MALDIVES 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution designates Islam as the state religion, requires citizens to be Muslim, and requires public office holders, including the president, to be followers of Sunni Islam. The constitution provides for limitations on rights and freedoms "to protect and maintain the tenets of Islam." The law states both the government and the people must protect religious unity. Propagation of any religion other than Islam is a criminal offense. The law criminalizes speech breaking Islamic tenets, breaching social norms, or threatening national security. Antiterror legislation bans the promotion of "unlawful" religious ideologies. The penal code permits the administration of certain sharia punishments, such as stoning and amputation of hands. In February President Abdulla Yameen stated publicly that he did not want any religion other than Islam in the country. In April, following the killing of secular blogger Yameen Rasheed, the president said his government would not allow anyone to post content that "mocks" Islam on social or mainstream media and that "hate speech" could cause "certain elements" within society to "do anything to these people." Observers expressed concern his statements increased the risk of attacks on liberal and moderate voices who had been labeled "secularists" or "apostates" on social media and would have a chilling effect on civil and political discourse in the country. In a July statement, the ruling Progressive Party of Maldives (PPM) called on former foreign minister and current UN Special Rapporteur on Freedom of Religion or Belief Ahmed Shaheed to "repent" for encouraging anti-Islamic practices, leading several PPM supporters to call for Shaheed's death in online posts. In May the Ministry of Islamic Affairs (MIA) declared a former member of the Judicial Service Commission living in the Netherlands an apostate, and the police launched an investigation. Police also investigated bloggers living abroad for unspecified offenses; the bloggers stated they feared authorities were targeting them for promoting secularism on their blogs. The Ministry of Education dismissed two schoolteachers for refusing to take off their *niqabs* in compliance with civil service dress code guidelines. The MIA continued to maintain control over all matters related to religious affairs, including requiring imams to use government-approved sermons in Friday prayers. The government continued to prohibit resident foreigners and foreign tourists from practicing any religion other than Islam in public. The president launched a nationwide awareness program to increase religious unity, and the MIA organized a conference of religious scholars, who released an action plan aimed at protecting religious unity.

In April attackers killed blogger Yameen Rasheed, a critic of religious fundamentalism and violent extremism. Earlier on a Facebook page, attackers had labeled Rasheed an “apostate” who had defamed Islam. Police charged seven suspects with murder in Rasheed’s killing. At year’s end, their trial was in progress. Nongovernmental organizations (NGOs) stated that religiously motivated violent extremists continued to target other individuals on social media, including employees of human rights organizations, and label them “secularists.” Local NGOs reported continued community pressure on women to wear a veil; some women who did not reportedly were harassed. NGOs also stated they continued to see a rise in what they termed Islamic radicalism and fundamentalism among the populace, and asserted that the government actively encouraged this trend.

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is accredited to Maldives, as are many of the embassy’s staff, and they serve as the U.S. government’s diplomatic representatives to Maldives. In meetings with Maldivian officials in Colombo and during visits to Maldives, embassy officers regularly encouraged the government to be more tolerant of religious traditions other than Sunni Islam and to ease restrictions preventing non-Sunnis from practicing freely. In the wake of the Rasheed killing and increased rhetoric on social media calling for religiously motivated violence, the embassy raised concerns regarding government statements and actions creating an environment conducive to the growth of societal intolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 393,000 (July 2017 estimate). The Maldives government estimates there are an additional 134,000 documented and 15,000 to 20,000 undocumented foreign workers in the country, mostly from Bangladesh, Sri Lanka, India, and Pakistan. While observers state the vast majority of citizens appear to follow Sunni practices, there are no reliable estimates of actual religious affiliations. Foreign workers are predominantly Muslims, Buddhists, Hindus, and Christians.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states the country is a republic based on the principles of Islam and designates the state religion as Islam, which it defines in terms of Sunni teachings. It states citizens have a "duty" to preserve and protect Islam. According to the constitution, non-Muslims may not obtain citizenship.

The constitution states citizens are free to engage in activities "not expressly prohibited" by sharia, but it stipulates the Majlis (the country's legislative body) may pass laws limiting rights and freedoms "to protect and maintain the tenets of Islam." In making a decision about whether a limitation on a right or freedom is constitutional, the constitution states a court must take into account the extent to which the right or freedom "must be limited" to protect Islam.

The constitution makes no mention of the freedom of religion or belief. Although it contains a provision prohibiting discrimination "of any kind," it does not list religion as a prohibited basis of discrimination. The constitution states individuals have a right to freedom of thought and expression, but only in a manner "not contrary to tenets of Islam."

The law prohibits the conversion of a Muslim to another religion (i.e., apostasy) and specifies a violation may result in the loss of the convert's citizenship, although a judge may impose a harsher punishment per sharia jurisprudence.

