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State of play of the criminalization of religious activities

HRWF (04.09.2017) – This paper is part of a wider research work about the criminalization of religious activities in a number of countries.

Introduction

2012 Population: 338,442

Total Area (sq. miles): 116

Life Expectancy at Birth: 78.0





Gross National Income Per Capita (PPP 2012 US \$): \$9,310

Official Religion(s) or Church(es): Islam (98.44%)

Other religions: Buddhists (0.65%), Christians (0.45%), Hindu (0.33%), Agnostic (0.9%), Other (0.4%)

Source: The ARDA

(http://www.thearda.com/internationalData/countries/Country_140_1.asp)

Country	Freedom to have/change religion or belief	Blasphemy/ Freedom of expression	Freedom of association	Freedom of worship assembly	Freedom to share beliefs/ Proselytism
Maldives			R		

Death penalty , imprisonment , fine  & restrictions R.

Constitutional and legislative framework

The current Constitution which was adopted in 2008 reads as follows:

- Article 9 says that the republic "is based on the principles of Islam" and that "a non-Muslim may not become a citizen" which is a violation of Article 18 of the Human Rights Charter.
- Article 10 says that "no law contrary to any principle of Islam can be applied".
- Article 19 states that "citizens are free to participate in or carry out any activity that is not expressly prohibited by sharia [Islamic law] or by the law".

- Article 142 provides that the judiciary is required to turn to sharia regarding matters for which codified law is silent but the line between the two legal systems is becoming increasingly blurry.
- Article 156 states that law includes the norms and provisions of sharia.

The Maldivian courts apply a mixture of sharia and civil law mellowed by traditional island values.

In 2013, the parliament drafted a new penal code which includes "Hudud" punishments. It grants judges the discretion to impose sharia penalties (death penalty, stoning, amputation of hands, and similar physical punishments) 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. All appeal processes must be exhausted prior to the administration of sharia punishments specific to these offences.

Freedom of religion or belief is mainly regulated by

- The Constitution (2008)
- The Protection of the Religious Unity Act (1994)
- The Supreme Council for Islamic Affairs (1996)

The Maldives was a Commonwealth republic from July 1982 until its withdrawal from the Commonwealth in October 2016 in protest of international criticism of its records in relation to corruption and human rights.

Freedom to have/change religion

A Muslim is not allowed to change his/her religion. This violation is punishable by **the loss of the convert's citizenship**, although a judge may impose **harsher punishment per sharia jurisprudence**.

Starting at age seven, **apostasy is punishable by death**.

In May 2010, during a public question and answer session with Islamic speaker Dr. Zakir Naik, Mohamed Nazim stated that he was "Maldivian and not a Muslim". Nazim was the first Maldivian to publicly announce he was not a Muslim. The Islamic Foundation, a local religious non-governmental organisation, called for Mohamed Nazim to be stripped of his citizenship and sentenced to death if he did not repent and return to Islam. Nazim's statement challenged the constitutionality of revocation for renouncing the Muslim faith.

The 2008 Maldivian Constitution states that anyone who was a Maldivian citizen at the commencement of the Constitution is a citizen of the Maldives. It also states that "[n]o citizen of the Maldives may be deprived of citizenship". Thus, Maldives' adherence to Sharia law, which punishes apostasy with revocation of citizenship, is contradictory to the Maldivian Constitution.

Nazim said, "When I did what I did, legally I was absolutely convinced that there was no way I could not be a Maldivian".

Ultimately, Nazim re-embraced Islam, after being detained for five days at the Dhoonidhoo prison where he received counseling from religious scholars. He said, however, "[t]he extremism that was taking hold in the Maldives was increasing so rapidly. . . . I needed to speak about it".

Blasphemy/ Restrictions to freedom of expression

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

By law, imams may not deliver sermons or explain religious principles in public without obtaining a license from the Ministry of Islamic affairs.

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.**

The law requires foreign scholars to shape their sermons in line with the country's norms, traditions, culture, and social etiquette.

Further, it is "illegal to display in public any symbols or slogans belonging to any religion other than Islam, or creating interest in such articles". This regulation, in addition to the Regulation on the Protection of Religious Unity Act (1994) forbids the media from publicising material that "humiliates Allah or his prophets or the holy Quran or the Sunnah of the Prophet (Mohamed) or the Islamic faith".

In 2008 and 2009, the Ministry of Islamic Affairs blocked eight websites "for allegedly publishing anti-Islamic and pro-Christianity content in [] Dhivehi [language]".

