



Unofficial Translation of the Freedom of Peaceful Assembly Act, Maldives

Act No. 1/2013

Freedom of Peaceful Assembly Act

Chapter One

Introduction

- | | | |
|-------------------------|----|---|
| Introduction and Name | 1. | (a) This Act states the limitations of the Freedom of Peaceful Assembly Act empowered by Article 32, of the Constitution. |
| | | (b) This Act from herein will be referred to as the 'Freedom of Peaceful Assembly Act'. |
| Purpose of this Act | 2. | Purpose of the constitution is to achieve the following |
| | | (a) As Article 32 of the constitution states that everyone has the right to freedom of assembly without prior permission of the state, this will further explain the rules and regulations of such assemblies. |
| | | (b) As Article 20, closure 1 states in the International Human Rights Declaration, Rights of Freedom of peaceful assembly in the Maldives shall be stated. |
| | | (c) As Article 21 states in the International Civil and Political Rights Declaration, Rights of Freedom or Peaceful Assembly in the Maldives shall be clearly stated. |
| | | (d) As Article 20 states in the International Civil and Political Rights Declaration and with reference to article 16, clause 1, in the Maldivian Constitution, limitations of rights of freedom of assembly shall be stated. |
| Fundamentals of the Act | 3. | This constitution will foresee maintaining and upholding the articles below |
| | | (a) Right to practice freedom of peaceful assembly is fundamental constitutional right of every individual, and shall be done so without |

disrupting religion.

- (b) Freedom of peaceful assembly is constitutional right of all government bodies and individuals.
 - (c) Freedom of peaceful assembly is fundamental rights of citizens to protest or strike.
 - (d) Citizens of different beliefs, and ideas should be allowed to practice Freedom of Peaceful Assembly together, for the betterment of the country.
 - (e) Freedom of Peaceful Assembly should be practiced in accordance with the rules and regulations of this constitution.
- What this constitution defends
- 4. (a) This constitution defends the rights of all citizens to practice freedom of peaceful assembly.
 - (b) Any reference to the practice of 'Freedom of Assembly' in this constitution herein is reference to Freedom of Peaceful Assembly in the Maldives.
 - (c) For the benefit of this constitution, a gathering shall be accepted as a peaceful gathering by how the people behave, talk and protest. Violence or use of any sort of gadgets/instruments that can harm an individual will not be accepted within the boundaries of the peaceful gatherings.
 - (d) This constitution will not foresee any of these below mentioned matters.
 - (1) Gatherings/meetings organized by national institutions
 - (2) Any gatherings organized and carried out by any other constitutions
 - (3) Events regarding Business, Sports, and cultural activities
- Concept/Idea
- 5. (a) The concept/idea of this constitution will be found in Chapter two
 - (b) Article 61 will state the clear meanings of all the terms of this constitution

Chapter Two

Glossary of Concept

- Fundamentals of this concept
- 6. The concepts and notions attained in this constitution is in a manner so that fundamentals of this constitution are maintained. Each article of this constitution shall be understood in a way the meanings are not mislaid.
- Assembly
- 7. 'Assembly' here implies conditional gathering of more than one person, at the

same venue, protesting against the same issues, in a peaceful manner.

- | | | |
|--------------------|-----|---|
| Temporary Assembly | 8. | Temporary assembly can be obtained only through foreseeing the limitations below: <ul style="list-style-type: none">(a) To ensure the time frame of any gathering in order to avoid social and public disruptions.(b) Hold no limitations or time frames of any gatherings if no such obstacle is being crossed. |
| Observing Peace | 9. | (a) Observing Peace at gatherings will be considered as such if the organization/institution foresees it as such, and inform senior authorities that no civil unrest will take place during the assembly in any form. Civilians participating in a Peaceful Assembly shall not use any form of arms, or weapons that may be of danger to others, and/or individual's properties. (b) Occurrences of any of these acts will not subject the gathering to anything less than a peaceful gathering: <ul style="list-style-type: none">(1) Freedom of speech is any individual's right, and hence, having different opinions, or views at the same Assembly will not subject the assembly to less than a peaceful Assembly.(2) Freedom of Peaceful Assembly should be practiced so other individual's properties or material goods are not harmed in any way. |
| Protesting | 10. | Protesting/Rallying by means of walking, using vehicles on wheels, and if by sea – through means of boats/dhonis. |
| Violent acts | 11. | Violent Acts refers to any individuals, property, or material goods, in what is considered harmful by purpose will be considered as violent behavior. |