The Religious Unity Act states both the government and the people must protect "religious unity." Any statement or action found to be contrary to this aim is subject to criminal penalty. Specific infractions include expressing religious beliefs other than Islam, working to disrupt religious unity, and having discussions or committing acts that promote religious differences. The list of infractions also includes delivering religious sermons in a way that infringes upon the independence and sovereignty of the country or limiting the rights of a specific section of society. According to the law, sentences for violators may include a fine of up to 20,000 rufiyaa (MVR) ($1,300), imprisonment for two to five years, or deportation for foreigners.

The law criminalizes speech breaking Islamic tenets, breaching social norms, or threatening national security. The law states freedom of expression is a basic right "as long as it is in line with the tenets of Islam." It states the expression of thoughts and opinion in writing, in speech, or through another medium is protected, except in cases where such an expression "makes a mockery of Islam." Additional exceptions include questioning the validity of Islam or one of its tenets, expressions that compromise the "religious homogeneity of Maldivians," or acts that cause "disunity and religious polarization." The law further states any religious preaching or efforts to teach Islam shall be in accordance with the standards set forth in the Religious Unity Act. It also states schools and universities shall carry out religious teaching in accordance with the Religious Unity Act and only with instructors authorized by the government to teach Islam.

The law authorizes the government to cut off live feeds and/or suspend a station’s license if it broadcasts content that contradicts a tenet of Islam. It states the penalty for an individual “breaking the tenets of Islam” shall be the same as those the existing penal code specifies for “criticizing Islam.” A person commits the offense of “criticizing Islam” by engaging in religious oration or criticism of Islam in public or in a public medium with the intent to cause disregard for Islam; producing, selling, or distributing material criticizing Islam; producing, selling, distributing, importing, disseminating, or possessing “idols of worship”; and/or attempting to disrupt the religious unity of the citizenry or conversing or acting in a manner likely to cause “religious segregation.” Individuals convicted of these offenses are subject to imprisonment for up to one year.

By law, no one may deliver sermons or explain religious principles in public without obtaining a license from the MIA. Imams may not prepare Friday sermons without government authorization. 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. 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 toward, 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. Anyone who assists in such a violation is subject to imprisonment or house arrest for two to four years and a fine between 5,000-20,000 MVR ($320-$1,300). The law requires foreign scholars to ensure their sermons conform to the country’s norms, traditions, culture, and social etiquette.

Propagation of any religion other than Islam is a criminal offense, punishable by two to five years in jail or house arrest. Proselytizing to change denominations within Islam is also illegal and carries the same penalty. 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.

By law, mosques and prayer houses remain under the control of the MIA rather than the country's island councils. The law prohibits the establishment of places of worship for non-Islamic religious groups.

The law states "non-Muslims living in or visiting the country are prohibited from openly expressing their religious beliefs, holding public congregations to conduct religious activities or involving Maldivians in such activities." The law states those expressing religious beliefs other than Islam face imprisonment of up to five years or house arrest, fines ranging from 5,000 to 20,000 MVR ($320 to $1,300), and deportation.

By law, a Maldivian woman may not marry a non-Muslim foreigner unless he first converts to Islam. A Maldivian man may marry a non-Muslim foreigner if the foreigner is Christian or Jewish; other foreigners must convert to Islam prior to marriage.

The law prohibits importation of any items deemed contrary to Islam by the MIA, including religious literature, religious statues, alcohol, pork products, and pornographic materials. Penalties for contravention of the law range from three months to three years imprisonment. It is against the law to offer alcohol to a citizen, although government regulations permit the sale of alcoholic beverages on resort islands. Individuals may request permission to import restricted goods from the Ministry of Economic Development.

The constitution states education shall strive to "inculcate obedience to Islam" and "instill love for Islam." In accordance with the law, the MIA regulates Islamic instruction in schools, while the Ministry of Education funds salaries of religious instructors in schools. By law, educators who teach Islamic Studies must have a degree from a university or teaching center accredited by the Maldives Qualification Authority or other religious qualification recognized by the government. By law, foreigners who wish to teach Islamic Studies may only receive authorization to do so if they subscribe to Sunni Islam. Islam is a compulsory subject for all primary and secondary school students. A curriculum introduced in 2015 incorporates Islam into all subject areas at all levels of education, specifying eight core competencies underpinned by Islamic values, principles, and practices.

The constitution states Islam forms one basis of the law, and "no law contrary to any tenet of Islam shall be enacted." The constitution specifies judges must apply sharia in deciding matters not addressed by the constitution or by law.

