

# **MALDIVES 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution and other laws and policies restrict religious freedom and, in practice, the government enforced these restrictions. Restrictions were not enforced for foreign tourists on “uninhabited” resort islands. The government’s respect for religious freedom declined during the year. The law prohibits citizens’ practice of any religion other than Sunni Islam and requires the government to exert control over all religious matters, including the practice of Islam. The authorities did not recognize or respect freedom of religion and it remained severely restricted. There were reports of governmental detention, religious intolerance, and restriction of religious freedom. Governmental pressure to conform to a stricter interpretation of Islamic practice increased, particularly in the lead-up to presidential elections. The government used religious grounds to further constrain the space of free expression in the media. Some Muslims expressed concern about increasing “Islamic radicalism,” though advocates of religious freedom generally believed the public was becoming more aware of the issue.

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice, including incidents against Maldivians who did not want to conform to a strict, conservative interpretation of Islam. There was an increasing trend among political leaders to call for greater limits on religious groups and activities, and impose criminal punishments in accordance with Islamic law. The use of religion in political rhetoric increased substantially, which led to derogatory statements about Christianity and Judaism and harassment of citizens calling for a more tolerant interpretation of Islam. Anti-Semitic rhetoric among conservative parties continued.

There was no permanent U.S. diplomatic presence in the country. Engagement with the government and civil society was conducted by the U.S. Embassy in Sri Lanka. Embassy officers traveled to the country regularly to emphasize to authorities the importance of the right to religious freedom. The embassy advocated the right of all residents of the country to practice the religion of their choice in the manner of their choosing, and encouraged efforts to promote religious tolerance.

## **Section I. Religious Demography**

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The U.S. government estimates the total population at 394,000 (July 2013 estimate). All citizens are required to be Muslim and the majority of the population practices Sunni Islam. Non-Muslim foreigners, including an estimated 800,000 tourists who visit annually and 100,000 foreign workers (mainly Bangladeshis, Sri Lankans, Indians, and Pakistanis), may practice their religions only in private. Religious restrictions are generally not enforced for tourists on “uninhabited” resort islands. Most Muslim tourists and Muslim foreign workers practice Islam in private or at mosques located at the resorts where they work and live.

### Section II. Status of Government Respect for Religious Freedom

#### Legal/Policy Framework

The constitution and other laws and policies restrict religious freedom. The constitution designates Sunni Islam as the official state religion, referring to the country as “100 percent” Muslim, and government regulations are based on Islamic law. The government interprets these provisions as imposing a requirement that all citizens be Muslim. Non-Muslims may not obtain citizenship. The constitution does not provide for the right to freedom of religion or belief, nor does it prohibit discrimination based on religion. The constitution bars non-Muslims from voting and holding public positions, and stipulates that judges, cabinet ministers, members of parliament, and the president must be Sunni.

The justice system is based on a hybrid of common and Islamic law. The government follows civil law based on Islamic law, but civil law is subordinate to Islamic law. In a situation not covered by civil law, and in certain cases such as divorce and adultery, only Islamic law is applied. To date the country has not implemented many of the *hadd*, or penalties prescribed by Islamic law, such as stoning and amputations, but the criminal justice system imposes flogging sentences for a number of crimes, including fornication. Women are far more likely to receive a flogging sentence than men. The president’s office is considering use of capital punishment.

The law prohibits public statements contrary to Islam and violators face penalties ranging from two to five years in prison or house arrest.

Several articles in the constitution make the practice of Islam mandatory, and Maldives maintains a reservation on its adherence to Article 18 of the International Covenant on Civil and Political Rights with respect to freedom of religion that

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states: “The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives.” Schools are required to “inculcate obedience to Islam” and “instill love for Islam.” According to the international non-governmental organization (NGO) Forum 18, these provisions are understood to mean parents must educate their children as Sunni Muslims.

The Ministry of Islamic Affairs mandates Islamic instruction in schools, funds salaries of religious instructors, and certifies imams, who are responsible for presenting government-approved sermons. By law, no one may publicly discuss Islam unless invited to do so by the government, and imams may not prepare sermons without government authorization.

A government program promotes Islamic awareness in schools and reportedly aims to create youth who “love the religion and the country” and respect their parents.

Mosques are required to register with the government. The government maintains and funds most mosques. The law requires local councils to approve preaching in mosques and other public locations.

The Religious Unity Act states both the government and the people must protect religious unity. Any statement or action found contrary to this aim is subject to criminal penalty. Specific crimes listed in the act include working to disrupt the religious unity of Maldivians, any discussions or acts promoting religious differences, and delivering religious sermons or engaging in public discussions in a way that infringes upon the independence and sovereignty of the country, or limits the rights of a specific section of society. Sentences for violators range from a fine to imprisonment, and may include deportation for foreigners.

