

# **Freedom of Peaceful Assembly Act**

## **Chapter One**

### Introduction

- Introduction and Title
1. (a) This Act contains provisions for the establishment of guidelines on the Right to Freedom of Assembly granted by Article 32 of the Constitution.
- (b) This Act shall be cited as the 'Freedom of Peaceful Assembly Act'.
- Objectives of the Act
2. The objectives of this Act are to achieve the following:
- (a) To establish the guidelines on the Right to Freedom of Peaceful Assembly without prior permission of the state as guaranteed for every person by Article 32 of the Constitution.
- (b) To state the arrangements in the Maldives in order to provide a guideline for the Right to Freedom of Peaceful Assembly granted under Article 20 (1) of the Universal Declaration of Human Rights (UDHR).
- (c) To state the arrangements in the Maldives in order to provide a guideline for the Right to Freedom of Peaceful Assembly granted under Article 21 of the International Covenant on Civil and Political Rights (ICCPR).
- (d) To state the circumstances in which the Right to Freedom of Peaceful Assembly in order to protect specific interests, may be limited as stated under Article 21 of the Universal Declaration of Human Rights (UDHR) with reference to Article 16 (a) of the Constitution
- Fundamental Principles of the Act
3. This Act is based upon protection and preservation of the following fundamental principles.
- (a) Belief that the Right to Freedom of Peaceful Assembly, in a manner that

is not contrary to the principles of Islam is a fundamental human right.

- (b) Belief that the Right to Freedom of Peaceful Assembly is a right afforded to both physical entities and legal entities.
- (c) Belief that the Right to Freedom of Peaceful Assembly is a fundamental instrument for the expression of different thoughts, feelings and different views.
- (d) Belief that the Right to Freedom of Peaceful Assembly is a right that needs to be protected in order for an environment to be established where persons of different thoughts, views, principles, political ideologies and different practices can coexist.
- (e) Belief that the Right to Assembly shall not be limited unless in accordance with the provisions of this Act and can only be limited to the extent provided for under this Act.

Ambit of  
Protection under  
this Act

- 4. (a) This Act protects Peaceful Assembly.
- (b) All reference made in this Act to Freedom of Assembly shall be construed as Peaceful Assembly.
- (c) For the purposes of this Act, an assembly can be considered as a peaceful assembly or that certain people assembling peacefully if the organisers of that assembly ensures that; prior notice is given that the assembly was formed for the purposes of fulfilling a peaceful objective; and if no violent acts occur during the assembly or there is no incitement violent activity at that assembly through words, written material, drawings or actions. Furthermore, there should be no acts or acts that encourage the violation of the law. And no items should be used that could be used for an assault or that may pose a danger.

(d) This Act will not have an effect over the following:

(1) Meetings, ceremonies and activities organised by State Institutions.

(2) Meetings, ceremonies and activities organised under another Act.

(3) Business activities, sports activities and cultural activities.

- Glossary
5. (a) The main concepts this Act is based upon are outlined in Chapter Two of this Act.
- (b) The meanings of the words and phrases used in this Act are defined in Section 6 of this Act.

## Chapter Two

### Glossary of the Concepts

- Fundamentals of the concepts
6. The concepts outlined under this chapter are outlined for the purposes of preserving the fundamentals of this Act and for enabling the aims of this Act to be achieved as broadly as possible. All sections of this Act shall be read in a way that the concept of that section is not limited.
- Assembly
7. “Assembly” is stated as, where more than one person, for the same purpose, intentionally, in a public or private place, temporarily attending or gathering and peacefully expressing their sentiments.
- Temporariness
8. “Temporariness” In relation to an assembly refers to the length of time or period as established by the following:
- (a) To consider the present situation in considering how long the rights of other people should be suspended if the assembly creates a situation

that temporarily suspends the rights of other people.

- (b) To allow the maximum possible time for the assembly if the assembly causes no disturbance or disruption to another person.

Peacefulness

- 9. (a) "Peacefulness" in relation to an assembly refers to assemblies where the organisers of that assembly ensure that; prior notice is given that the assembly was formed for the purposes of fulfilling a peaceful objective; and if no violent acts occur during the assembly or no violent activity is sanctioned at that assembly through words, written material, drawings or actions. Furthermore, no illegal activity or acts that condone any illegal activity should occur at that assembly. Nor should there be any items that may be used in an assault or that may cause any damage.

- (b) The observation of the following acts during an assembly shall not by itself mean that the assembly is not peaceful;

- (1) If the things said or behaviour of certain people at an assembly draws resentment from other people or if it disturbs other people or if it is deemed unacceptable for other people.