The penal code prescribes flogging for a small number of crimes, including fornication. Other sharia penalties are not specified, but the code grants judges the discretion to impose sharia penalties for *hudood* (serious crimes) listed in the Quran and *qisas* (retaliatory) offenses – including murder, apostasy, assault, theft, homosexual acts, drinking alcohol, and property damage – if proven beyond all doubt. The penal code requires all appeal processes be exhausted prior to the administration of sharia punishments specific to *hudood* and *qisas* offenses, including stoning, amputation of hands, and similar punishments.

The Supreme Council of Fatwa has the authority to issue fatwas, or legal opinions, on religious matters. The council functions under the MIA and comprises five members appointed to five-year terms. The president names three members directly and chooses a fourth from the faculty of either the Maldives National University or the Islamic University of Maldives. The minister of Islamic affairs recommends the fifth member, subject to approval by the president.

Antiterror legislation includes as a crime “unlawfully” promoting any religious, political, or other ideology.

The constitution stipulates the president, cabinet ministers, members of parliament, and judges must be Sunni Muslims.

The country is a party to the International Covenant on Civil and Political Rights (ICCPR), with a reservation stating the government’s application of the principles set out in ICCPR Article 18, which relates to religious freedom, shall be “without prejudice to the Constitution of the Republic of Maldives.”

Government Practices

Police reported they had investigated 15 cases of suspected “black magic” during the year. Although no law defined or addressed the practice of black magic, the police included it in warrants as a basis for making arrests. Police forwarded four such cases to the Prosecutor General’s Office (PGO), which subsequently filed charges in each case. One charge was criminal trespass (the subject had entered someone’s home), and the other three subjects were charged with smuggling and possession of items contrary to the tenets of Islam. Additionally, the PGO formally filed charges in court in three black magic cases that police had submitted for prosecution in 2016.

In May the MIA declared Aishath Velezinee, a former member of the Judicial Service Commission living in the Netherlands, an apostate, citing allegedly blasphemous remarks she made on her Facebook page. The police subsequently issued a summons for her to return to the country for questioning without specifying the grounds for the summons. Velezinee sought asylum in the Netherlands and had not returned at year's end.

Also in May police issued a statement calling for three bloggers who were living abroad to respond to police questioning on unspecified charges. Police warned the bloggers they would face prosecution if they failed to return to the country within two weeks. The bloggers stated they feared police were targeting them for promoting secularism in their blogs and did not respond to the summons.

According to the MIA, foreign residents such as teachers and laborers and tourists remained free to worship as they wished in private, but congregating in public for non-Islamic prayer remained illegal, as was encouraging local citizens to participate in such activities. The government continued to permit foreigners, including non-Muslims, to attend local Sunni mosques if they wished.

Courts sentenced individuals to flogging for committing fornication but did not impose sharia penalties for *hudood* and *qisas* offenses despite having the legal authority to do so.

In January and August the Ministry of Education dismissed two schoolteachers for refusing to remove their *niqabs* in compliance with civil service dress code guidelines. The guidelines require civil servants to be dressed in a manner that makes them easily identifiable. In February religious NGO Jamiyyatul Salaf challenged the constitutionality of the ban on the *niqab* for civil servants in the High Court. At year's end, the High Court had not issued a judgment.

Customs authorities said the MIA continued to permit the importation of religious literature, such as Bibles, for personal use. The MIA also continued to allow some religious literature for scholarly research. The sale of religious items, such as Christmas cards, remained restricted by the ministry to resort islands patronized by foreign tourists. Customs officials reported 13 cases during the year involving importation of religious idols, statues, and Christian crosses, mostly by Maldivians. The authorities confiscated items in nine of these cases and issued letters of caution in the other four.

The Communications Authority of Maldives (CAM) continued to maintain an unpublished blacklist of websites containing material it deemed un-Islamic or anti-Islamic. The CAM stated it did not proactively monitor internet content, but instead relied on requests from ministries and other government agencies to block websites violating laws against criticism or defamation of Islam. The MIA controlled all matters relating to religion and religious belief and required imams to use government-approved sermons in Friday prayers. The government maintained its ownership and control of all mosques, including their maintenance and funding. The government continued to permit private donors to fund mosques as well.

During a February political rally held by the PPM, President Yameen stated, “No religion other than Islam will come within 10 miles of the Maldivian consciousness” and said strengthening Islamic education was necessary to solve social problems facing the country. During a speech in April shortly after the killing of blogger Yameen Rasheed, President Yameen stated his government would not allow anyone to post content that “mocks” Islam on social or mainstream media. In what observers said was a reference to Rasheed’s killing, Yameen said “hate speech” could cause “certain elements” within society to “do anything to these people.” Observers also stated that the president’s statements appeared to legitimize vigilantism, which they said could have a chilling effect on civil and political discourse and increase the risk of attacks against others labeled “secularists” or “apostates” on social media. In his Independence Day speech in July, Yameen said he was “waging war” against “the effort that is being made to provide space on our shores for religions other than Islam” and against “apostasy among youth.”

