

# Maldives



Discrimination / Worsened ↓

## Religion

## Population

## Area

- Muslims : **98.5%**
- Others : **1.5%**

370,000

300 Km<sup>2</sup>

## Legal framework on freedom of religion and actual application

We mostly know the Maldives for the heavenly beaches and the global warming risks threatening this archipelago comprising nearly 1,200 islands, of which only 188 are inhabited. In fact, this country accommodates nearly 1.5 million tourists per year, most of whom arrive at the international airport located on an island away from Malé, the island-capital. Living there are nearly 150,000 people, all squeezed inside a land mass of just 6km<sup>2</sup>. This makes the capital one of the most densely populated areas in the world. Tourists leave for the atoll-islands that host dozens of luxury hotels. This means many have limited or no contact with the reality of life in this republic where Islam is the state religion and where the vast majority of the population is Sunni Muslim.

According to the 2008 constitution, the Maldives are not an Islamic republic. However, article 2 defines the Maldives as “a sovereign, independent and democratic republic based on the principles of Islam”.

Article 10, paragraph (a) of the constitution stipulates that “the religion of the state of the Maldives is Islam.<sup>†1]</sup> Adding that Islam is central to the country’s legal structure, article 10 further promulgates: “No law contrary to any tenet of Islam shall be enacted in the Maldives.”

Under article 9, paragraph (d): “...despite the provisions of article (a), a non-Muslim may not become a citizen of the Maldives.” This is why the Maldives claims to have a 100 percent Muslim population. Nevertheless, these official statistics ignore the presence within the archipelago of a large immigrant population, estimated at between 50,000 and 100,000 people, mainly from South Asia (Bangladesh, Sri Lanka, India and Pakistan), who do not practise the Muslim faith.

Article 19, dealing with restrictions on freedom, provides: “A citizen is free to engage in any conduct or activity that is not expressly prohibited by Islamic Shari’a or by law.” It states that “No control or restraint may be exercised against any

person unless it is expressly authorised by law.”

Article 27 legislates for the right to freedom of thought and the freedom to communicate one’s opinions and to express oneself, but “in a manner that is not contrary to any tenet of Islam”.

Paragraphs (f) and (g) of article 67 prescribe that it is the responsibility of citizens “to promote democratic values and practices in a manner that is not inconsistent with any tenet of Islam” and “to preserve and protect the state religion of Islam, culture, language and heritage of the country”.

Pursuant to article 100, the President and Vice-President of the nation may be removed from office by a resolution of Parliament in case of “direct violation of a tenet of Islam”. Moreover, taking an oath for a public function requires swearing “in the name of Almighty Allah” and saying: “I will respect the religion of Islam.”

Even education is designed to promote Islam. Article 36, paragraph (c) of the constitution states that: “Education shall strive to inculcate obedience to Islam, instil love for Islam, foster respect for human rights, and promote understanding, tolerance and friendship among all people.”

In accordance with article 70, paragraph (c), Parliament “shall not pass any law that contravenes any tenet of Islam”.

Article 142 requires that judges take account of Shari’a in order to settle issues not covered in the constitution or the judicial system.

The constitution defines the “tenet of Islam” as follows: “The Holy Qur’an and those principles of Shari’a whose provenance is not in dispute from among those found in the Sunna of the Noble Prophet, and those principles derived from these two foundations.” The term “Islamic Shari’a is defined as: “the Holy Qur’an and the ways preferred by the learned people within the community and followers of the Sunna in relation to criminal, civil, personal and other matters found in the Sunna.”

In addition to the restrictions within the constitution, the Protection of Religious Unity Act 1994 aims to unify the practice and preaching of Islam, as well as to limit the practice and expression of religions other than Sunni Islam.

In compliance with article 2 of the Protection of Religious Unity Act 1994, published in the Government’s Official Gazette in September 2011, government authorisation is required for the preaching of Islamic sermons and conferences and the dissemination of information about Islamic principles. In accordance with article 4, these sermons, conferences or doctrines must not contradict Islam, nor the general consensus established between Muslim scholars, or the Qur’an, Sunna or Hadiths. Article 4 also prohibits preaching by other religions.

Article 6 of the Protection of Religious Unity Act 1994 stipulates: “In the Maldives, it is forbidden to propagate a faith other than Islam or to make any effort to convert anyone to a religion other than Islam. It is also illegal to display in public symbols or slogans belonging to a religion other than Islam, or to generate interest in them.”

According to article 7 of the same law, it is also illegal in the Maldives to “carry or exhibit in public books about other religions (apart from Islam), books and texts that promote and propagate other religions, as well as the translation into Dhivehi, [the official Maldivian language] of those books and texts related to other religions.”

Under article 9, “it is unlawful for non-Muslims living in the Maldives and for non-Muslims visiting the Maldives to express their religious slogans in public, and to organise religious activities by creating faith groups and carrying out such activities in public places, and engaging Maldivians in analogous group activities.”

In addition, article 10 legislates: “It is unlawful to possess, distribute or propagate programs, writings, works of art and advertising about religions other than Islam.”

The penalty for any violation of these legal provisions, pursuant to article 12, is between two and five years of imprisonment for Maldivians, and foreigners who transgress or infringe them “must be handed over to the Ministry of

Immigration and Emigration for expulsion from the Maldives”.