In November 2011, the Ministry of Islamic Affairs also banned a controversial blog written by Ismail 'Hilath' Rasheed, a Maldivian freelance journalist and religious freedom campaigner. Rasheed spoke against the Maldivian Constitution's proscription against Islamic schools outside the "Sunni school of Islam". Rasheed's blog was banned for containing anti-Islamic statements. In a statement defending his blog's Islamic character, Rasheed stated, "I am a Sufi Muslim and there is nothing on my website that contradicts Sufi Islam".

Freedom of association

No organized form of non-Muslim religion is authorized.

A license from the Ministry of Islamic Affairs must be obtained by the imam or the preacher before starting any public religious activity. 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.

Freedom of worship and assembly

The law prohibits the establishment of places of worship for non-Islamic religious groups.

By law, Muslim prayer houses are under the control of the Ministry of Islamic Affairs.

Anyone who participates in a religious meeting that is not in conformity with the requirements of the Ministry of Islamic affairs is subject to a **jail term or house arrest of two to four years and a fine of between 5,000-20,000 rufiyaa (\$326R1303)**.

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

Foreigners, including those working in the tourist industry, are allowed to practice their religion but may do so only in private.

Freedom to share one's faith/ beliefs

Propagation of any religion other than Islam is a criminal offense.

Missionary activity: 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.

The Protection of Religious Unity Act of 1994 makes it "illegal in the Maldives to propagate any faith other than Islam or to engage in any effort to convert anyone to any religion other than Islam". It is also illegal to publically carry or display non-Islamic religious books and writings, and it is illegal to translate non-Islamic religious writings into Dhivehi, the Maldivian language. Only the following remain exempt: "articles that disseminate information about various disciplines, intellectual studies carried out, comparative studies between Islam and other religions, description of sayings and expressions about Islam by people of other religions, and dissemination of Muslim expressions on other religions".

Printing and importing religious literature: The law prohibits importation of any items deemed contrary to Islam by the Ministry of Internal Affairs, including **religious literature** and religious statues. Penalties for violating the law range from **three months to three years imprisonment**.

The first translations of the Gospels, made almost two centuries ago, were lost. In the last two decades, the Bible Society of Maldives based abroad has translated and published parts of the Bible in Divehi, the official language of the Maldives, but the Supreme Council for Islamic Affairs, which governs the religious views of the general public, issued a fatwa banning these publications in the Maldives.

Sources and recommended reading

The Rising Tide of Islamic Radicalism in the Maldives by Raamy Majeed, Cambridge University, September 2014

https://www.academia.edu/8515955/The_Rising_Tide_of_Islamic_Radicalism_in_the_Maldives

The Perils of Rising Religious Fundamentalism in the Maldives by Djan Sauerborn for South Asia Democratic Forum, September 2013

https://www.academia.edu/7428520/The_Perils_of_Rising_Religious_Fundamentalism_in_the_Maldives

Maldives: Country Overview by Xavier Romero-Frias in Maldives: Country Overview by Xavier Romero-Frias

https://www.academia.edu/4679385/MaldivesRReligious_Practices

Islamism and Radicalism in the Maldives, a thesis by Hasan Amir

https://www.academia.edu/6646445/Islamism_and_Radicalism_in_the_Maldives

Universal Periodic Review of the Maldives (May 2015)/ Submission by the European Center for Law and Justice

<https://www.uprinfo.org/en/review/Maldives/SessionR22RRRMayR2015/CivilRsocietyRandRotherRsubmissions#top>

US State Department/ International Religious Freedom Report 2015

<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

Religious freedom in the Maldives: Present and future challenges

HRWF (22.07.2017) - In the last few years, the expansion of radical Islam across the Maldives has been accompanied by the gradual introduction of Sharia law. Several scholars believe that there is even worse to come, especially as youths sent to overseas madrasas return home with Salafist and Wahhabi forms of Islam. Those "returnees" then import back home the Islam they have learnt in Saudi Arabia and Pakistan, just to name the two main countries behind the worldwide radicalization of Islam, and further undermine the island's historically tolerant Islam and democratic credentials. Religious education abroad of the youth is a crucial issue in the Maldives and in Muslim majority countries. It is also a major avenue for the radicalization of the future intellectual, political and social elite of those countries. All states, including liberal democracies with Muslim minorities, should adopt appropriate proactive policies to stop such a process as those "returnees" educated abroad in controversial religious institutions and countries are promoters of religious and political ideologies that challenge the values of the Universal Declaration of Human Rights.

