

MALDIVES 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution designates Islam as the state religion, requires citizens to be Muslims, and requires public office holders, including the president, to be followers of the Sunni school of Islam. The constitution provides for limitations on rights and freedoms “to protect and maintain the tenets of Islam.” The law states both the government and the people must protect religious unity. Propagation of any religion other than Islam is a criminal offense. New antiterror legislation bans promoting “unlawful” religious ideologies. A new penal code permits the administration of certain sharia punishments, such as stoning and amputation of hands. In October for the first time in the country’s history, a magistrate court sentenced a woman to death by stoning for adultery, although the Supreme Court overturned the verdict. The government rejected recommendations by the UN Human Rights Council to change its laws, saying it would not grant freedoms it felt violated the tenets of Islam. The Ministry of Islamic Affairs (MIA) continued efforts to curb what it described as “un-Islamic” practices and required imams to use government-approved sermons in Friday prayers. The government did not enforce restrictions on practicing other religions on foreign tourists visiting resort islands, but it did apply them to foreigners outside the resort areas.

Local nongovernmental organizations (NGOs) stated women reported community pressure to conform to Islamic dress standards. Some observers saw a rise in Islamic radicalism and fundamentalism among the populace. A religious freedom advocate reportedly ceased his internet blog out of concern his social media accounts had been used by hackers to spread anti-Islamic messages.

There was no permanent U.S. diplomatic presence in the country, but the U.S. Embassy in Sri Lanka maintained an American Center in country, set up as a partnership with the National Library of Maldives. Embassy personnel based in Sri Lanka traveled to the country monthly and embassy personnel also spoke with Colombo-based Maldivian government officials about the importance of religious tolerance and advocated for the right of all residents of the country to practice the religion of their choice.

Section I. Religious Demography

The U.S. government estimates the total population at 393,000 (July 2015 estimate), which includes more than 100,000 foreign workers from Bangladesh, Sri

Lanka, India, and Pakistan. The indigenous population is Sunni Muslim by law while foreign workers are primarily Buddhists, Hindus, and Christians.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states the country is a republic based on the principles of Islam and designates Islam as the state religion, which it defines in terms of Sunni teachings. It states citizens have a “duty” to preserve and protect the state religion of Islam. According to the constitution, non-Muslims may not obtain citizenship.

The constitution states citizens are free to engage in activities “not expressly prohibited” by sharia, but provides for limitations on rights and freedoms “to protect and maintain the tenets of Islam.” In making a decision about whether a limitation on a right or freedom is constitutional, the constitution states a court must take into account the extent to which the right or freedom “must be limited” to protect Islam.

The constitution makes no mention of the freedom of religion or belief. Although it contains a provision prohibiting discrimination “of any kind,” it does not list religion as a prohibited basis of discrimination. The constitution states individuals have a right to freedom of thought and expression, but in a manner “not contrary to tenets of Islam.”

The law 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 infractions include working to disrupt religious unity, any discussions or acts promoting religious differences, and delivering religious sermons in a way infringing upon the independence and sovereignty of the country or limiting the rights of a specific section of society. According to law, sentences for violators range from a fine of up to 20,000 Rufiyaa (\$1,303) or imprisonment from two to five years, and may include deportation for foreigners.

The law prohibits the conversion by a Muslim to another religion and specifies a violation may result in the loss of the convert’s citizenship, although a judge may impose harsher punishment per sharia jurisprudence.

Propagation of any religion other than Islam is a criminal offense. Within Islam, proselytizing to change denominations is illegal and punishable by two to five years in jail or house arrest, depending on the gravity of the offense. If the offender is a foreigner, his or her license to preach in the country will be revoked, and he or she will be deported. Proselytizing of Muslims by adherents of other religions is illegal, and the penalty is the same as for intra-Islamic proselytizing.

By law, prayer houses remain under the control of the MIA rather than by the country's island councils. The law prohibits the establishment of places of worship for non-Islamic religious groups.

By law, citizens may not deliver sermons or explain religious principles in public without obtaining a license to do so from the MIA. Imams may not prepare Friday sermons without government authorization. To obtain a license to preach, the law specifies an individual must be a Sunni Muslim, must have a degree in religious studies, and must not have been convicted of a crime in sharia court. The law also sets educational standards for imams to ensure they have theological qualifications the government considers adequate. Government regulations stipulate the requirements for preaching and contain general principles for the delivery of religious sermons. The regulations prohibit statements in sermons which may be interpreted as racial or 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. The law provides for a punishment of two to five years in prison or house arrest for violations of these provisions. Anyone who assists in such a violation is subject to a jail term or house arrest of two to four years and a fine of between 5,000-20,000 rufiyaa (\$326-1303). The law requires foreign scholars to shape their sermons in line with the country's norms, traditions, culture, and social etiquette.

