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Maldives

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

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The 2008 constitution designates Islam as the official state religion. The law prohibits the practice by citizens of any religion other than Islam. Non-Muslim foreigners are allowed to practice their religious beliefs only in private. Visitors must also refrain from encouraging local citizens to practice any religion other than Islam.

There was no change in the status of respect for religious freedom by the government during the reporting period. Freedom of religion remained severely restricted. The government imposed a requirement that citizens be Muslims, and government regulations were based on Islamic law (Shari'a). In May 2010 the Ministry of Islamic Affairs unveiled new regulations under the Religious Unity Act of 1994 aimed at providing the legal framework governing religion and religious practice in the country.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. According to many officials and interlocutors, most citizens regarded Islam as one of their society's most distinctive characteristics and believed that it promotes harmony and national identity.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 500 square miles, distributed across an estimated 1,200 coral atolls and islands, and a population of 298,000 plus approximately 100,000 foreign workers.

The entirety of the population belongs to a distinct ethnic group with historical roots in South Indian, Sinhalese, and Arab communities. The vast majority of the Muslim population practices Sunni Islam. Non-Muslim foreigners, including an estimated 675,000 tourists who visit annually (predominantly Europeans and Japanese) and 80,000 foreign workers (mainly Pakistanis, Sri Lankans, Indians, and Bangladeshis), in general were allowed to practice their religious beliefs only in private. Most Muslim tourists and Muslim foreign workers chose to practice Islam in private or at mosques located at the resorts where they worked and lived.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Freedom of religion is restricted significantly. The constitution ratified in 2008 designates Islam as the official state religion, and the government and many citizens at all levels interpreted this provision to impose a requirement that all citizens be Muslims. The constitution also stipulates that the president must be Sunni. The language of the constitution relating to the fundamental rights and duties of citizens does not provide for the right to freedom of religion or belief. Furthermore, the constitution precludes non-Muslims from voting and holding public positions. The constitution states that a "non-Muslim may not become a citizen of the Maldives." This provision was widely interpreted to mean that all citizens must be Muslim and, therefore, that non-Muslims cannot vote. This provision contravened obligations the country has undertaken in signing several international conventions, such as the International Covenant on Civil and Political Rights. The constitution does not prohibit discrimination based on religious preference. It excludes religion from a list of attributes for which people should not be discriminated against.

Several articles in the constitution make the practice of Islam mandatory. Article 36 states that it is imperative for parents and the state to provide children with primary and secondary education. Section (c) of that article states education shall strive to inculcate obedience to Islam and instill love for Islam. According to Forum 18, a nonprofit group that promotes religious freedom, in practice this wording is understood to mean that parents must educate their children as Muslims, whether they are Muslim or not.

The Protection of the Religious Unity Among Maldivians Act states both the government and the people must protect religious unity. Any statement or action contrary to this law was subject to criminal penalty; if a person was found guilty, sentences ranged from a fine to imprisonment.

In May 2010 the Ministry of Islamic Affairs unveiled extensive new regulations under the 1994 Religious Unity Act. The regulations aim to provide the legal framework governing religion and religious practice in the country to include setting the criteria for imams to qualify for preaching licenses, approving the curriculum for religious education in schools, and authorizing the deportation of foreigners who propagate religions other than Islam. According to the ministry, the purpose of the regulations was "to protect the country and Maldivian society from brutal and harsh practices, divisions and antagonism in the name of Islam and from practices that contradict Islam and Islamic culture." State Minister for Islamic Affairs Sheikh Shaheem Ali Saeed also noted that the regulations would be instrumental in curbing extremist ideologies in the country. The regulations also state that "the Ministry of Islamic Affairs shall be responsible for enforcement of the regulations and shall be the highest authority to propagate Islam and dictate its principles." Enactment of the regulations was delayed following the cabinet's decision to have the attorney general's office review them, citing "ambiguities and policy issues." There was also concern that the regulations would infringe on the freedom of expression provided for under the constitution.

In 2008 the Minister for Islamic affairs stated that there was no reason to allow other religions in the country, since it was a very unique country where all citizens were Muslims.

Non-Muslim foreign residents were allowed to practice their religious beliefs only if they did so privately and did not encourage local citizens to participate.

The government followed civil law based on Shari'a. Civil law was subordinate to Shari'a; in the event a situation was not covered by civil law, as well as in certain cases such as divorce and adultery, Shari'a was applied.

According to press reports, in 2007 the Ministry of Justice banned clothing that conceals a person's identity in court; however, the Supreme Council for Islamic Affairs, which was later replaced by the Ministry of Islamic Affairs, did not ratify

former president Maumoon Abdul Gayoom's call for a blanket ban on the full veil. There have been no further developments since President Nasheed took office.

Foreigners were not allowed to import any items deemed "contrary to Islam," including alcohol, pork products, or religious statues for worship. Alcoholic beverages were available to tourists on resort islands, but it remained against the law to offer alcohol to a local citizen.

The government observed Islamic holy days as national holidays.

Mosques were required to register with the government. The government maintained and funded most mosques.