Regulations stipulate strict requirements for preaching, and the regulations contain general principles for the delivery of religious sermons. The regulations prohibit statements in sermons that may be interpreted as racial and gender discrimination; discourage access to education or health services in the name of Islam; or demean the character of, or create hatred towards, people of any other religion. In addition, the regulations require any scholar to have prior written approval from the Ministry of Islamic Affairs to preach. Foreign scholars may not criticize domestic policies and laws in their sermons.

The regulations state: “It is illegal to propagate any other religion other than Islam.” Penalties for violations range from two to five years in prison or house

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arrest, depending on the gravity of the offense. Islamic proselytizing of Sunnis and non-Sunnis is illegal unless a government representative is present. The penalty for Islamic proselytizing is also two to five years in jail or house arrest, depending on the gravity of the offense. If the offender is a foreigner, his/her license to preach in the country would be revoked and he/she would be deported. Proselytizing of Muslims by adherents of other religions is also illegal, and the penalty is the same as for Islamic proselytizing.

Non-Muslim foreign residents may practice their religion only in private and may not encourage local citizens to participate. Foreigners may raise their children to follow any religious teaching as long as this is done privately in their homes or hotel rooms and they do not include citizens in their religious activities.

The law prohibits importation of any items deemed “contrary to Islam,” including alcohol, pork products, or religious statues for worship. Alcoholic beverages are available to tourists on resort islands, but it is against the law to offer alcohol to a citizen. The government generally permits the importation of religious literature, such as Bibles, for personal use. The sale of religious items, such as Christmas cards, is restricted to the resort islands patronized by foreign tourists.

The government registers only clubs and other private associations that do not contravene Islamic or civil law; many informal groups, such as the Bar Association, do not have to register.

By law a Maldivian woman cannot marry a non-Muslim foreigner unless he converts to Islam first. A Maldivian man, however, can marry a non-Muslim foreigner if the foreigner is Christian or Jewish. A Maldivian man cannot marry a non-Muslim foreigner who is not Christian or Jewish unless the woman converts to Islam prior to marriage.

The government interprets the conversion by a Muslim to another religion as a violation of Islamic law, which could result in punishment, including loss of the convert’s citizenship. There are no known cases of the government discovering converts and rescinding their citizenship.

### **Government Practices**

There were increasing reports of detention on religious grounds, religious intolerance, and restrictions on religious freedom and pressure to conform to a stricter interpretation of Islamic practice.

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On February 25, the Juvenile Court sentenced a 15-year-old sexual abuse victim to 100 lashes and eight months of house arrest after she confessed to having sex outside marriage. The girl was convicted of adultery and fornication under Islamic law. The international community, including the U.S. embassy, condemned the judicial decision. The confession was made during an investigation into reports of repeated sexual abuse of the girl by her stepfather, and after the body of her deceased baby by the stepfather was found in the outside toilet of their home. The stepfather was being tried for sexual abuse and murder, while the girl's mother was charged with concealing a crime. The other man with whom the girl allegedly had sexual relations denied the charges and received no sentence. On August 21, the high court, after an appeal from the government following domestic and international pressure, annulled the juvenile court sentence against the girl. Amnesty International called the flogging sentence the "tip of the iceberg" of these types of religiously motivated prosecutions.

The government, acting through the Ministry of Islamic Affairs, continued to control all religious matters. The government set standards for imams to ensure they had theological qualifications the government considered adequate and to prevent "extremist" teachings from gaining ground. The ministry required Friday prayers be led by a religious figure pre-approved by the ministry. The ministry's weekly newspaper, *Road to Steadfastness*, printed articles by scholars advocating the same line of religious thinking as the ministry. According to government officials, the purpose was to maintain a moderate Islamic environment.

In February Minister of Islamic Affairs Sheikh Mohammed Shaheem Ali Saeed, speaking at the 886th anniversary of the conversion of Maldives from Buddhism to Islam, claimed Islam was under threat from Christian organizations that were conducting "strong psychological war" to "wipe out" Islam from the country. Former President Mohamed Waheed also spoke and cautioned against the activities of other faiths in the country that allegedly caused the erosion of the "unity and brotherly bond" that Islam provided and called for the strengthening of Islamic faith. He alleged "foreign powers" were attempting to influence the country's ideology and promote secularism, and were "weakening faith." He urged citizens to resist these efforts.

The government continued to scrutinize media outlets. In late 2012, the Ministry of Islamic Affairs ordered the Maldives Media Council (MMC) to conduct an investigation into Minivan News, a popular online English-language news outlet. The ministry alleged the news organization had breached the religious unity law by

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allowing a reader comment that “offended Allah and Islam.” The MMC concluded its investigation on February 6, and sent a letter to Minivan News ordering the removal of the reader comment in question from the website and formally requesting “the owners of Minivan News website to ensure that its editor remains in line with the laws of the country.”