In August 2016, the legislative arsenal was reinforced by a new law concerning defamation. This legal text criminalises any speech, remark, writing or action that is considered defamatory towards “all proponents of Islam”. Potential offenders are punishable by fines ranging from 50,000 Maldivian rufiyaas (US\$3,200) to two million rufiyaas (US\$130,000), and sentences of three to six months of imprisonment. Publications, including those online, found guilty of harbouring “defamatory” comments may have their licenses revoked.<sup>[2]</sup>

After 30 years of Maumoon Abdul Gayoom’s presidency, the Republic of Maldives in 2008 seemed to have taken the path of multi-party democracy; a new President, Mohamed Nasheed, was even democratically elected, which is considered as an historic event for the country. The rise to power of President Nasheed, former journalist, ecologist and tireless activist, was followed by a new focus on freedom. The country’s 2008 constitution asserted in particular the independence of the judiciary. Nevertheless, in 2012, after three rather disappointing years as far as reforms are concerned, Nasheed had the Chief Justice of the Criminal Court arrested on suspicion of corruption. This arrest was followed by two days of unrest which led to the resignation of the President. Following a controversial presidential election, the Gayoom clan returned to power with Abdulla Yameen Gayoom, half-brother of the former dictator, sworn in as President on 17th November 2013.

Since then, President Abdulla Yameen Gayoom has exercised power in an ever more authoritarian manner. Following an assassination attempt in September 2015 while returning from a pilgrimage to Mecca, and allegations of involvement in a major corruption scandal, the President has made a number of arbitrary arrests of people at the highest level of government; two Vice-Presidents were charged with treason while two Defence Ministers were put behind bars.<sup>[3]</sup> In addition, Mohamed Nasheed was openly arrested in the street on 22nd February 2015 and sentenced to 13 years in jail for “terrorism”. His sentencing followed a trial that was marred by irregularities.<sup>[4]</sup> In January 2016, having obtained an exit permit to go for medical treatment in London, Mohamed Nasheed was granted political asylum in Great Britain, where he continues his fight for justice.

The upcoming presidential elections of 2018 have made the atmosphere tense again. On 5th February 2018, the government lifted the state of emergency. It had been decreed 45 days earlier by President Abdulla Yameen in an effort to neutralise his last rivals. The President resorted to a state of emergency to overturn a Supreme Court ruling ordering the release of 12 deputies of his party, arrested after having switched to the opposition in 2017. If it had been applied, the judgement of the Supreme Court would have seen the President lose his majority in Parliament. The state of emergency has thus allowed the Head of the Executive to consolidate his power a few months before the presidential elections scheduled for September 2018.

These power struggles are coupled with family feuds, behind which hide important economic interests. Meanwhile, radical Islam continues to thrive within the Maldives.

## Incidents

As promulgated by the constitution and the prevailing legal system, there is no freedom to convert from Islam to any other religion or to express disbelief in Islam. No religion other than Sunni Islam can be taught within the country. The Maldives claim that foreigners residing in the country can practise their religion privately, but in the past many Christian expatriates have been either arrested or deported for attending private worship.<sup>[5]</sup> All visitors to the Maldives are required to sign an immigration form stating that they do not carry pornographic material, idols, alcohol, pork butchery, or “material against Islam”.<sup>[6]</sup> Alcohol is available in hotels accommodating foreigners on the atolls, but it is against the law to offer alcohol to a Maldivian.

According to Amnesty International, religious militias acting apparently in collusion with the police have in recent years committed an increasing number of kidnappings and attacks targeting social gatherings, particularly those accused of promoting “atheism”. In 2015, these religious militias assaulted peaceful protesters with the complicity of the police, and

no one was brought to justice for these assaults. For Amnesty International, these attacks are part of a deterioration described as “alarming” for human rights conditions within the country.<sup>[7]</sup>

As for a possible Christian presence within the Maldives, the only thing that can be guaranteed is that there is no church or place of Christian worship in the country. The few Maldivian Christians have nowhere to meet and do their best to prevent their faith from being discovered. Officially there are no Maldivian Christians, only Christian expatriates. The official import of Bibles and Christian literature is categorically forbidden.

In recent times, there has been an increase of graffiti calling on people to join the ranks of Daesh (ISIS) appearing on the walls in different atolls. The influence of Daesh is manifested not only by graffiti but also by significant recruitment to the terror group. According to security-issues journalist Praveen Swami in *The Indian Express*, a daily newspaper in India, the Indian and Western Intelligence Services estimate that, out of a total population of 370,000 inhabitants, 200 Maldivian nationals have gone to Iraq and Syria, the largest contingent, in proportion to the national population, of any country in the world.<sup>[8]</sup> These departures for Daesh were confirmed by a study of the Soufan Group in April 2016.<sup>[9]</sup> There are several reasons behind this figure, in particular the close links between Maldivian jihadist networks and extremist groups in Pakistan. Also of note here is the authorities' incapacity to investigate these terrorist groups and their recruitment drives, utilising social networks. *The Indian Express* concluded: “For the Maldives, whose economy depends on tourism, the possibility of attacks on Western tourists holidaying in isolated hotels on one of the countless islands within the archipelago, is an increasing concern”.

## Prospects for freedom of religion

President Yameen's authoritarian rule and practices have met with increasing opposition both inside and outside the Maldives. India and China are involved in intense competition to exert their influence on this archipelago, which is strategically located on one of the main maritime communication routes. The outcome of the presidential elections scheduled for September 2018 and the evolution of power exercised by President Yameen will have a determining impact on the prospects for religious freedom. For the time being the outlook is very uncertain in a country which extremist and authoritarian Islamism is predominant.

## Endnotes / Sources

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[9] 'How the Maldives is Failing to Stem Violent Extremism', Azim Zahir, 28th April 2016, The Soufan Group, <http://www.soufangroup.com/tsg-report-quoted-on-the-wire-politics-of-radicalisation-how-the-maldives-is-failing-to-stem-violent-extremism/>, (accessed 13th April 2018).