- (2) If other another person's rights or people's rights are temporarily disturbed or obstructed due to the assembly.

Rallying

- 10. "Rallying" or a "Rally" refers to and includes, if on land; rallies comprised of people walking in rows, rallies that include the use of transportation vehicles, bicycle rides, motorcycle rides, car rides and lorry rides. And if by sea it shall include; Dhoni rides, Speedboat rides and Boat rides.

Violent acts

- 11. "Violent Acts" refers to an act that where reasonable force is used to commit a criminal or civil wrong with an infliction to a person's body or property. And where from a reasonable person's mind it could be believed that the force

used might cause inflict harm to a person's body or property and this in result will constitute the conditions of a criminal offence.

## Chapter Three

### Types of Assemblies

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| Types of Assemblies   | 12. Any reference in this Act to assembly shall include the following types of assemblies:<br><br>(a) Attending a particular place, and remaining only at that place.<br><br>(b) Meeting at a certain place and walking from that place to another place.<br><br>(c) Rallies that start from a particular place.<br><br>(d) Assemblies in public areas.<br><br>(e) Assemblies in private places that are used for public assemblies. |
| Planned Assemblies    | 13. Planned Assemblies are assemblies that have announced the assembly beforehand, arrangements are organised for that assembly, and where prior notice has been given to the Police.  |
| Impromptu Assemblies  | 14. Impromptu Assemblies are assemblies held due to a sudden occurrence where there is no announcement of the assembly beforehand, and arrangements are not organised for that assembly beforehand, and no prior notice is given to the Police.  |
| Concurrent Assemblies | 15. Concurrent Assemblies are where more than one assembly is held at the same place and at the same time where the arrangements are made by more than one person.   |

Counter  
Assembly

16. Counter Assemblies are where people dissatisfied with what is said at an on-going assembly, in response; hold an assembly in order to express their countering sentiments.

## Chapter Four

### Holding of Assemblies

Prioritising  
Freedom

17. (a) As the Right to Freedom of Peaceful Assembly is a fundamental right, one of the purposes of this Act is to as much as possible, curtail limitations on that right.
- (b) It is compulsory under this Act that any limitation imposed on the Freedom of Assembly by the Police or any state institution shall only be in situations permitted under this Act and shall only be limited to the extent reasonable for that situation.
- (c) It is compulsory under this Act that all acts unless expressly prohibited by law, be considered something can be freely done.
- (d) The provisions of this Act shall in all circumstances be read in a way that presumes the guarantee of Freedom of Peaceful Assembly. And that freedom shall be read without any limitations other than the limitations mentioned in this Act. Furthermore, this Act should be interpreted as widely as possible.

Responsibility of  
the State

18. (a) It is the State's responsibility with good intentions, to establish and maintain regulations on the practical use of the Right to Freedom of Assembly.
- (b) Any regulation or rule formed or acted upon by any State Institution shall not be rule that unreasonably limits the Right to Freedom of Peaceful Assembly.

- (c) It is mandatory under this Act for State Institutions to, arrange the holding of an assembly at the organisers place of choice, and to arrange the provision of all related information in the broadest way possible, or to not limit it unless it is unreasonable to do so, unless it is a situation where it is expressly authorised by law.

## **Chapter 5**

### Participating in Assemblies

Participating in  
Assemblies

- 19. (a) A person shall only take part in an assembly by their own free will.
- (b) No force or influence shall be used to make any person participate or to refrain from participating in an assembly.
- (c) A person taking part in an assembly shall not of its own accord and for that reason alone, bear any criminal or civil burden.

Rights of the  
Participants in  
Assemblies

- 20. The participants of an assembly shall have the following rights:
  - (a) To participate in that assembly, and to speak at that assembly and to take part in the decisions made at that assembly and to vote in the decisions at that assembly.
  - (b) To leave an assembly of his own free will and own forethought after taking part in an assembly.
  - (c) To use different information and mottos.
  - (d) To express feelings using any device and items if it is not expressly

prohibited by law.

- (e) To submit petitions, to submit writings, to submit thoughts and views to different State Institutions.
- (f) To protect against any interference from parties opposed to that assembly.
- (g) To protect against any actual damage that may be caused by parties opposed to that assembly.
- (h) To not be punished or to not have any claim made against him only for the reason of taking part in an assembly.