Chapter Three

Types of Peaceful Assemblies

- | | | |
|-------------------|-----|--|
| Types of Assembly | 12. | Any reference to 'Assembly' in this constitution will also mean: <ul style="list-style-type: none">(a) Assembly at one particular area(b) Rallying/walking from meeting point to further areas(c) Rallies from particular areas(d) Gathering at public area |
|-------------------|-----|--|

- (e) Gathering at public areas where civilians are usually active around
- | | |
|-----------------------------------|---|
| Organized Assemblies | 13. Organized assemblies are such that have been pre- organized, and received approval from the Police, and other establishments. |
| Spontaneous Assemblies | 14. Spontaneous Assemblies are such that have not been organized prior, without giving any notice, or warning to the State Police or any other institutions |
| Simultaneous organized Assemblies | 15. Simultaneous organized Assemblies are such that have been pre-organized by different parties, regarding different issues, and held at the same venue/area |
| Counter action | 16. Counter action of Peaceful Assemblies are those which are organized by people who want disagree with what one group is rallying against. |

Chapter Four

Organizing Peaceful Assemblies

- | | |
|----------------------------------|---|
| Prioritizing Freedom | 17. (a) Freedom of Peaceful Assembly is every civillian’s fundamental right, and as such this constitution will work to lessen the debacles when organizing a peaceful gathering. |
| | (b) Should required, the State Police, and other institutions will be able to barricade the gathering of people as the constitution reads. |
| | (c) Unless stated otherwise, everything that states legal will be a fundamental right of every citizen as per this constitution. |
| | (d) Freedom of Peaceful Assembly should be read as stated in the constitution, without any barriers and with full understanding of the fact that what is legal in the constitution will be made legal and can be used to its maximum advantage. |
| Responsibility of the Government | 18. (a) To uphold and fight for the rights of Freedom of Peaceful assembly would be the duty of this nation |
| | (b) Any other organization of this country shall not be able to make compromises for this constitution of Freedom of Peaceful Assembly. |
| | (c) It is the right of all government bodies to help, spread the word, and increase awareness as stated in the constitution, (unless stated otherwise) when calling for peaceful gatherings. |

Chapter Five

Participating Assemblies

Participating assemblies

19. (a) Taking part in peaceful assembly
- (b) Every individual has a right to partake or withdraw from a peaceful gathering according to their wishes
- (c) Taking part in a peaceful assembly would not subject any individual to any civil or criminal prosecution

Rights of participants in Peaceful Assemblies

20. Rights of participants in Peaceful Assemblies are:
 - (a) Individuals taking part in the gatherings should be subject to voice out, and vote for any decisions made at the assembly
 - (b) Individuals are allowed freedom to walk out of an assembly/gathering should they wish to
 - (c) to use any information/ ideas/logos
 - (d) to write up and draw petitions to any institute of the government
 - (e) To be prepared for any counter- attacks the opposition may come up with
 - (f) to be prepared for any civil unrest or attacks that may come up
 - (g) Individuals will not be detained or prosecuted just for taking part in a peaceful assembly

Responsibilities of the participants of the assembly

21. (a) Responsibilities of individuals taking part in peaceful assembly – should be to follow all laws when taking part in a peaceful gathering
- (b) When taking part at a gathering, individuals are not allowed knives, swords, weapons, batons, metal rods, bleach, kerosene, pepper, or any sort of pepper, acid, explosives or any weaponry from the Military weapons shall not be used.
- (c) When in a gathering, individuals are not allowed to hide their faces – if not their regular attire- under any circumstances

Rights of the organizers of the gathering

22. Individuals/committees who arrange Peaceful gatherings – shall have the following rights:
 - (a) Freedom to choose the date, time, and venue of gathering

