



Maldives

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

October 26, 2009

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 during the reporting period. Freedom of religion remained severely restricted. The Government imposes a requirement that citizens be Muslims, and government regulations are based on Islamic law (Shari'a). The President is the "supreme authority to propagate the tenets of Islam."

There were no specific reports of societal 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 1,200 coral atolls and islands, and a population of 380,000.

The population is 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 675,000 tourists who visit annually (predominantly Europeans and Japanese) and 70,000 foreign workers (mainly Pakistanis, Sri Lankans, Indians, and Bangladeshis), in general are allowed to practice their religious beliefs only in private. Most Muslim tourists and Muslim foreign workers choose to 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

Freedom of religion is restricted significantly. The new Constitution ratified in 2008 designates Islam as the official state religion, and the Government and many citizens at all levels interpret this provision to impose a requirement that all citizens be Muslims. The Constitution also stipulates that the President must be Sunni and has the "supreme authority to propagate the tenets of Islam." Chapter II 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. Article 9 of the Constitution states that a "non-Muslim may not become a citizen of the Maldives." This is widely interpreted to mean that all citizens must be

Muslim and therefore that non-Muslims cannot vote. This provision contravenes obligations that the country has undertaken in signing several international conventions, such as the International Covenant on Civil and Political Rights. Religious discrimination is enshrined in the new Constitution. Article 17 excludes religion from a list of attributes for which people should not be discriminated against. It states: "Everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island."

Several articles in the Constitution make the practice of Islam mandatory. Article 36 states 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 are forced to 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 is subject to criminal penalty; if a person is found guilty, sentences range from a fine to imprisonment.

On December 23, 2008, the Minister for Islamic Affairs stated that there was no reason to allow other religions in the country, as Maldives was a very unique country where all citizens are Muslims.

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

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

According to press reports, in October 2007, the Ministry of Justice banned clothing that conceals a person's identity in court; however, the Supreme Council for Islamic Affairs, which is appointed by the Government, 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 remains against the law to offer alcohol to a local citizen.

The Government observes Islamic holy days as national holidays.

Mosques were not required to register with the Government. The Government maintained and funded most mosques.

Under President Nasheed, as with former President Gayoom, the primary responsibility of imams was to present Friday sermons. They used a set of government-approved sermons on a variety of topics and were not legally empowered to write sermons independently. No one, not even an imam, may publicly discuss Islam unless invited to do so by the Government. According to government officials, this rule was in place to maintain a moderate Islamic environment rather than a fundamentalist one.

Under former President Gayoom, men who wished to act as imams were required to sit for public exams and present their scores and credentials to the Supreme Council for Islamic Affairs, chaired by the Chief Justice. The Supreme Council was empowered to certify imams. However, if the Supreme Council denied certification, the

petitioner could appeal to the Board of Education. Since President Nasheed came to power in October 2008, the Ministry of Islamic Affairs has replaced the Supreme Council for Islamic Affairs and has a mandate to control religious matters. Only scholars associated with the Adaalath Party are allowed to give previously unseen sermons, and all other imams are asked to read sermons preapproved by the Ministry of Islamic Affairs.

The Human Rights Commission reported that 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 Islamic countries. Schools offered religious education for women.

Restrictions on Religious Freedom

Non-Muslim religious identity was prohibited; former President Gayoom stated repeatedly that citizens are born Muslim. On November 2, 2008, newly elected 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 legacy of 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 May 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 has been led by a religious figure from the Adaalath Party. It said 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.

There were no places of worship for adherents of other religious groups. 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.

Under Majeed Abdul Bari, the Ministry of Islamic Affairs took several steps to increase its control on the way Islam is practiced in the country. In April 2009 the Ministry started a program to promote religious awareness in schools; however, the program promotes only Islam rather than an awareness of other religions. Miadhu News reported the program aims to create a disciplined youth who "love the religion and the country" and respect their parents.