Responsibilities of the  
Participants of an  
Assembly

21. The participants of an assembly shall have the following responsibilities:

- (a) To express sentiments as a participant of an assembly and take part in that assembly only in a peaceful manner and in accordance with the laws and regulations.
- (b) No person participating in an assembly shall use the following; swords, knives, daggers, *lakudiburi (large piece of wood)*, wooden sticks, metal rods, batons, bleach, petrol, kerosene, dried chilli, raw chilli, ground chilli or any type of chilli, acid or anything similar to it which may be used as a weapon, explosives and anything of the type used by the Police and Security Forces for the enforcement of the law or for maintaining public order.
- (c) If it is not part of that person's normal everyday attire, no person participating in an assembly shall, in order to conceal their identity and to hide their face, using cloth or any other thing, conceal their face



during an assembly.

Rights of the  
Organisers of the  
Assembly

22. The Organisers of Assemblies shall have the following rights:

- (a) Freedom to determine the venue and time at which the assembly will be held.
- (b) Freedom to determine how that assembly shall be held.
- (c) Freedom to determine the objective that needs to be achieved by that assembly.
- (d) To determine a leader for that assembly.
- (e) To determine the party that will commence and end that assembly.
- (f) To determine who will address the participants of that assembly and the in order in which they shall speak and how they shall be given the opportunity to speak.
- (g) To determine the guidelines for that assembly.
- (h) To choose from the participants of that assembly, and hand over administrative responsibilities related to that assembly to those people.
- (i) To make arrangements for activities related to fund-raising.
- (j) During the activities of an assembly, setting up temporary tents, building of stages and setting up, organising and using other items used for the assembly, in a way that is not permanent and only for the purposes of that assembly.

- (k) Unless stated otherwise in this Act, using loudspeakers, using audio/video devices and using transportation and other technical devices.
- (l) To arrange the affairs of the participants of the assembly in such a way that the public interest is not affected in a negative way.
- (m) To work with the Police in order to protect the common interest of the assembly and to protect the participants of the assembly.
- (n) To do all things necessary to get damages should any participant of the assembly suffer any damage.
- (o) To disseminate information about the assembly using media and other devices.

Responsibilities  
of the Organisers  
of Assemblies

23. The organisers of assemblies shall have the following responsibilities:

- (a) When organising and holding assemblies, to act in a way that public interests are protected.
- (b) If the assembly is to be held in a street that pedestrians use, to inform the Police beforehand of the streets where the assembly is to be held.
- (c) To discuss with the Police before holding the assembly to find alternative routes for pedestrians and motorists in order to lessen their inconvenience due to the holding of the assembly.
- (d) To allow special vehicles and vehicles with certain special conditions as agreed upon, to use the area of the assembly.

- (e) To make arrangements to ensure cleanliness and safety.
- (f) If the assembly is held at night, to make arrangements to limit the noise to a level as agreed upon in discussions with the Police.
- (g) If an assembly is to be held in an area where Schools, Hospitals, Mosques are located, considering the nature of that place, to limit the noise to certain types of noise as agreed upon in discussions with the Police and not to use loudspeakers.
- (h) To ensure the freedom of the right to obtain information and to disseminate information about Assemblies.

## **Chapter 6**

### Pertaining to Time and Place

Location of  
Assembly

24. (a) Unless stated otherwise in this Act, it is not compulsory for an assembly to be held in a particular place.
- (b) Despite the provision in subsection (a), unless written permission is obtained from the Maldives Police Service, holding any type of assembly, walk or vehicle ride shall be prohibited in the following locations. The Maldives Police Service, in granting said permission, shall seek advice from the Maldives National Defence Force and act according to that advice.
- (1) The area comprising 300 feet in front of the northern boundary wall, the area comprising 200 feet from the western boundary wall, the area comprising 200 feet from the eastern boundary wall and the land area comprising 150 feet from the southern boundary wall of the Headquarters of the Maldivian National Defense Force.

- (2) The area comprising 50 feet from the northern boundary wall, 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 of the Maldives Police Services Headquarters.
  - (3) The area comprising the compound and 100 feet from every boundary wall on each side of all other Defense Centres except the Headquarters of the Maldivian National Defense Force.
  - (4) The area comprising the compound and 250 feet from each boundary wall on each side of the President's official residence.
  - (5) The area comprising the compound and 100 feet from each boundary wall on each side of the Vice President's official residence.
  - (6) The area comprising the compound and 100 feet from each boundary wall on each of the Maldives Monetary Authority's head offices.
  - (7) Tourist resorts, ports and airports of the Maldives.
- (c) Despite the provisions of subsection (a), it is prohibited to assemble in following places and to hold an assembly either by remaining there or by sitting down.
- (1) The area comprising the compound and 50 feet from every boundary wall of all other Police Stations except the Headquarters of the Maldives Police Service.
  - (2) If there is a mosque in proximity to an assembly, an area

comprising the compound and 50 feet from every boundary wall of the mosque.