The law prohibits noncitizens living in or visiting the country from conducting religious activities in public.

By law, a Maldivian woman may not marry a non-Muslim foreigner unless he converts to Islam first. A Maldivian man may marry a non-Muslim foreigner if the foreigner is Christian or Jewish; other foreigners must convert to Islam prior to marriage.

The law prohibits importation of any items deemed contrary to Islam by the MIA, including religious literature, religious statues, alcohol, and pork products.

Penalties for contravention of the law range from three months to three years imprisonment. It is against the law to offer alcohol to a citizen, although government regulations permit the sale of alcoholic beverages on resort islands. Individuals may request permission to import restricted goods from the Ministry of Economic Development.

The constitution states education shall strive to “inculcate obedience to Islam” and “instill love for Islam.” In accordance with the law, the MIA regulates Islamic instruction in schools, while the Ministry of Education funds salaries of religious instructors in schools. Islam is a compulsory subject for all primary, secondary, and higher secondary school students.

The constitution states Islam forms one basis of the law and “no law contrary to any tenet of Islam shall be enacted.” The constitution specifies judges must apply sharia in deciding matters not addressed by the constitution or by law. The law prohibits public statements contrary to Islam, and violators face penalties ranging from two to five years in prison or house arrest.

A new penal code, which entered into force in July, continues to prescribe flogging sentences for a small number of crimes, including fornication. Other sharia penalties are not specified, but the new code grants judges the discretion to impose sharia penalties for *hadd* and *qisas* offenses – including murder, apostasy, assault, theft, homosexual acts, drinking alcohol, and property damage – if proven to a standard of practical certainty.

An amendment to the new penal code passed by the parliament in August requires all appeal processes be exhausted prior to the administration of sharia punishments specific to *hadd* and *qisas* offenses, including stoning, amputation of hands, and similar punishments.

Antiterror legislation passed by the parliament on October 27 includes as a crime “unlawfully” promoting any religious, political, or other ideologies.

The constitution states the president, cabinet ministers, members of parliament, and judges must be Sunni Muslims.

Government Practices

The MIA reaffirmed its continued control over all matters relating to religion and religious belief. For example, it required imams to use government-approved sermons in Friday prayers.

In October a magistrate court sentenced a woman to death by stoning after finding her guilty of adultery. The Supreme Court overturned the verdict the same day due to procedural irregularities. The prosecutor general did not appeal, and the court dismissed the case. NGOs said the magistrate court's verdict marked the first time in the country a person was sentenced to death by stoning. Sheikh Mohamed Iyaz Abdul Latheef, former Vice President of the Fiqh Academy, which was responsible for resolving differences of opinion and disputes on religious issues, said stoning to death was the sharia punishment for a married woman who commits adultery.

On May 21, the MIA issued a statement advising citizens against actions it considered were undermining Islamic customs and societal principles. The Ministry stated the notice was necessary due to an increase in conflicts originating from religious and societal disputes. The statement reminded citizens any actions undermining religious unity were considered a crime under the law.

The MIA stated all mosques were owned and controlled by the government, which maintained and funded them. The government also permitted mosques to accept funding from private sources.

According to the MIA, foreigners, such as teachers and laborers, were permitted to worship in the privacy of their homes, but congregating for prayer was illegal, as was encouraging local citizens to participate. Foreigners were permitted to attend local Sunni mosques if they wished.

In late September the MIA instructed mosques to recite a special prayer for one month for President Abdulla Yameen's safety following an unexplained explosion on the president's boat. In early October the media reported the ministry had instructed mosques to stop reciting the prayer after objections from island councils and imams, but the following day the MIA released a statement instructing the prayers to continue through the end of October.

The MIA continued to proscribe "un-Islamic" practices, such as frequenting discos, due to what it said was a lack of religious awareness. Foreign tourists on resort islands were not subject to the restrictions. The ministry continued to conduct awareness programs through radio and television broadcasts in Male and

on various islands to ensure citizens were given information on Islam, and it provided assistance and counseling to foreigners seeking to convert to Islam. The ministry also sent scholars on a monthly basis to outer atolls and conducted workshops to strengthen understanding and acceptance of Islam.