In 2008 the Ministry of Islamic Affairs replaced the Supreme Council for Islamic Affairs. The ministry mandated Islamic instructions in schools, funded salaries of religious instructors and certified imams, who were responsible for presenting government-approved sermons. By law no one may publicly discuss Islam unless invited to do so by the government, and imams could not prepare sermons without government authorization; but some in the country complained that newly found freedom of expression had led to foreign speakers giving lectures promoting more conservative styles of Islam than that espoused by the government ministry.

The Human Rights Commission reported there are female imams who, in that role, interact with women only.

Islamic instruction was a mandatory part of the school curriculum, and the government funded the salaries of instructors of Islam. Islamic instruction was only one component of the curriculum used in the majority of schools. Arabic-medium schools focused primarily on Islam. Those who sought further religious education obtained it in Saudi Arabia, Pakistan, or other mainly Islamic countries. Schools offered religious education for women.

Restrictions on Religious Freedom

Non-Muslim religious identity was prohibited. In 2008 President Nasheed told the Sri Lankan newspaper The Sunday Times, "We have to respect different religious views. I hope with improved governance and the rights of people being guaranteed, the issue of fundamentalism will subside. People who want to preach can preach, and those who want to follow a different line also do so. Fundamentalism will be eradicated with democracy." However, President Nasheed did not dismantle former president Gayoom's restrictions on religious freedom.

President Nasheed replaced the Supreme Council for Islamic Affairs with a new Ministry for Islamic Affairs. He appointed the head of the religiously conservative Adaalath Party, Sheikh Abdul Majeed Abdul Bari, as the head of the new ministry. Minister Bari told Minivan News in 2008 that he believed apostasy was one of three offenses that must be punished by death, along with adultery and murder.

The government continued to control all religious matters. Like its predecessor, the Supreme Council for Islamic Affairs, the Ministry of Islamic Affairs provided guidance on religious matters. The government set standards for imams to ensure they had adequate theological qualifications and to prevent fundamentalism from gaining ground. Minivan News reported that every Friday prayer since President Nasheed's inauguration had been led by a religious figure from the Adhaalath Party. It stated that in this way, Islam was being controlled by one group at the expense of other prominent scholars. The same report observed that a new ministry newspaper published every Friday, called Road to Steadfastness, printed only articles written by Adaalath Party members. According to government officials, the purpose was to maintain a moderate Islamic environment rather than an extremist one.

There were no places of worship for adherents of other religious groups. Speaking to Minivan News on October 9, 2009, Sheikh Shaheem Ali Saeed, state minister of Islamic affairs, stated places of worship for other religions could not be built

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in the country. "We will not accept it under any circumstances. It cannot be done. All Maldivians are Muslims." Shaheem noted that foreigners such as teachers and laborers were free to worship in the privacy of their homes. But congregating for prayer was illegal.

The government prohibited the importation of icons and religious statues, but it generally permitted the importation of religious literature, such as Bibles, for personal use. The sale of religious items, such as Christmas cards, was restricted to the resort islands patronized by foreign tourists.

In April 2010 the Ministry of Islamic Affairs proposed the introduction of comparative religion at the tertiary level; however, the religiously conservative Adhaalath Party opposed the proposal and stated comparative religion should not be taught until the public's understanding of the basic principles of Islam is strengthened.

Under Majeed Abdul Bari, the Ministry of Islamic Affairs took several steps to increase its control on how Islam is practiced in the country.

In April 2009 the ministry started a program to promote religious awareness in schools; however, the program promoted only Islam rather than an awareness of other religions. Miadhu News reported the program aimed to create a disciplined youth who "love the religion and the country" and respected their parents.

On March 1, 2009, a committee on religious matters was established to tackle conflicting religious matters of national importance. The committee included officials from the Ministry for Islamic Affairs, the president's office, the prosecutor general's office, the attorney general's office, the Ministry of Home Affairs, the Ministry of Defense and National Security, and the Police Service. One of the first proposals discussed was a ban on "discos." Minister for Islamic Affairs Abdul Bari, who is on the committee, stated "discos" must be stopped in order to fulfill their mandate and prevent "un-Islamic conduct" within the country. The new regulations proposed by the Islamic Ministry aimed to replace the committee with an Advisory Board on Religious Unity among Maldivian Citizens which would be under the Ministry of Islamic Affairs. The board would be composed of the same members as the committee, including a representative from the Maldives Fiqh Academy, one from the College of Higher Education, a local Islamic scholar, a person with a legal background, and a member nominated from among local nongovernmental organizations (NGOs). The board's mandate would be to assist the ministry in formulating and implementing policy needed "to protect the religious unity of the Maldivian people."

On February 26, 2009, President Nasheed inaugurated an independent council of religious scholars called a "fiqh academy." The council consisted of 17 religious scholars, all of whom were appointed by the Ministry of Islamic Affairs. Minivan News noted that a number of prominent scholars were not appointed to the academy. The council's stated purpose was to debate on religious matters, issue fatwas, and link with fiqh academies in other countries. The vice-president of the academy stated one of the aims was to tackle religious divisions in the country.