See for example

The Rising Tide of Islamic Radicalism in the Maldives by Raamy Majeed, Cambridge University, September 2014

https://www.academia.edu/8515955/The_Rising_Tide_of_Islamic_Radicalism_in_the_Maldives

The Perils of Rising Religious Fundamentalism in the Maldives by Djan Sauerborn for South Asia Democratic Forum, September 2013

https://www.academia.edu/7428520/The_Perils_of_Rising_Religious_Fundamentalism_in_the_Maldives

Maldives: Country Overview by Xavier Romero-Frias in Maldives: Country Overview by Xavier Romero-Frias

https://www.academia.edu/4679385/Maldives-Religious_Practices

Islamism and Radicalism in the Maldives, a thesis by Hasan Amir

https://www.academia.edu/6646445/Islamism_and_Radicalism_in_the_Maldives

In May 2015, the human rights records of the Maldives were reviewed in the framework of the Universal Periodic Review (UPR). The European Center for Law and Justice contributed to it with a submission about the situation of religious freedom in the country. See hereafter excerpts of their contribution, the full version with footnotes being accessible at <http://bit.ly/2vsChh1>

The Constitution and Freedom of Religion or Belief

The Maldives, after transferring power to its first democratically elected government in 2008 under the presidency of Mohamed Nasheed, implemented a new constitution that purports to ensure the equal protection of human rights; however, it only grants those freedoms to the extent they are compatible with Sunni Islam, under Sharia law.

The Constitution's Non-Discrimination Clause provides that "[e]veryone 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". Noticeably, religion does not appear in the Clause. Instead, "it is the responsibility of every [Maldivian] citizen . . . to preserve and protect the State religion of Islam".

Thus, there is no freedom of religion or religious expression in the Maldives as the Constitution forbids the practice of any religion other than Islam. Only Muslims are granted citizenship, while formerly-Muslim religious converts are punished by revocation of citizenship. Therefore, it is unlikely that the Maldives is making any effort to work towards religious freedom for non-Muslims because Islam, as the official religion, holds both religious and political power. "Islam is so intertwined with politics in the Maldives that it is the only country in the world where it is illegal [for citizens] to be anything other than a Muslim".

The Maldivian Constitution stipulates that "a non-Muslim may not become a citizen of the Maldives". Additionally, the Maldivian government has incorporated an aspect of Sharia law into its legal system which provides that "citizens who convert to another religion can have their citizenship revoked" or be sentenced to death.

Protection of Religious Unity Act

The Protection of Religious Unity Act of 1994 maintains that "both the government and the citizens of the country must protect the religious unity that they have created". Despite the 2010 Working Group's "grave concern" for religious freedom under the religious unity regulations, which enforce the Religious Unity Act, the Maldivian government ratified and published the new draft of the regulations in 2011. The religious unity regulations of the Act make it "illegal in the Maldives to propagate any faith other than Islam or to engage in any effort to convert anyone to any religion other than Islam". It is also illegal to publically carry or display non-Islamic religious books and writings, and is illegal to translate non-Islamic religious writings into Dhivehi, the Maldivian language. Only the following remain exempt: "articles that disseminate information about various disciplines, intellectual studies carried out, comparative studies between Islam and other religions, description of sayings and expressions about Islam by people of other religions, and dissemination of Muslim expressions on other religions".

Further, it is "illegal to display in public any symbols or slogans belonging to any religion other than Islam, or creating interest in such articles". This regulation-in addition to the Regulation on the Protection of Religious Unity forbidding the media from publicising material that "humiliates Allah or his prophets or the holy Quran or the Sunnah of the Prophet (Mohamed) or the Islamic faith"-authorised the Maldivian Ministry of Islamic Affairs to block eight websites in 2008 and 2009 "for allegedly publishing anti-Islamic and pro-Christianity content in [] Dhivehi [language]".

In November 2011, the Ministry of Islamic Affairs also banned a controversial blog written by Ismail 'Hilath' Rasheed, a Maldivian freelance journalist and religious freedom campaigner. Rasheed spoke against the Maldivian Constitution's proscription against Islamic schools outside the "Sunni school of Islam". Rasheed's blog was banned for containing anti-Islamic statements. In a statement defending his blog's Islamic character, Rasheed stated, "I am a Sufi Muslim and there is nothing on my website that contradicts Sufi Islam".

Apostasy Law

A major concern to the country is the Islamists' rising influence. In addition to the constitutional provisions granting equal protection of human rights only to the extent they are compatible with Islam, there has also been talk about fully integrating and implementing Sharia law in the country. Even under current law, however, aspects of Sharia are incorporated into the legal system. For example, starting at age seven, apostasy is punishable by death.