- (3) If there is a school in proximity to an assembly, an area comprising the compound and 50 feet from every boundary wall of the school.
  - (4) If the assembly is going to take place near a court of law, an area comprising the compound and 50 feet from every boundary wall of the court.
  - (5) If the assembly is to take place near the President's Office, an area comprising the compound and 50 feet from every boundary wall of the Office.
  - (6) If the assembly is to take place near the People's Majlis, an area comprising the compound and 50 feet from every boundary wall of the Majlis.
  - (7) If the assembly is to take place near a hospital, an area comprising the compound and 50 feet from every boundary wall of the hospital.
  - (8) If the assembly is to take place near a diplomatic mission established in the Maldives, an area comprising the compound and 50 feet from every boundary wall of the mission.
- (d) Despite the provisions of subsection (c), where the Police have not cordoned the area, this Act does not prohibit a walk that incidentally travels through that area.
  - (e) No assembly that is organised against a specific person should include rallying or sitting within the vicinity of that person's home, flat or any

such place using devices that can be used to make loud noises.

- Time
25. (a) Unless otherwise stated in this Act it is not compulsory that an assembly be held at a particular time.
- (b) If the police see that, in special circumstances, a particular assembly 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 assembly 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 an assembly is to be held near a hospital, the noise of the assembly should not be heard within the school or hospital. If a gathering is to be held near a mosque, the noise of the assembly should not be heard at the mosque during prayer times. If the assembly 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 assemblies are held to give a particular message to a particular party, the organizers of the assembly 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 7**

### **Giving Notice**

- Giving Notice
27. (a) It is not a requirement to seek permission for an assembly in order to hold a specific assembly.
- (b) Despite the provision in subsection (a), in the event of a planned assembly, the organisers of the assembly shall give notice of the assembly to the Police.

- (c) The giving of notice under subsection (b) is not equivalent to seeking permission for an assembly.
- (d) The purpose of giving notice as specified in subsection (b) is to allow the police sufficient time to prepare and to take the following actions in relation to the assembly.
  - (1) Make arrangements to ensure that the assembly 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) To allow sufficient time for Police to inform organisers of any restrictions that the Police deem necessary to be imposed on the assembly as required under this Act.
  - (5) To allow sufficient time for any party to file in court if they have any issue with an order issued as under subsection (4) of this section.

How to give the notice 28. The Police shall make arrangements for and publicly announce detailed procedures on how to give notice of assemblies through letters, email or text messages.

Information to be included in the notice 29. The following information shall be included in a notice regarding an assembly.

- (a) details of the Police Office receiving the notice
- (b) reason for the assembly

- (c) time and estimated duration of the assembly
  - (d) location of the assembly
  - (e) whether any roads will be blocked for the assembly, and if so which roads they are
  - (f) name and address of organiser
  - (g) contact number
  - (h) date and time at which the notice was given
- Period of Notice 30. (a) Notice shall be given a minimum of 36 hours prior to when the assembly shall take place
- (b) The duration as specified under subsection (a) is required to allow the police sufficient time to make the necessary arrangements in relation to the assembly, to inform organisers of any restrictions if the police decide to impose any and to enable the organisers to file in a judicial court if they have any issues with such imposed restrictions.
- Exemption for impromptu Assemblies 31. (a) The procedure to give notice as specified under section 27 of this Act shall not apply to impromptu assemblies.
- (b) If an impromptu assembly is peaceful, the assembly shall be protected and facilitated by the Police from the time when they are first made aware of the assembly.
- (c) This Act prohibits pre-planned assemblies from being held as impromptu assemblies in order to avoid the procedures for giving notice and to exploit procedures that do not require giving notice.



Assemblies are considered impromptu only if they occur in relation to a sudden event or events and this shall be interpreted narrowly.