During the reporting period, the ministry banned religious groups from holding separate Friday prayers. A member of one prayer group stated the fixed prayer time of 12:35 p.m. was not Islamic. Instead, the group prayed at the time of the first call to prayer, which depended on the lunar calendar. The ministry justified the ban stating that separate prayer groups violated the Protection of Religious Unity Act which was intended to promote religious homogeneity.

The Telecommunication Authority of Maldives stated it blocked 11 Web sites containing anti-Islamic sentiments and pornography at the instruction of the Ministry for Islamic Affairs since 2008. Three of the Web sites--www.rajjeislam.com and two blogs--were unblocked in April 2009 after their publishers and authors agreed to remove objectionable content. The blocked Web sites included a popular blog called Random Reflections and a Dhivehi and English-language Christian Web site.

While on a visit to India in February 2010, Vice President Mohammed Waheed stated that the country's youth were being recruited by militant groups in Pakistan and Afghanistan to wage jihad. According to Waheed an increasing number of the youth were embracing a stricter version of Islam contrary to traditional Islamic values. To address the issue, Press Secretary Mohamed Zuhair stated that the government was developing a range of Islamic scholarship programs for students at government-sanctioned institutions in countries including India and Malaysia.

According to Minister of Islamic Affairs Abdul Bari, the election of President Nasheed's government provided a mandate to stop "un-Islamic" conduct. Steps were reportedly underway to close "discos" in Male to prevent members of the opposite sex from mingling. The Ministry of Islamic Affairs stated that it believed the prevalence of "un-Islamic" practices within the country was due to a lack of religious awareness. During the reporting period, the ministry conducted awareness programs in Male and on various atolls to ensure that citizens were given the "correct information on Islam." The ministry also provided assistance and counseling to foreigners seeking to convert to Islam.

Parents must raise their children to be Muslim in accordance with the law. Foreigners can raise their children to follow any religious teachings as long as they practiced privately in their homes or hotel rooms and did not try to include local citizens in their worship.

The government prohibited non-Muslim clergy and missionaries from proselytizing or conducting public worship services.

On February 23, 2010, local press reported that the Ministry of Education asked an Indian teacher to leave the country for allegedly preaching Christianity to her students.

On December 13, 2009, an American family suspected of being missionaries was deported. According to police, although no formal charges were filed, the practice was to send the person suspected of proselytizing back to his or her country of origin while the case was under investigation.

Islamic proselytizing was also illegal unless a government representative was present.

Conversion by a Muslim to another religious group was interpreted as a violation of Shari'a and may result in punishment, including the loss of the convert's citizenship. There were no known cases of the government discovering converts and rescinding citizenship as a result of conversion. During previous reporting periods, would-be converts were detained and counseled to dissuade them from converting; however, according to press reports, a handful of the country's blogging community reportedly identified itself as atheist or Christian.

Forum 18 reported that many persons, especially secular individuals and non-Muslims, voiced their concern over the restrictions on religion in anonymous weblogs. It stated fear of social ostracism and government punishment prevented this concern from being openly expressed.

On May 28, 2010, Mohamed Nazim declared himself an atheist at a public lecture given by an Islamic scholar. Nazim was assaulted by some members of the crowd and taken by the police into protective custody. A local religious NGO called for him to receive a death sentence if he did not repent. The Ministry of Islamic Affairs reportedly sent two scholars to counsel Nazim and clarify his misconceptions about Islam. No charges were filed, and he was released on June 2, 2010, after he made a public apology and declared himself a Muslim. According to Ministry of Islamic Affairs officials, Nazim embraced Islam of his own free will.

Faith-based NGOs were not specifically precluded by law from operating.

The law prohibits public statements that are contrary to Islam.

The government registered only clubs and other private associations that did not contravene Islamic or civil law.

The 2008 constitution states the president and cabinet ministers must be Sunni Muslims. Furthermore, in contrast to its predecessor, the 2008 constitution also states members of the People's Majlis (parliament) and the judiciary must be Sunni Muslims. Atoll chiefs must be Muslim; however, they were not required to be Sunni. The same was also true of members of the Special People's Majlis, which drew up the 2008 constitution.

Under the country's Islamic practice, the testimony of two women is required to equal that of one man in matters such as adultery, finance, and inheritance. In other cases the testimony of men and women carried equal weight. Shari'a also governs estate inheritance, granting male heirs twice the share of female heirs. The constitution provides that an accused person has the right to defend himself in accordance with Shari'a. Family law prohibited women from marrying non-Muslim foreigners but allows men to marry non-Muslim foreigners, as permitted by Shari'a.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion.

Section III. Status of Societal Respect for Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Most citizens regarded Islam as one of their society's most distinctive characteristics and believed it promotes harmony and national identity. There has not been a pattern of discrimination, intolerance, or harassment. The only incident identified was the case of Mohamed Nazim who was harassed, threatened, and assaulted by a crowd when he publically acknowledged being an atheist.

Section IV. U.S. Government Policy

The U.S. government does not maintain an embassy in the country. The U.S. ambassador in Sri Lanka was also accredited to the government, and officers from the embassy in Colombo traveled frequently to the country. The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

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