- (b) The form of this gathering
- (c) Freedom to voice out the targets to reach at the gathering
- (d) Freedom to choose the leader/head person to lead this gathering
- (e) Freedom to choose any individual who will commence and end the meeting
- (f) Freedom to choose speakers who will speak, the order in which they will, and how to choose the speakers
- (g) Behavior of individuals/ and groups of people at the gathering
- (h) Freedom to divide groups and choose a leader for each group
- (i) Freedom to organize activities to raise financial aid for these gatherings
- (j) Organize ways to set up temporary tents, stages, and other useful/important details of this gathering
- (k) Unless stated otherwise in this constitution, are allowed to use loud speakers, microphones, vehicles, video and audio clips at the gatherings
- (l) Arrange details of the gathering so as to not disturb other civilians and their routines
- (m) Work with the State Police to organize and manage safety of the people at the gathering and others
- (n) Should any individual is in harm's way, the organizer shall find means of righting the situation
- (o) Spread news of the gathering through all social media available, and possible

Responsibilities of
the Organizer of
Peaceful
Assemblies

23. Responsibilities of the Organizer of Peaceful Assemblies are as follows:

- (a) when organizing peaceful gatherings, find ways to do so without creating social disturbances or civil unrest
- (b) work with the Police to map out the roads that will be blocked due to the gathering
- (c) Work with the police to find alternatives for the roads blocked to avoid social disturbances

- (d) Special Vehicles previously agreed upon by the organizers to be let into the area of the gathering
- (e) find ways to maintain cleanliness
- (f) If at night, work with the police in maintaining the loudness and volume of events at the gathering
- (g) If the gathering is within boundaries of a mosque, school, or a hospital, maintain with the police a volume limit and avoid use of microphones and speakers
- (h) freedom to receive information on a peaceful gathering, and freedom to spread said information

Chapter Six

Pertaining to place and time

Location of assembly

24. (a) It is not obligatory that a gathering be held at a particular place unless otherwise stated in this Act.
- (b) Despite the provisions of article a, the following locations are prohibited from being used for any gathering, march or vehicle rally unless with prior approval of the Police. In granting said approval the Maldives Police Service should seek and act in accordance with the advice of the Maldives National Defense Force.
- (1) The area comprising 300 feet in front of the northern boundary wall of the Maldivian National Defense Force Head Quarters, the area comprising 200 feet from the western boundary wall, the area comprising 200 feet from the eastern boundary wall and the area comprising 150 feet from the southern boundary wall.
 - (2) The area comprising 50 feet from the northern boundary wall of the Maldives Police Services Head Quarters, the area comprising 500 feet from the southern boundary wall, the area comprising 100 feet from the eastern boundary wall and the area comprising 50 feet from the southern boundary wall.
 - (3) The area comprising the compound and 100 feet from every side of all other Defense Centers except the Head Quarters of the Maldivian National Defense Forces.
 - (4) The area comprising the compound and 250 feet from each side of

the President's official residence.

- (5) The area comprising the compound and 100 feet from each side of the Vice President's official residence.
 - (6) The area comprising the compound and 100 feet from each side of the Maldives Monetary Authority's head offices.
 - (7) Tourist resorts, ports and airports of the Maldives.
- (c) Despite the provisions of article a, the following areas are prohibited from being used in gatherings or sit downs
- (1) The area comprising the compound and 50 feet from every side of all other Police Stations except the Headquarters of the Maldives Police Service.
 - (2) if there is a mosque in proximity to a gathering an area comprising the compound and 50 feet from every side of the mosque.
 - (3) If there is a school in proximity to a gathering, an area comprising the compound and 50 feet from every side of the school.
 - (4) If the gathering is going to take place near a court of law, an area comprising the compound and 50 feet from every side of the court.
 - (5) If the gathering is to take place near the President's Office, an area comprising the compound and 50 feet from every side of the Office.
 - (6) If the gathering is to take place near the People's Majlis, an area comprising the compound and 50 feet from every side of the Majlis.
 - (7) If the gathering is to take place near a hospital, an area comprising the compound and 50 feet from every side of the hospital.
 - (8) If the gathering is to take place near a diplomatic mission established in the Maldives, an area comprising the compound and 50 feet from every side of the mission.
- (d) Despite the provisions of article c, this Act will not restrict marches along areas not closed off by the police.