On March 1, 2009, a committee on religious issues was established to tackle conflicting religious matters of national importance. The committee includes 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 Maldives Police Service. One of the first issues discussed was a ban on discos. Minister for Islamic Affairs Abdul Bari, who is on the committee, said discos must be stopped in order to fulfill their mandate

and prevent "un-Islamic conduct" within the country.

On February 26, 2009, President Nasheed inaugurated an independent council of religious scholars called a fiqh academy. The council consists of 17 religious scholars, all of whom are 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 is to debate on religious matters, issue fatwas, and link up with fiqh academies in other countries. The vice-president of the academy said one of the aims was to tackle religious divides in the country.

On January 4, 2009, the Ministry of Islamic Affairs said that it would stop a particular congregation from holding separate Friday prayers because they have "no relation to any government institution." A member of the prayer group said the fixed prayer time of 12:35 pm is not Islamic. Instead, the group prays at the time of the first call to prayer, and this time depends on the lunar calendar. Minister Bari justified the ban on the basis of the Protection of Religious Unity Act and provisions of the 2008 Constitution, which outlaw anything that is against the "tenets of Islam."

Forum 18 reported that many persons, especially secular 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.

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

The website www.raajjeislam.com was blocked because of its coverage of a dispute over the reading of the Witr Qunoot prayer. In the dispute, an imam for Shaviyani Atoll Foakaidhoo Island refused to recite the Witr Qunoot prayer while performing the dawn prayer. Minivan News reported that whether or not to recite the prayer was a common debate among some Islamic scholars. Raajjeeislam.com posted audio of the imam claiming the state Minister of Islamic Affairs had threatened him if he failed to cooperate with the Ministry's orders.

A blog called Secular Maldives wrote that on January 28, 2009 that a man was tried in the Maldives Criminal Court for denying the existence of Allah and the prophethood of Muhammad. The state filed the case against Shub'hi Ismail, who was also accused with verbally abusing the prophet of Islam with foul language. The judge in the case, Mohamed Moosa, said that during the trial Mr. Shub'hi confessed that Allah exists and Muhammad is the prophet of Allah. After the sentencing, the judge made Shub'hi recite the Shahadah (profession of the Islamic creed) and asked him to embrace it strongly. The judge also warned him that apostasy is the gravest of all sins and Allah may punish a person instantly for it. He recommended that, since it is a matter related to creed, it would be better if such cases were sent to the Ministry of Islamic Affairs instead of the court.

In November 2008, a male citizen was investigated at the airport for having an English-language Bible in his luggage.

During his election campaign, President Nasheed appointed a woman as his running mate, but when his party's religious advisors challenged his decision as un-Islamic, he yielded to their pressure and dropped her from his ticket.

While on a visit to India in December 2008, President Nasheed said there were approximately 150 citizens studying in radical madrassahs in Pakistan, and asked India to help provide more educational facilities to the country to

prevent citizens from studying at such extremist institutions.

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 believes the prevalence of "un-Islamic" practices within the country is due to a lack of religious awareness and has offered to conduct awareness programs and provide assistance 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 practice privately in their homes or hotel rooms and do not try to include local citizens in their worship.

The Government prohibited non-Muslim clergy and missionaries from proselytizing or conducting public worship services. Islamic proselytizing was also illegal unless a government representative was present. Conversion by a Muslim to another religious group is 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. Miadhu News reported that on March 17, 2009 the Ministry of Islamic Affairs launched a counseling program for would-be converts. Counseling sessions are held at the Ministry every morning. The purpose and content of the sessions was not clear.

Faith-based nongovernmental organizations (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 do 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 are not required to be Sunni. The same was also true of Members of the Special People's Majlis, which drew up the new 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 is equal. 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 prohibits 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, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

Section III. Status of Societal Respect for Religious Freedom

There were no specific reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

Most citizens regard Islam as one of their society's most distinctive characteristics and believe it promotes harmony and national identity.

Section IV. U.S. Government Policy

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