



MALDIVES: NEW BILL THREATENS JOURNALISTIC RIGHT TO PROTECTION OF SOURCES

28 September 2021: The Maldivian authorities must drop the deeply problematic provision in the Evidence Bill that would compel journalists to reveal their sources, said a joint statement signed by the International Federation of Journalists (IFJ), its affiliate the Maldives Journalist Association (MJA), the Maldives Editors Guild, Transparency Maldives and Amnesty International.

The Evidence Bill, which was sent by the government of Maldives to the People's Majlis for debate on August 30, includes a provision that empowers courts to demand disclosure of sources of reports produced by journalists, in contravention with the right to freedom of expression.

Article 136 of the proposed Evidence Bill, includes an affirmation of Article 28 of the Constitution, which guarantees press freedom and the protection of sources, however it also adds two exceptions left at the discretion of the court under which courts can compel journalists to reveal their sources.

The two instances specified are; if the court decides that there is no negative impact or significantly less negative impact to the source or others even if the source is revealed and; if the impact of revealing a source does not significantly impact the ability of journalists to find sources of factual information.

The introduction of these provisions will significantly restrict the freedoms enshrined in Article 28 of the Constitution, which states with absolute clarity that “no person shall be compelled to disclose the source of any information that is espoused, disseminated or published by that person”. The obligation to disclose journalistic sources is also in contravention of the right to freedom of expression protected in article 19 of the International Covenant on Civil and Political Rights, to which the Maldives is a party.

The signatories of this joint-statement also note that the two exceptions are not something that can be objectively quantified, especially since courts will not know the identity of the source when determining if the vague criteria outlined in the exceptions fit a particular case.

The vagueness of the criteria set in the exceptions, along with the near-impossibility of reaching an objective and qualitative assessment on an anonymous source, will lead to a significant reversal of press freedom in the Maldives and carries the risk of generating a wider effect of fear and self-censorship.

Without a doubt, the mere enactment of this bill into law, as it is, will have a dramatic impact on the work of journalists, including losing access to important sources, who might refuse to talk to journalists due to fear of being exposed in a court of law.

MJA President, Mohamed Hamdhoon said: "The negative impact this will have on press freedom is quite clear and it will reverse the progress we have made. The Maldives Journalist Association calls on the government and the People's Majlis to take immediate action to restore confidence in the journalistic right to source protection and withdraw Article 136 (b) of the new Evidence Bill without delay."

IFJ's Asia Pacific Director Jane Worthington said : "This is a deeply disturbing development and, if approved, totally undermines all of the media reform progress that has been made in the country. This is against international standards for press freedom and we strongly oppose this attempt to stifle press freedom in the Maldives."

Maldives Editors Guild President Ahmed Zahir (Hiriga) said: "The government has previously repealed the anti-defamation act and enacted whistleblower protections, which enable people to disclose wrongdoing and abuses anonymously. Now the government seems to be moving to reverse this progress. It is not at all clear what the intentions are here. The Editors Guild calls on the government to withdraw these provisions immediately."

Transparency Maldives Executive Director Asiath Rilweena said: "Journalists play a key role in defending democracy and human rights. Transparency Maldives calls on the government to immediately withdraw any provision that impedes on press freedom and the journalistic right to source protection."

Amnesty International's Asia-Pacific Director Yamini Mishra said: "Forcing journalists to reveal their sources is in contravention of media ethics and the rights and safety of journalists enshrined in international human rights law and standards. The vague language of the proposed provision also leaves room for intimidation and harassment of journalists and their sources, who will be deterred from speaking the truth out of fear of reprisals. We urge the Maldivian authorities to uphold their obligations under international human rights law and do away with this deeply problematic provision that would put dangerous restrictions on journalists by creating a climate of fear and intimidation."