Time

25. (a) It is not obligatory that a gathering be held at a particular time unless otherwise stated in this Act.
- (b) If the police sees that, in special circumstances, a particular gathering at a particular place, at a particular time cannot be conducted within the ambit of this Act, the police shall then inform the organizers of the gathering of

an alternative time to hold the gathering such that it does not affect its form or purpose.

- (c) If a gathering is to be held near a school during school hours or during exams, or if a gathering is to be held near a hospital, the noise of the gathering should not be heard within the school or hospital. If a gathering is to be held near a mosque, the noise of the gathering should not be heard at the mosque during prayer times. If the gathering is to be held near a school, hospital or mosque, loudspeakers of any sort may not be used within 50 feet of their parameters.
- Sight and Sound 26. (a) As gatherings are held to give a particular message to a particular party, the organizers of the gathering can hold it at the closest possible site that can convey the sight and sound to the party that they wish to convey the message to, unless otherwise stated in the Act.

Chapter Seven

Giving Notice

- Giving Notice 27. (a) It is not obligatory to seek permission to hold a specific gathering
- (b) Despite the provisions of (a), in the event of a pre-planned gathering, organizers shall give notice of the intention to hold a gathering to the police.
 - (c) Giving notice as specified in article (b) is not equivalent to obtaining permission to hold a gathering
 - (d) The purpose of giving notice as specified in article (b) is to allow the police sufficient time to take the following actions in relation to the gathering
 - (1) make arrangements to ensure the gathering is peaceful
 - (2) make arrangements to protect the rights of others
 - (3) allow sufficient time to prepare to take measures to maintain public security and peace
 - (4) Allow sufficient time for police to inform organizers of the need to impose any restrictions to the gathering as required under this Act, as the police deems necessary.
 - (5) allow sufficient time for any party to file in court if they have any issue with orders issued as specified under (4) of this article
- How to give the notice 28. The police shall make arrangements to, and publicly announce detailed procedures on how to give notice of gatherings through letters, email or text

messages

Information included in the notice

29. The following information shall be included in a notice regarding a gathering

- (a) details of the police station receiving the notice
- (b) reason for gathering
- (c) Time and estimated duration of the gathering
- (d) area of gathering
- (e) Whether any roads will be used for the gathering
- (f) name and address of organizers
- (g) Phone number
- (h) Date and Time of notice

Period of Notice

30. (a) Notice shall be given a minimum of 36 hours prior to when the gathering shall take place

- (b) The duration as specified under article (a) is required to allow the police sufficient time to make the necessary arrangements in relation to the gathering, to inform organizers of any restrictions if the police decide to impose any and to allow sufficient time for organizers to file in a judicial court if they have any issues with such imposed restrictions.

Exemption of notice during emergencies

31. (a) The procedure to give notice as specified under article 27 of this Act shall not apply to impromptu gatherings.

- (b) If an impromptu gathering is peaceful, the gathering shall be protected and facilitated by the police from when they are first made aware of the gathering
- (c) This Act prohibits preplanned gatherings from being held as impromptu gatherings in order to avoid the procedures for giving notice and exploit procedures that do not require giving notice. As gatherings are considered impromptu only if they occur in relation to a sudden event, sudden events shall be interpreted narrowly.