- Organising the Assembly
32. (a) Organisers of a pre-planned assembly shall hold preparatory discussions with the Police after giving notice and prior to the assembly.
- (b) The preparatory discussions as specified under subsection (a) are based on the following
- (1) how the assembly has been planned and measures to deal with any possible hindrances to public security
  - (2) how to identify organisers of the assembly
  - (3) how arrangements for police presence at the location of the assembly

## Chapter 8

### Limitations on the Right to Assembly

- Limitations on the Right to Assembly
33. (a) This chapter states the interpretations and areas where exceptions created in regard to Right to Freedom of Peaceful Assembly in accordance with Article 21 of the International Covenant on Civil and Political Right (ICCPR) where it is stated that in order to safeguard the following interests and instances, limitations can be placed on Right to Freedom of Peaceful Assembly in instances where it is deemed necessary in a democratic society.
- (1) A threat to national security

- (2) To maintain public safety
- (3) To establish public order in accordance with legislation
- (4) To protect public health
- (5) To protect public morals
- (6) To protect the rights and freedoms of individuals

- (b) To protect an interest mentioned in subsection (a), a limitation can be placed on the Right to Assembly to the extent necessary to protect that interest.
- (c) To protect the interests stated in subsection (a) limitations that can be placed as aforesaid in subsection (a) which are detailed in Section 24 (b) and Sections 36 to 41 of this Act.

Procedures for  
Limiting the  
Right to Freedom  
of Assembly

34. The Right to Freedom of Assembly can be limited according to the following procedures.

- (a) Where permitted by legislation
  - (1) A limitation can only be placed on an assembly if reference is made to a reason why legislation allows it.
  - (2) Limitations placed by subsection (a) (1), should be within the confines of human rights afforded to individuals.
  - (3) Reasons stated in subsection (a) (1) should be easily identifiable to individuals organising an assembly and they should be aware

to the specific actions the limitations are applicable to.

(b) Proportion

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

(c) Non-discrimination

(1) The Right to Freedom of Assembly should be a right afforded to everyone equally.

(2) Assemblies held under similar circumstances should be treated under the same procedures. There should be no discrimination in the way Assemblies held under similar conditions are treated.

(3) Any measures taken by the Police or State Authorities in regard to the Freedom of Assembly shall not appear to discriminate against certain people or that it gives preference to a certain group of people.

Instances where  
Right to  
Assembly  
cannot be  
limited

35. The following are matters where limitations cannot be placed on the Right to Assembly due to the nature of those matters, unless stated otherwise in this Act.

(a) Place of assembly.

(b) Time of assembly.

(c) Duration of assembly.

- (d) Number of participants in the assembly.
- (e) An impromptu assembly without an organiser.
- (f) A pre-planned assembly held without prior notice.
- (g) An assembly held at the same time or a counter assembly that is in progress.
- (h) An assembly held at the same place as a state or government function.
- (i) An assembly held at the same time as a sporting event at that place or where there is a celebration.
- (j) An assembly held calling for the resignation of certain people or an assembly calling for the change of the government within the boundaries of laws and regulations.
- (k) An assembly that temporarily closes access to roads and streets.
- (l) An assembly where the Police have not provided adequate protection.

Threats to  
National Security

36. An instance of a threat to national security can only be enforced within the definition for 'Threat to National Security' in Article 274 (a) of the Constitution. That is, a threat to the independence and sovereignty of the Maldives or a threat of major damage to people's lives, limbs or society. This includes acts of terrorism 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.

- Maintaining Public Safety 37. Limiting the Right to Assembly on the basis of maintaining public safety shall be based on instances where the Police are authorized by legislation to take action against criminal offenses.
- Maintaining Public Order 38. Limiting the Right to Assembly on the basis of maintaining public order shall be based on instances where the Police are authorized by legislation to take action in order to halt criminal offences.
- Protecting Public Health 39. Limiting the Right to Assembly on the basis of protecting public health shall be based on an announcement of a rampant dangerous sickness or a dangerous infectious disease, according to applicable legislation.
- Protecting Public Morals 40. The Right to Assembly can be limited according to Law No: 11/2010 (Anti-Social Behaviour Act).
- Protecting the Right of Others 41. This Act accepts that Right to Assembly temporarily limits certain rights available to the general public and that those rights should only be limited reasonably. Therefore, considering the reasonableness of such repeated complaints from the general public are being made about an assembly held at a specific place continuously, considering the reasonableness of such complaints, the Police can order the organisers of the assembly to implement one of the following.
- (a) Reducing the duration of the assembly.
  - (b) Limiting the noise of an assembly to a specific level.
  - (c) Ending the assembly before a specific time.
  - (d) Not using loudspeakers.

