MALDIVIAN DEMOCRACY NETWORK

Feedback to the Draft General Comment Number 38

Article 22: The Right to Freedom of Association

July 2026

With reference to the current draft General Comment, it is important to clarify that States must not restrict the right of individuals to establish or participate in associations on the basis of previous criminal records or other comparable grounds. We wish to highlight the following instances in which such restrictions arise in the Maldives through legislation:

1. An individual may be restricted from establishing an association or participating in the governing body of an association where that individual has a criminal record. The Associations Act requires any person intending to register an association or serve as a member of its governing body to submit a criminal record clearance document. However, the Act does not specify the period within which a criminal record remains applicable for this purpose. This ambiguity in the law further opens the clause to interpretation that anyone who has ever had a criminal record may be prohibited from exercising these rights to freedom of association.

2. Prisoners are prohibited from forming associations. In the context of the Maldives and other jurisdictions where civil society organisations are restricted from accessing prisons and engaging with prisoners, it is essential that prisoners be able to organise collectively in order to advocate for their rights and wellbeing through association.

Additionally, the government restricts an individual's right to participate in more than one association as a member of its governing body.

3. An individual is restricted from participating in the governing body of more than one association in the Maldives. Particularly in the context of small populations and restrictive governmental environments, individuals who possess the capacity and courage to participate in associations in a leadership capacity should not be prevented from serving in more than one association.