Organizing the Assembly

32. (a) Organizers of a preplanned gathering shall hold preparatory discussions with the police after giving notice and prior to the gathering

- (b) The preparatory discussions as specified under (a) shall focus on the following areas

- (1) how the gathering has been planned and measures to deal with any possible hindrances to public security
- (2) how to identify organizers of the gathering
- (3) how police would be arranged at the scene

Chapter Eight

Restrictions to assembly

Situations where freedom of assembly may be restricted

33. (a) As article 21 of the International Covenant on Civil and Political Rights states that restrictions to freedom of assembly which are necessary in a democratic society to ensure the following interests may be imposed in conformity with the law, the interpretation of and extent of these interests in the Maldives is specified in this chapter
- (1) a threat to national security
 - (2) maintaining public safety
 - (3) establishing public order in conformity with legislation
 - (4) protecting public health
 - (5) protecting public morals
 - (6) protecting the rights and freedoms of others
- (b) In order to protect the interests as specified in (a), the freedom of assembly may be restricted to the extent required to protect these interests.
- (c) Article 24 (b) and articles 36-41 of this Act specify how restrictions may be imposed under (b) to protect the interests specified in (a).

Procedures to restrict freedom of assembly

34. Freedom of assembly may be restricted under the following procedures.
- (a) a valid reason specified under legislation
 - (1) Any restrictions to freedom of assembly can only be imposed with clear reference to legal provisions which allow such restrictions
 - (2) any imposed restrictions based on the reason specified under this

article's (a) 1. shall be in conformity with human rights principles.

(3) the provision mentioned in this article's (a)1 shall be one which can be clearly identified as being applicable to a specific action or how an act is carried out by the organizers

(b) Appropriate extent

Any measures taken to restrict the freedom of assembly shall only extend to the extent required to protect interests that require protection. The measure shall also cause minimum disruption to the achievement of the gathering's objectives.

(c) nondiscrimination

(1) The Right to Freedom of Assembly is a right which shall be exercised equally by all.

(2) Gatherings held in a similar manner shall be treated the same. gatherings held in a similar manner shall not be treated in different ways.

(3) Measures by the police or other state authority relating to the freedom of assembly shall not be measures taken to discriminate or privilege a certain group of people

Situations where freedom of assembly cannot be restricted

35. unless otherwise specified in this Act, the following reasons by themselves shall not be grounds to impose restrictions

(a) Area of gathering

(b) Time of gathering

(c) Duration of gathering

(d) Number of participants in the gathering

(e) lack of an organiser at an impromptu gathering

(f) lack of prior notice at a pre-planned gathering

(g) another gathering take place at the same time or a counter protest being held at the same time

(h) A state or other government function being held at the same site as the gathering

(i) a sporting event or celebration taking place at the same time and place of the gathering

- (j) calling for a certain party's resignation or discussion of changing the government through legal means
 - (k) a gathering which requires prior closure of public streets and roads
 - (l) a gathering which has not been provided with sufficient protection but he police
- Standard for Threat to National Security
36. The standards relating to national security shall be imposed only within the limits specified under article 274 (a) of the Constitution. That is, if there is a threat to the independence and sovereignty of the Maldives, or a threat of major damage to people's lives, limbs or property. This includes terrorist attacks and acts of aggression committed using weapons. This, however, does not include the exercise by citizens of their legal rights to conduct peaceful activities in support of, or against various matters without contravening the law.
- Standards for maintaining public safety
37. Standards for maintaining public safety shall only be implemented to restrict the freedom of assembly in instances in which the police are empowered to take measures in connection with criminal offenses under respective legislation.
- Standards for establishing public order
38. Standards for establishing public order shall only be implemented to restrict the freedom of assembly only in instances in which the police are empowered to take measures in connection with criminal offenses under respective legislation.
- Standards for protecting public health
39. Standards for protecting public health shall only be implemented to restrict the freedom of assembly only in instances in which the spreading of a dangerous sickness or a dangerous infectious disease has been announced, in order to protect the people from such in compliance with respective legislation.
- Standards for protecting morals
40. Standards for protecting morals to restrict the freedom of assembly shall be implemented as per the ambit of the Anti Social Behaviour Act, Law No. 11/2010.
- Standards for protecting the rights of others
41. While this Act concedes that the temporary loss of a freedom or a right of another in connection with a gathering is in the nature of such gatherings, it also believes that this should occur to a reasonable extent. Thus, this Act allows police to order organizers to undertake one of the the following measures in the event that rights of others are repeatedly violated due to the gathering being held in a specific location.
- (a) curtail the duration of the gathering
 - (b) maintain a specific level of noise
 - (c) end the gathering before a specific time
 - (d) refrain from using loudspeakers