In May 2010, during a public question-and-answer session with Islamic speaker Dr. Zakir Naik, Mohamed Nazim stated that he was "Maldivian and not a Muslim". Nazim was the first Maldivian to publicly announce he was not a Muslim. The Islamic Foundation, a local religious non-governmental organisation, called for Mohamed Nazim to be stripped of his citizenship and sentenced to death if he did not repent and return to Islam. Nazim's statement challenged the constitutionality of revocation for renouncing the Muslim faith. The 2008 Maldivian Constitution states that anyone who was a Maldivian citizen at the commencement of the Constitution is a citizen of the Maldives. It also states that "[n]o citizen of the Maldives may be deprived of citizenship". Thus, Maldives' adherence to Sharia law, which punishes apostasy with revocation of citizenship, is contradictory to the Maldivian Constitution. Nazim said, "When I did what I did, legally I was absolutely convinced that there was no way I could not be a Maldivian".

Ultimately, Nazim re-embraced Islam, after being detained for five days at the Dhoonidhoo prison where he received counseling from religious scholars. He said,

however, "[t]he extremism that was taking hold in the Maldives was increasing so rapidly. . . . I needed to speak about it". Nazim stated that "[s]omebody had to do it, it needed to be spoken about. The repression of thought, the lack of debate and a lack of a proper public sphere in which such discussion can take place, is dangerous".

Conclusion

While the Constitution of Maldives grants rights and freedoms to its citizens, it limits those freedoms based on the government-authorized, Sunni Islam. There is no freedom of religion or religious expression in the Maldives as the practice or propagation of any religion other than Sunni Islam is not only forbidden but is punishable by revocation of citizenship or death. With Islamic extremists gaining political power in the Maldives, religious freedom will continue to diminish, even within the Muslim community. Currently, there have only been limited demonstrations of religiously motivated instability and violence. But, as radical Islamic groups continue to gain power, moderate Muslims and non-Muslims will begin to experience severely restricted religious freedom. Thus, the Working Group must stress the importance of the freedom of religion and its free expression, and specifically urge the Maldivian government to resist embracing radical Islamic ideals.

Maldives ruling party should repudiate attacks against UN Special Rapporteur on Freedom of Religion or Belief

USCIRF condemns threats to Ahmed Shaheed's life

USCIRF (20.07.2017) - The U.S. Commission on International Religious Freedom (USCIRF) strongly condemns the verbal and online attacks against UN Special Rapporteur Ahmed Shaheed. The statements by the ruling Progressive Party of Maldives (PPM) and the online postings of at least one religious scholar include harsh criticism and accusations that Shaheed is an apostate from his Muslim faith. The denunciations of this advocate for religious freedom have even resulted in calls online for his beheading.

According to reports, statements from the PPM, the party of current President Abdulla Yameen Abdul Gayoom, accuse Dr. Shaheed of spreading "evil deeds" among Maldivians. "As if this were not enough," said USCIRF Vice Chair Kristina Arriaga, who recently met with him in Oxford to discuss religious freedom, "the party also called on the public to speak out against Shaheed's 'irreligious' activities, which resulted in online postings accusing him of apostasy and calling for his beheading. Coming from the ruling party, this is nothing less than government-sanctioned incitement to violence. That is unacceptable in the Maldives or any other country."

Shaheed is currently the United Nations Special Rapporteur on freedom of religion or belief. In this key position, he is mandated to "identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles." Freedom of religion or belief is intimately linked to freedom of expression. Dr. Shaheed is being attacked by political and religious figures in his home country for exercising his freedom of expression on a variety of issues spanning several countries.

One reported Facebook posting by an alleged religious scholar called for Muslims who have expressed views such as Shaheed's to "repent," and if they do not, "Their heads will have to be removed [from their bodies] as a non-believer. [This has to be] implemented by the ruler." Postings and statements such as this and those by the PPM have resulted in numerous explicit, violent threats against Dr. Shaheed as well as his family.

USCIRF Chairman Daniel Mark added, "The PPM should retract its statements threatening Dr. Shaheed and condemn in the strongest possible terms any calls for action against him. Rather than inciting violence against a fellow citizen, the PPM should protect Dr. Shaheed and indeed any other Maldivian citizen who exercises his or her right to freedom of expression. A government is responsible for protecting its citizens, not being complicit in threats to their lives."

HRWF footnote:

On 1 November 2016, Ahmed Shaheed who was born in the Maldives in 1964 assumed his mandate as Special Rapporteur on freedom of religion or belief. He is Deputy Director of the Essex Human Rights Centre. He was the first Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran since the termination of the previous Commission on Human Rights mandate in 2002. A career diplomat, he has twice held the office of Minister of Foreign Affairs of Maldives. He led Maldives' efforts to embrace international human rights standards between 2003 and 2011. See Ahmed Shaheed's full resume at http://www.ohchr.org/Documents/Issues/Religion/Shahheed-One_pageCV.pdf

ⁱ GovernmentRauthorised, Sunni Islam, Shafi Madhab school of thought.