- (e) Containing the assembly to a specific area.
- (f) Ordering to refrain from using expletive language
- (g) Ordering to not hold the assembly at a certain time

Notice of  
Limitations

42. (a) If the Police intend to place any limitation on an assembly, the Police should notify in detail to the organisers of the planned assembly in writing within 12 hours upon notice in regard to that assembly.
- (b) If the organisers believe that the limitation on their planned assembly is not in accordance with subsection (a), they can file a case in court making a request to void the notice given by the Police.
- (c) If a case is filed in court in accordance with subsection (b), the court should issue a ruling within 12 hours from the time the case is filed.
- (d) If the Police are going to impose limitations on an impromptu assembly; they should give notice of it to the organizers as soon as is possible. If the organisers believe that the notice is not in accordance with this Act, a case can be filed in court to nullify it. The court should issue a ruling within 12 hours from the time the case is filed.

What the Police  
cannot do

43. Unless otherwise specified in this Act, the Police should not order any of the following.
- (a) That an assembly take place at a specific time and specific place.
  - (b) To make changes to a planned route for an assembly unless it is for the protection of the individuals in it.
  - (c) To be a part of an assembly.

- (d) To limit the rights of individuals engaging in acts which are legal.
- (e) To obstruct media.
- (f) To perform an act that shows support or disrespect to an assembly.
- (g) To encourage or participate in acts which may cause unrest within an assembly or between separate assemblies.
- (h) To participate in dispersing an assembly without a uniform that identifies that person as member of the Police or whilst concealing their face if not in riot gear.

Dispersing an  
Assembly

44. (a) The role of the Police in relation to the dispersing of an assembly shall be based primarily on, dispersing an assembly in circumstances where it is permitted under this Act and if there are any limitations imposed in relation to an assembly, in order to enforce that limitation.
- (b) An assembly shall only be dispersed if one of the following situations occurs.
- 1) A court verdict is handed down in order to end that assembly; or
  - 2) The Police believing that the assembly has lost its peaceful character; or
  - 3) The Police believing that the assembly involves violent acts or if it includes the incitement of violent activity; or
  - 4) The Police believing that public order has deteriorated to an extent that Police are unable to restore public order despite using specialised police equipment; or

- 5) The Police believing that the characteristic of an assembly is to penetrate police lines after penetrating police barricades and police cordons placed to protect the participants of the assembly and to facilitate the assembly and to protect rights of others, and such penetration is a characteristic of the whole assembly and not just a portion of the participants of the assembly.
  - 6) Any participant of an assembly assaulting a member of the Police by using swords, knives, daggers, *lakudiburi (large piece of wood)*, wooden sticks, metal rods, batons, bleach, petrol, acid or anything similar to it which may be used as a weapon, explosives or anything of the type used by the Police for the enforcement of the law or for maintaining public order; or
  - 7) Holding an assembly in a place where it is prohibited; or
  - 8) The organisers of the assembly or the participants of the assembly violating of any limitations placed on that assembly.
- (c) If the Police disperse an assembly due to the occurrence of any situation listed from subsection (b) (1) to (7), and the organiser of that assembly is dissatisfied with that action, the organiser has the power to submit that claim to court and have a decision be made by the court about the decision of the Police.



## Chapter Nine

### Carrying out Responsibilities

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| Carrying out the Responsibilities of the Police | 45. | (a) The Police should be held legally accountable and answerable for any legal responsibilities they carry out in relation to any provision under this Act.  |
|   |     | (b) The Police shall be responsible for the legal consequences arising due to any regulation or rule made in relation to this Act, or if the Police have contravened the boundaries of this Act in how the Police have acted in relation to a specific matter. |
| Expenses  | 46. | Any expenses incurred by the Police or any other state institution in order to take the necessary steps required in relation to assemblies, shall be borne by the party that is required to take those steps.  |
| Standards of the Police Responsibility          | 47. | The following should be taken into account when taking necessary steps regarding an assembly.  |
|   |     | (a) The action taken should be legal.  |
|   |     | (b) The action should be something that must be necessary at that time.  |
|   |     | (c) The action should be proportionate at that time in that instance.  |
|   |     | (d) The action should not discriminate between different parties.  |
| Protecting an Assembly from Others              | 48. | (a) The Police shall be responsible for taking all necessary steps in order to protect the participants of any assembly, unless that assembly is held in contravention of this Act.  |