- (e) limit the gathering to a specific area
 - (f) issue order to refrain from the use of foul language
 - (g) issue order to refrain from holding the gatherings at specific times
- Notification of restrictions
42. (a) If any restrictions are to be imposed regarding a pre-planned gathering, a notification to the effect, with detailed justification, shall be provided to the organizers within 12 hours after the police receives notice of the gathering.
- (b) If the organizers believe the restrictions imposed through the notification issued in accordance with (a) are in violation of this Act, they shall have the opportunity to file a case in court requesting a court ruling on the matter.
- (c) If a case is filed in court in accordance with (b), the court shall issue a ruling within 12 hours of the case being filed at court.
- (d) If any restrictions are to be imposed regarding an impromptu gathering, organizers of the gathering shall be informed by the police as soon as is possible after the police are made aware of the gathering. If organisers have issues with the restrictions such imposed they shall have the power to file a court case. If such a case is filed in court, the court shall make a decision on the case as soon as is possible and no later than 12 hours after the case was filed.
- Measures the police cannot take
43. unless otherwise specified in this Act, the police cannot undertake the following measures in imposing restrictions to any gatherings
- (a) Ordering that a gathering takes place and a specific time and specific place
 - (b) Make changes to the route of a planned march, unless it is for the protection of participants
 - (c) attend the gathering as participants
 - (d) impose restrictions on participants' engaging in acts which are legal
 - (e) obstructing media
 - (f) perform any act to demonstrate support or opposition to the gathering's participants
 - (g) Encourage or participate in acts which may appear to create unrest between participants of one gathering or between participants or two separate gatherings
 - (h) Act to disperse a gathering while out of uniform, or with face covered while

not in riot gear.

Chapter Nine

Responsibility

- | | | |
|---------------------------------------|-----|--|
| Responsibility of police | 45. | <p>(a) Police shall be answerable, before the law, for any legal responsibility that they have to undertake with regards to the conduct stipulated in this Act.</p> <p>(b) Police shall take all the responsibilities for any dispute that may arise as a result of any public announcement of any rules or any policy made, or any action taken on a particular situation that is not in adherence to this Act</p> |
| Expenses | 46. | <p>Any expenses that must be incurred in taking any action by the Police or any Governmental organization pertaining to the gathering must be borne by that organization taking the action</p> |
| Gauge of the responsibility of Police | 47. | <p>The following issues must be taken into consideration by the Police when taking any action with regard to the gathering</p> <p>(a) The action must be legitimate</p> <p>(b) The action must be for the situation in time</p> <p>(c) The action in response must be equivalent to the situation</p> <p>(d) The action should not be differentiated among different entities</p> |
| Protecting the gathering from others | 48. | <p>(a) Police is responsible for taking any action to protect the participants of every gathering except in situations where it is explicitly not allowed by this Act</p> <p>(b) Police is responsible to arrange plans to ensure there are no barriers to the gathering, and to isolate, and take action against any person attempting to carry out brutal action, or attempting to put off the gathering and any person attempting to disorder the arrangement of the gathering, during the course of a gathering.</p> <p>(c) Police should not prevent or create a barrier to express the opinions of the participants of the gathering who are expressing their opinion as stipulated in this Act.</p> |
| Use of power | 49. | <p>(a) If a peaceful gathering loses its order, and there is no possibility of restoring order, or if a situation give rise to constricting the right of gathering as stated in this Act and the police had to disperse the gathering, the decision by the police to disperse the gathering must be communicated to the organiser of the gathering. In such situations, priority should be given to collaborate with the organiser of the gathering to disperse the gathering.</p> |

