

Human Rights Without Frontiers Int'l

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FREEDOM OF RELIGION OR BELIEF:

MALDIVES

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%), Hindus (0.33%), Agnostics (0.09%), Others (0.04%)

Government Regulation of Religion Index: Average government regulation score over ARDA researchers' coding of 2003, 2005 and 2008 U.S. Department of State's International Religious Freedom Reports (0-10, lower means less regulation): 9.7 ¹

¹ 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**.

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

- Article 9 says that the republic "is based on the principles of Islamⁱⁿ" 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".²

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**.

² European Centre for Law and Justice, *UPR 2014 Submission*. <http://bit.ly/2ylw4z5>

The law requires foreign scholars to shape their sermons in line with the country's norms, traditions, culture, and social etiquette.³

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'.⁴

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".⁵

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.⁶

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.

³ US State Department/ International Religious Freedom Report (2016)

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

⁴ Regulation on protection of religious unity among Maldivian citizens. 2011. Unofficial translation.

<http://minivannewsarchive.com/files/2011/09/Translation-of-Religious-Unity-Regulation.docx>

⁵ European Centre for Law and Justice, *UPR 2014 Submission*. <http://bit.ly/2ylw4z5>

⁶ US State Department/ International Religious Freedom Report (2016)

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

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".⁷

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**.⁸

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.

⁷ European Centre for Law and Justice, *UPR 2014 Submission*. <http://bit.ly/2ylw4z5>

⁸ US State Department/ International Religious Freedom Report (2016)
<https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

Sources

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Political and Legal Status of Apostates in Islam (2013)

http://ex-muslim.org.uk/wp-content/uploads/2013/12/Apostasy_Report_Web1.pdf

European Centre for Law and Justice, *UPR 2014 Submission*

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Regulation on protection of religious unity among Maldivian citizens. 2011. Unofficial translation. <http://minivannewsarchive.com/files/2011/09/Translation-of-Religious-Unity-Regulation.docx>

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 RomeroFrias in Maldives: Country Overview by Xavier RomeroFrias

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>

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