The country remained unfriendly to non-Islamic religious groups, prohibiting places of worship for their members. The former minister for Islamic affairs said foreigners, such as teachers and laborers, were free to worship in the privacy of their homes, but congregating for prayer was illegal. The government continued to enforce its ban on proselytizing or public worship services by non-Muslim clergy and missionaries.

Muslims were also subject to state restrictions. The Ministry of Islamic Affairs continued to enforce official prayer times without flexibility. Some Muslims objected to this policy, stating it did not take into account changes in the lunar calendar. The ministry replied that separate groups deciding their own prayer times violated the religious unity law, which was intended to standardize religious practices.

The Ministry of Islamic Affairs upheld its ban on what it considered “discos,” and tasked the police with conducting patrols to close down unauthorized gatherings. The ministry continued efforts to curb what it described as the prevalence of “un-Islamic” practices within the country due to a perceived lack of religious awareness. Foreign tourists on “uninhabited” resort islands were not subject to restrictions. For the third consecutive year, the ministry conducted awareness programs in Male and on various atolls to ensure citizens were given the “correct information on Islam,” and the ministry provided assistance and counseling to foreigners seeking to convert to Islam.

During presidential elections in September, Minister of Islamic Affairs Shaheem called on “all religious scholars to unite and come out together to cleanse the nation from all irreligious philosophies.”

### **Section III. Status of Societal Respect for Religious Freedom**

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. During the year, discrimination, intolerance, and harassment of individuals calling for any discussion of a different kind of Islam increased. Politicians manipulated the public discourse by calling into question the

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Islamic values of political rivals and effectively stopped constructive discourse on social issues. This created a culture of self-censorship and fear as politicians, civic figures, and journalists were unable to initiate discussions on Islamic values or basic human rights.

Two religiously conservative NGOs, Jamiyyathul Salaf and the Islamic Foundation of Maldives, worked closely with the country's political parties to promote strict, conservative Islam. Another proponent of a more austere form of Islam was the Adhaalath Party, a religiously conservative political party, which further limited the civil, political, and religious space for any outlook that did not align closely with Sunni Islam.

In April the “National Movement” – a group of several NGOs and the Adhaalath Party – led protests in the streets of Male calling for presidential candidate and ex-President Mohamed Nasheed of the Maldivian Democratic Party (MDP) to be “hanged” for apostasy. After the protests, Dr. Ahmed Shaheed, former foreign minister under both presidents Nasheed and Maumoon Abdul Gayoom, alleged religious intolerance, xenophobia, racism, and anti-Semitism were “deeply entrenched” in political forces opposed to the MDP.

In October, amidst the height of political and legal controversy surrounding presidential elections, the Maldives Society for Islamic Research released a pamphlet entitled *The Verdict of Religious Scholars Regarding Nasheed*. The pamphlet, signed by 64 scholars, urged Nasheed to “repent” for his alleged many challenges to the foundational tenets of Islam and “return to the truth.” The rhetoric intensified in October after Adhaalath Party Vice President Dr. Mawroof Hussain labeled MDP candidate Nasheed as “irreligious.”

The Adhaalath Party continued to push a conservative agenda, arguing traditional Islam was under threat. The religious/irreligious rhetoric grew wider in the lead-up to presidential elections. Yellow *laadheenee* (irreligious) graffiti targeting MDP supporters, who were portrayed as less religious, was spray-painted on walls in the streets across Male.

Numerous “Defend Islam” protests warned against forces eroding Muslim traditions and culture. Public pressure for women to conform to a narrow standard of appropriate dress intensified, and women who did not wear a veil were reportedly harassed. On the other hand, those who wore a full face-covering veil were subjected to public harassment and derogatory comments.

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Reporters Without Borders, an international NGO that promotes media freedom, included Maldives in its *Predators of Freedom of Information in 2013* report. It condemned the leaders and members of extremist religious groups for intimidating media organizations and bloggers, misusing free expression to promote a religious agenda, using religious arguments as a “political and social weapon,” and “resorting to violence, and even murder, to silence dissenting opinions.”

### **Section IV. U.S. Government Policy**

There was no permanent U.S. diplomatic presence in the country. All engagement with the government and civil society was conducted by staff of the U.S. Embassy in Colombo, Sri Lanka. Embassy officers traveled to the country frequently. The embassy encouraged the government to respect the right to religious freedom, and advocated the right of all residents of the country to practice the religion of their choice. The embassy also engaged the government in efforts to promote tolerance and reduce violent extremist rhetoric or derogatory statements about other religions.

The embassy released a statement on February 28, 2013, condemning the flogging sentence of the 15-year old girl. The statement said, in part: “Promoting gender equality and advancing the status of all women and girls around the world remains one of the greatest unmet challenges of our time, and one that is vital in all countries to ensure full democratic rights, regardless of culture.”