- (b) If the opportunity to act as per clause (a) of this section ceases exist, and if power is to be used to disperse the gathering, the power used should be legitimate. And the power exercised should be equivalent to the severity of the situation. And the power exercised should be reasonable for the situation.
- Advice and Warning 50. (a) If power needs to be exercised to disperse a gathering, Police must advice to the participants of the gathering about the decision to do so, and to exit the gathering peacefully. This advice should be repeated three times. After that, a warning that power is to be used should be announced and repeated three times before any action.
- (b) The time frame to advice the participants to exit the gathering, and the warning announcement should be a time frame that is pre-planned.
- (c) If the process to disperse the gathering has been initiated, the process shall continue until the gathering has been fully dispersed
- (d) If a peaceful gathering loses its order, and if order cannot be restored or the gathering could not be dispersed as per the process stated under clause (a) of this section, police can disperse the crowd without advice. However, warning should be given once, or warning could be given once along with the process of dispersing the gathering.
- Responsibility of the power exercised 51. (a) The power exercised to disperse the gathering should be equivalent and relevant to the danger of the situation.
- (b) In a situation where power is exercised, if the power exercised is illegitimate, or the power exercised is excessive over the situation, of the power exercised is not equivalent to the situation, the entity that committed such an act shall be responsible to any civil or criminal charges.
- (c) If during a situation where the power exercised is not in accordance with clause (a) of this section, the senior officers who are in the state of ordering the junior officer to cease the offence, being in that position, knowingly, and having reasonable opportunity to stop the action, yet did not attempt to stop the action, shall also be responsible to any civil or criminal charges.
- (d) If a police officer is accused of taking brutal action towards the soul or body of an individual, then, without any complaints from any other person, the issue must be investigated separately and

independently by the Police Integrity Commission and by the Human Rights Commission of the Maldives and any findings of the issue must be announced within 14 days from the date of offence. And if the investigation proves such an offence has been committed, the request to take action for the offence must be sent to the Prosecutor General.

Responsibility of the organiser of the gathering

52. (a) The organizer of the gathering shall take responsibility only when they have not taken sufficient action to resolve the situation where there is a dispute, or an act of violence, or any damage to property, or harm to individuals. Or, when it is explicitly announced in the gathering to damage property or harm individuals and it cannot be seen that the organizer of the event has taken sufficient appropriate action to stop the act.
- (b) The organizer of the gathering does not have to take responsibility for the actions of individual entities which are outside the criteria stated in clause (a) of this section
- (c) The organizer of the gathering also does not have to take responsibility for the actions of non-participants of the gathering, or anyone attempting to prevent the gathering from taking place, or anyone attempting to inflict disorder to the gathering.

Responsibility of the individual

53. During the course of the gathering, if an individual breaches the law, or disobeys a legitimate order, that individual shall take the responsibility of his actions

Chapter Ten

Media

Providing opportunity to Media

54. (a) News reporters acting for the purpose of spreading the information about the gathering, and those news reporters who are granted the opportunity by this Act, should be accredited news reporters under the accreditation rule stipulated in clause (b) of this section.
- (b) Within three months from the commencement of this Act, Maldives Broadcasting Commission shall formulate the rules of accrediting news reporters in gatherings with reference to this clause of this Act.
- (c) While reporting about the actions of the participants of the gathering, and closely monitoring and reporting about the actions of the police, any equipment used by the accredited

news reporters should not be purposely prevented from or damaged by either the police, or the organisers of the gathering, or by any participants of the gathering.

- (d) It is not a constraint as stipulated under clause (c) of this section when the police instruct the accredited news reporters to remain at a distance that does not obstruct them from reporting or observing the actions of the gathering, or when the police contain the news reporters at such a distance while the gathering is being dispersed or when the police is in the process of constricting the activities of the gathering,
- (e) Accredited news reporters that are active in the gathering, while performing their duties should not act in a way that they are seen to be participating or acting with the members of the gathering. When it has been noticed that the news reporter is acting in such a way, the police has the right to consider a news reporter as a participant of the gathering and take action accordingly.

Live broadcast

- 55. (a) If any organizer of the gathering purchase air time to broadcast live the whole gathering, or if a member of the media take the initiative to broadcast the whole gathering free of charge, the live feed should have a minimum delay of 60 seconds.
- (b) The purpose of the delay required by clause (a) of this section is to provide the opportunity to avoid broadcasting any conduct or speech that is against the broadcasting rules.
- (c) If during the live broadcast, an act in breach of the broadcasting rules transpire, the broadcaster shall take the responsibility of the offence as stated under the broadcasting Act.

