chief editor of *aonews.mv*, the first online news media outlet in the city of Addu. According to her, it is not only a question of women journalists, but the entire sector. “In the Maldives, journalists have to be organized, both men and women. Part of the problem is that we lack the experience of being organized as professional associations, such a trade unions or collectives that

can influence an agenda. This is one of our weakest points and makes it difficult to campaign on issues,” said Ahmed.

### THE WAY FORWARD

Global attention was drawn to the human rights conditions prevailing in the Maldives by opposition politicians working in collaboration with the international media. Until then, the gross rights abuses and violence that targeted journalists were little known to the outside world.

To highlight these issues, there were massive campaigns at the global and South Asia level, demanding justice for both Rilwan and Rasheed, two high-profile murders that shook the world's conscience and brought out the Maldivian reality. Many Maldivian activists and bloggers had gone into exile, mostly in neighbouring countries such as India and Sri Lanka, gathering momentum for a massive campaign to push democratic changes in the Maldives and to demand justice for the slain.

A key takeaway from the global movement to overhaul the system and drive systemic change is the power of systematic collaborative campaigning at a global and regional scale. The unprecedented global attention also paved the way for a judicial process that sought to ensure justice for both Rilwan and Yameen.

While the judicial process continues to bring closure to Rasheed's case and many activists and journalists who had fled the Maldives fearing death and reprisals have now returned home, practitioners feel that, beyond the initial invite, there should be a proactive approach to bringing the exiled community back home.

For this to become reality, conditions should be further improved. “As long as we practice self-censorship and avoid publicly saying anything about faith, some won't be comfortable. It must be possible for people to discuss faith in the public interest, especially when religion informs policy and legal systems,” noted a Colombo-based exiled activist who preferred to remain anonymous.

An area that still needs considerable work is the prevention of online hate that targets secular activists, who claim they continue to receive death threats.

To prevent repeats, Maldivian human right defenders say there should be a robust monitoring mechanism that detects violations and upholds the constitutionally guaranteed right of free expression and assembly. For this, they say, progressive legal reforms, policies and mechanisms that can amplify the constitutionally guaranteed media freedom are necessary.

“One important step is to bring the industry to reflect international best practices,” says Ahmed Zahir, editor-in-chief of *Sun Online* and former president of the Maldives Journalists' Association (MJA).

At the industry level, several other challenges remain. For decades, the Maldivian media has operated in collaboration with the political entities and reflecting those political ideologies. To ensure the industry's expansion on par with international standards, both transparency and independence are key.

In the aftermath of reintroducing democracy to the Maldives, the Solih administration will do well to take steps to ensure transparency in ownership, introduce measures to depoliticise media outlets and to lay long-term plans to foster a truly independent media culture complete with media literacy.