In January the MIA began a monthly lecture series called The Message for the stated purpose of promoting religious awareness among the population. The ministry brought in foreign Islamic scholars and “Western” scholars to ensure presentation of what it deemed to be moderate religious views on Islam.

Customs authorities said the MIA permitted the importation of religious literature, such as Bibles, for personal use. The MIA allowed some religious literature for scholarly research. The ministry restricted the sale of religious items, such as Christmas cards, to the resort islands patronized by foreign tourists. There were three cases during the year of citizens involved in the importation of prohibited items. Two of these cases involved the importation of religious statues, but the authorities filed no charges. The third case involved the importation of religious books and remained under investigation as of the end of the year.

According to the international NGO Forum 18, citizens understood they needed to educate their children as Sunni Muslims. During the year, the National Institute of Education began a staged implementation of a new competency-based curriculum with Islam incorporated into all subject areas. The MIA permitted foreign nationals to opt out of Islamic instruction as a standalone subject. The MIA permitted foreigners to raise their children to follow any religious teaching, as long as they did so privately.

Following passage of the new penal code, some politicians and Islamic scholars continued to call for imposing criminal punishments more in line with what observers termed a conservative interpretation of Islamic law. Critics claimed the law was formulated on a secular, liberal basis “alien to the purpose of Islamic sharia” and alleged the law would make it easier for criminals to escape punishment. According to NGOs, the new penal code allowed stoning, amputation of hands, and similar punishments for the first time in the country’s history. They said the amended penal code was undermined by inconsistent sentencing by courts in cases where the facts were the same, and the lack of punitive provisions under the code gave individual judges the discretion to pass judgment as they saw fit in cases involving *hadd* offenses. These observers said under the new code, Islamic law continued to be applied to situations not covered by civil law, such as divorce

and adultery cases. NGOs said the legal system historically imposed flogging sentences on more women than men for a number of crimes, including fornication.

The Communications Authority of Maldives stated it and other government institutions strictly monitored non-Islamic religious and secular discourse, including scrutinizing media outlets and websites, for material deemed un-Islamic or anti-Islamic, and the MIA said it continued to monitor websites considered anti-Islamic or pornographic.

The government only registered clubs and other private associations which it regarded as not contravening Islamic laws.

During a UN working group meeting in May, the government rejected most of the recommendations put forth at the UN Human Rights Council to implement freedom of religion, including a recommendation to remove a requirement preventing the appointment of non-Muslims to the Human Rights Commission of the Maldives. Foreign Secretary Dr. Ali Naseer Mohamed said most of the 60 rejected recommendations contradicted Islamic principles forming “the basis of our constitution and all our laws.” Foreign Minister Dunya Maumoon said Islamic principles had become the foundation for the country’s society and were a “key part of its identity” and the government would not heed calls for freedoms violating the tenets of Islam.

In his Independence Day address in July, President Abdulla Yameen criticized foreign interference in the country’s domestic affairs, condemning alleged efforts to undermine the country’s sovereignty and spread “ideologies and cultural norms contrary to Islamic faith and principles.”

The MIA held an International Symposium on Islamic Moderation on November 2 at which scholars debated how the country could resist extremism.

Section III. Status of Societal Respect for Religious Freedom

In a post on the internet in March, religious freedom advocate Ismail “Hilath” Rasheed announced he was ceasing his blog because he did not wish to offend others. He said his other social media accounts had been hacked to include anti-Islamic messages which had tarnished his name. The case of Rasheed’s 2012 stabbing by an unknown assailant remained unresolved.

Community pressure for women to wear a veil continued, according to local NGOs. The NGOs also stated women who did not wear a veil reported harassment.

NGOs said political turmoil in recent years had given rise to a surge in religious radicalism and fundamentalism.

Section IV. U.S. Government Policy

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is accredited to Maldives. All engagement with the government was conducted by visiting staff of the U.S. Embassy in Sri Lanka, who traveled to Maldives regularly, or through embassy contact with Maldivian officials based in Colombo. The embassy encouraged the government to be more tolerant of religions other than Sunni Islam, including by reducing restrictions on non-Sunnis to practice their religions. The embassy also encouraged the government to reduce extremist rhetoric and derogatory statements about other religions in its efforts to counter the rise of what the government characterized as radical Islam.