Chapter Eleven

Common practice

Police requesting for assistance from the defence force

- 56. (a) With regard to the gathering, when the police acting within the periphery of this Act, request for assistance from the defence force under law number 5/2008 (Maldives Police Services Act), the defense force shall act within the periphery allowed for the police to operate under this Act.
- (b) The involvement, responsibility and the periphery of power vested on the defense force as stipulated under clause (a) of this section shall be the equivalent involvement, responsibility and periphery of power vested on the police under this Act.

| | |
|--------------------------------------|---|
| Information seekers | <p>57. (a) Governmental organisations, entities protecting human rights and Independent organisations that are observing and analysing the gathering shall be granted the freedom to access the gathering to collect, store and use information of the gathering and to take pictures, video and audio recording, and to conduct interviews for the purpose of spreading the information of the gathering.</p> <p>(b) The individuals that are acting on behalf of the organisations as per clause (a) of this section should be identified and informed to the police prior to the gathering.</p> |
| Drafting and implementation of rules | <p>58. (a) Unless this Act stipulates mandatory that a particular rule is to be drafted by a particular entity within a particular period of time, all other rules to perform the responsibilities of this Act except those relating to the Courts, shall be prepared by the Ministry of Home Affairs. And these rules shall be administered by the Police. Rules relating to the Courts shall be drafted and administered by the relevant Court.</p> <p>(b) The rules stated under clause (a) of this section should be drafted and announced by the relevant organisation within three months from the date the president signs the bill.</p> |
| Commencement of this regulation | <p>59. This Act shall come into effect, when it is passed by the parliament, signed by the president and from the day it is published in the national gazette.</p> |
| Annulment | <p>60. Upon commencement of this Act, the ‘Rules of gatherings’ enforced under law number 6/2008 (Common practice rules Act) becomes nullified.</p> |
| Definitions | <p>61. In this regulation, unless otherwise specified,</p> <p>(a) ‘Constriction’ refers to the constriction exercised within the periphery of this Act, by the police or any governmental organization, in a situation that does not completely restrict or annul the right to gather.</p> <p>(b) ‘Notice’ refers to the proposal by the organisers of the gathering informing the police about the gathering</p> <p>(c) ‘Court’ refers to, the civil court and any magistrate court that has the authority over the topic of this Act, as the lower level courts. And to the High court and the Supreme court in other levels of appeal.</p> |

- (d) 'Public property' includes roads, streets, land, centers, parks and pavements that are free and can be used by everyone equally.
- (e) 'Organiser' refers to the natural being or beings in charge and responsible for conducting a specific gathering, at a specific place.
- (f) 'Participants of a gathering' refers to individuals that participate in a gathering at their own will. Accredited news reporters that are at the gathering to formally report about the gathering shall not be considered as participants of the gathering. If security agents are hired by the organizers of the gathering, the individuals responsible for such security shall not be considered as participants of the gathering. Any representative of the respective governmental organization or independent organization that are information seekers, shall not be considered as participants of the gathering as well.
- (g) 'Private property' refers to governmental buildings, stadiums, auditoriums, halls and related private property that are provided on a general policy and basis for the intended purpose.
- (h) 'Accredited news reporters' refers to news reporters that are the holders of the accreditation pass issued under the accreditation rules, to report on the gathering.
- (i) 'Police station' refers to the Maldives Police Services if in Male'. And to the police station if in an island in Maldives. If there is no police station, then to the nearest police station.
- (j) 'Governmental organization' includes the executive, the legislative, the judiciary, protective services, independent organizations and councils.
- (k) 'Constitution' refers to the constitution of the Republic of Maldives
- (l) 'Legal entity' includes un-natural entities, companies, corporations, associations and organisations that have legal authority and that are formed as a result of a law or from a law.
- (m) 'Natural entity' refers collectively and includes men and women, adults and children, locals and foreigners.
- (n) 'Vehicle drives' refers to bicycle drives, cycle drives, car drives and lorry drives if on land. And, dhoni drives, launch drives and boat drives if on sea.