- (b) It is the responsibility of the Police to ensure that any party attempting to carry out an act of assault or attempting to prevent or disrupt an on-going assembly should be isolated and relevant steps are taken against them and to make arrangements so that the assembly can continue without any disruption.
- (c) Where the participants of an assembly are expressing their thoughts in accordance with this Act and not in a way that is prohibited by this Act, the Police shall not prevent or do anything that may prevent the expression of the sentiments of that assembly.
- Use of Force            49. (a) The Police must notify the organiser, if a decision is made to disperse an assembly where a peaceful assembly loses order and there is no possibility of restoring order or if in an instance arises where the Right to Assembly can be limited under this Act. In that instance, priority should be given to discuss with the organiser in order to disperse the assembly.
- (b) If there is no opportunity for the Police to act as stated in subsection (a) and if the Police are forced disperse the crowd using force, the force used by the Police must be legal. And the force used should be reasonable and proportionate in relation to that situation where it is used.
- The Giving of  
Advice and  
Warning            50. (a) If the Police need to use force to disperse an assembly, the Police must inform the participants of the decision to disperse the assembly and must advise the participants of the assembly to peacefully leave. The advice should be given three times consecutively. After that, before using force, a warning should be given three times consecutively that force will be used.

- (b) In giving advice and giving warning in dispersing an assembly, the time limits to be followed shall be pre-determined beforehand.
- (c) If the process to disperse an assembly is initiated, as long as that assembly is not dispersed, that process shall be continued until completion.
- (d) The Police can, in determining why order was lost, and in restoring order or in dispersing that assembly, without the giving of advice, but with one prior warning, or simultaneously with one warning, take steps to disperse that assembly if the procedures in subsection (a) cannot be carried out.

Responsibilities  
when using Force

51. (a) The power used in dispersing an assembly should be reasonable and proportionate to the situation.
- (b) In using force, if the force used by the Police is illegal or is disproportionately excessive or disproportionate to the situation, the Police involved in such acts shall be liable in civil and criminal terms.
  - (c) If the Police use force in contravention of subsection (a) and if any individual in a higher rank, in that role, with the knowledge and the opportunity to stop such an act, do not stop such an act, they shall be liable in civil and criminal terms.
  - (d) If it is suspected that a member of the Police has caused harm to a person's life or body, without any complaint from another party, the Police Integrity Commission and the

Human Rights Commission of the Maldives shall separately investigate it and the findings in relation to it must be announced within a maximum of 14 days from the date of the offence. And if such an investigation finds that such an incident took place, the case should be send to the Prosecutor General's Office for the necessary steps to be taken.

Carrying out responsibilities of the Organiser of an Assembly

52. (a) The organiser of an assembly shall be held responsible in relation to a dispute, act of violence, damage to property or harm to individuals where reasonable steps have not been taken in order to prevent them. Or where there have been announcements to damage property or to carry out violent acts and the steps that the organiser has taken to stop those acts are not apparent.
- (b) Unless in the instance mentioned in subsection (a), the organiser of an assembly shall not be held responsible for the actions of the individuals of an assembly. Those individuals shall be responsible for their own actions.
- (c) The organiser will not be liable for the acts of individuals who are not participants of the assembly or anyone attempting to prevent the assembly from taking place or anyone attempting to create disorder within the assembly. Those individuals shall be responsible for their own actions.

Individual Responsibility

53. While being a participant to an assembly, if an individual acts in breach of the law or disobeys a legitimate order, the individual shall be responsible for his actions.

## Chapter 10

### Related to the Media

#### Opportunities to the Media

54. (a) News reporters covering an assembly to disseminate information about that assembly and news reporters afforded the opportunities stated under this Act should be accredited according to the Accreditation Regulation stated in subsection (b).
- (b) The Maldives Broadcasting Commission shall implement and publish an Accreditation Regulation as a means to accredit news reporters covering an assembly, within 3 months of this Act coming into force,
- (c) The equipment used as provided for by the law for the purposes of their work by an accredited reporter while covering an assembly or while monitoring and reporting on the conduct of the Police, cannot be confiscated or intentionally damaged and there should be no hindrance to the reporters in doing their work by the Police or the organisers of the assembly or individuals participating in the assembly.
- (d) In order to disperse an assembly or in order to enforce a limitation placed on an assembly by the Police, the Police advising that accredited news reporters remain at a distance from the assembly where it will not hinder them from observing or reporting on the assembly, or keeping those reporters at that distance will not contradict subsection (c).
- (e) Accredited news reporters that are involved in covering an assembly, should not act in way that can be construed that they are participants of the assembly. If a news reporter acts

in such a way, the Police shall consider the individual as a participant of the assembly and the Police can take any appropriate action accordingly.

Live Broadcasting

55. (a) If any organiser purchases airtime and broadcasts the whole assembly or the assembly is broadcasted live without the initiative of any one member of the media, the live feed must be broadcast with a minimum of a 60 second delay.
- (b) The purpose of the requirement stated in (a) of this Section is to facilitate the non-broadcasting of any speech or conduct during an assembly that is against broadcasting standards.
- (c) During the live broadcasting of an assembly, if any act occurs that is against the broadcasting standards, the party that broadcast that assembly shall be responsible in accordance with the Broadcasting Act.

## **Chapter 11**

### **General Practices**

Request of Assistance  
from the Defence Force by  
the Police

56. (a) In order to implement this Act, the Police can request for assistance by the Defence Force under Law Number: 50/2008 (Maldives Police Service Act) and the Defence Force when providing assistance, should act within the boundaries allowed for the police to act under this Act.
- (b) For the purposes of subsection (a), when the Defence Force provides assistance, the ambit of the duties and responsibilities of the Defence Force is with the boundaries of the power vested to the Police by this Act.

- Access to Information 57. (a) The freedom to gather, store, use information of the assembly, take pictures, videos, audio recordings and the right to conduct interviews should be available to government organizations, entities protecting human rights and independent organisations that observe and analyse what happens at an assembly.
- (b) The individuals that represent the above mentioned institutions and organisations in subsection (a) should be informed to the Police beforehand by those institutions and organisations.
- Drafting and Implementing of Regulations 58. (a) Unless this Act stipulates that it is mandatory that a particular regulation be drafted by a particular entity within a particular period of time and except for regulations in regard to Courts, all other regulations in regard to this Act shall be drafted by the Ministry of Home Affairs. The regulations should be administered by the Police. Regulations regarding Courts should be drafted by the relevant Courts.
- (b) The Regulations mentioned in subsection (a) should be drafted and implemented and published within three months from the date of ratification.
- Commencement of the Act 59. Commencement of this Act will be upon passing, ratification and publication in government gazette.
- Annulment 60. Upon commencement of this Act, the 'Regulation on Assembly' prescribed by Law Number: 6/2008 (General Regulations Act) shall be nullified.
- Definitions 61. Unless a phrase or word used in this Act specifically conveys a

different meaning, the following phrases and words shall have the following meaning:

- (a) 'Limitation' refers to the limiting of rights within the boundaries of this Act by the Police or any State Institution and where it is empowered by this Act, in way that does not completely prohibit or abrogate the Right to Assembly.
- (b) 'Notice' refers to the notification that is given to the Police by the organiser or organisers of an assembly that the assembly is to be held.
- (c) 'Court' refers to in the first instance; the Civil Court, or any Magistrate Court that has jurisdiction under this Act. In all other instances; the High Court and Supreme Court.
- (d) 'Public Property' refers to roads, streets, land, public squares, parks and pavements that are free and are open for use by everyone equally.
- (e) 'Organiser' refers to a natural entity that is an individual or are individuals in charge and responsible for making arrangements to hold a specific assembly at specific place.
- (f) 'Participants of an Assembly' refers to individuals that participate in an assembly by their own will. Accredited News Reporters present in their official capacity will not be considered participants of the assembly. If particular security personnel are hired by the organisers in order to protect that assembly, such security personnel present at the assembly in order to fulfil their duties, will not be considered participants of the assembly. Any representative of a state institution or of an independent organisation that is present to obtain



information will not be considered participants of an assembly as well.

- (g) 'Private Property' shall include places provided on the basis of a publicised policy including government buildings, stadiums, auditoriums, halls and private property.
- (h) 'Accredited News Reporters' refers to news reporters that holds the accredited pass that is issued to registered media outlets according to the accreditation rules to cover an assembly.
- (i) 'Police Station' refers to, if in Male', the Maldives Police Service. And if on an island in the Maldives, to the Police Station on that island. If there is no Police Station on an island, it means the Police Station on the nearest island.
- (j) 'State Institution' includes the executive, the legislative, the judiciary, security services, independent institutions, independent appointments and councils.
- (k) 'Constitution' refers to the Constitution of the Republic of Maldives
- (l) 'Legal Entity' includes non-natural entities, companies, corporations, associations and organisations that have a separate legal status and are formed under or as a result of legislation.
- (m) 'Natural Entity' refers to men and women, children and adults and locals and foreigners as well.
- (n) 'Vehicle rides' if on land, refers to bicycle rides, motorcycle

rides, car rides and lorry rides. If on sea, refers to Dhoni rides, speedboat rides and boat rides.