On December 20, President Yameen publicly stated that he would not allow any religion but Islam in the country. On December 21, Shahindha Ismail, executive director of the Maldivian Democracy Network (MDN), tweeted in response that “religions other than Islam exist in the world because Allah has made it possible.” On December 28, articles on Vaguthu, an online news site closely linked to the administration, denounced Ismail for “indirectly calling to allow other religions in the Maldives” and reported the police were investigating her “blasphemous” tweet. The same day the MIA issued a statement saying, “Allah does not accept any other religion but Islam. And he has said anyone who believes any other religion than Islam will be amongst the perishable on Judgment Day. So we remind you to reassert yourself in religion. Let’s strengthen the belief of citizens of our 100 percent Muslim country that Islam is Allah’s religion as written in the Quran. We caution and remind every Maldivian citizen to stop spreading unnecessary sayings in our society that imply giving space for any other faiths but Islam.” Ismail subsequently received death threats on social media. MDN expressed concern that the government chose to investigate Ismail’s tweet rather than the threats of violence made against her.

In a July statement, the PPM called on former foreign minister and current UN Special Rapporteur on Freedom of Religion or Belief Ahmed Shaheed to “repent” for retweeting an international news article about legalization of same-sex marriage and accused him of attempting to please foreign parties by encouraging anti-Islamic practices. Following the statement, PPM supporters on social media attacked Shaheed as an “apostate” with some calling for his killing. A religious scholar also published a Facebook post calling for the death of Muslims who support same-sex marriage. In October a regional managing director of a state-owned company posted on social media that Shaheed was an apostate who should be beheaded under sharia.

In March President Yameen launched “Tharika,” a nationwide awareness program to increase religious unity and patriotism, and created a high-level committee to oversee program activities, such as focus group discussions, essay-writing competitions, and multimedia presentations for students. The committee was composed of the ministers of education, Islamic affairs, home affairs, and defense and national security; the chief of the National Defense Force; the chancellor of the Islamic University; and the chairman and managing director of the state broadcaster Public Service Media (PSM).

In January the MIA organized a conference of local and religious scholars, who released an action plan aimed at protecting religious unity. The action plan called for scholars to work with media outlets to prevent the broadcast of content that violates Islam; for the MIA to lobby for new rules to prohibit un-Islamic practices in trade; for the creation of written rules on how tourists must conduct themselves to avoid violating Islamic culture or social norms; for increasing religious awareness among school students and the public at large; and for the MIA to hold workshops with relevant authorities to prevent “the spread of atheism.”

In May PSM signed memoranda of understanding with two religious NGOs, Jamiyyatul Salaf and Al Asr, agreeing to broadcast religious content they produced on state television. Observers criticized this agreement and said the NGOs promoted an “extremist” interpretation of Islam.

The MIA continued to conduct what it termed “awareness programs” through radio and television broadcasts in Male and on various islands to give citizens information on Islam, and it continued to provide assistance and counseling to foreigners seeking to convert to Islam. The ministry, in partnership with religious NGOs, continued to send imams to outer atolls to conduct workshops for students, youth, and other groups in schools and government buildings for the stated purpose of strengthening the islanders' understanding and acceptance of Islam.

The National Institute of Education continued to implement a curriculum for public and private schools incorporating Islam into all subject areas. According to NGOs and other observers, passages in some of the textbooks portrayed democracy as being anti-Islam, encouraged anti-Semitism and xenophobia, glorified jihad, and demonized the West. The MIA continued to permit foreign nationals to opt out of Islamic instruction as a stand-alone subject. The MIA also stated that it continued to permit foreigners to raise their children to follow any religious teaching they wished, but only in private.

Section III. Status of Societal Respect for Religious Freedom

In April attackers killed blogger Yameen Rasheed, a critic of religious fundamentalism and violent extremism, in his apartment building stairwell. Earlier that month, a Facebook page had labeled Rasheed "an apostate" who disrespected Islam. Afterward, some websites publicly justified his killing on the grounds that Rasheed had committed apostasy. Police charged seven suspects of murder for Rasheed's killing. At year's end, their trial was ongoing. NGOs stated that religiously motivated violent extremists continued to target other individuals on social media, including employees of human rights organizations, labeling them "secularists."

NGOs reported numerous instances of secular bloggers receiving death threats, being cyberbullied, and being followed on the street by individuals with records as criminal gang members. Victims stated they felt vulnerable because of a lack of police responsiveness to their complaints and because similar occurrences had preceded the 2014 disappearance of journalist Ahmed Rilwan. In September the Civil Court dismissed a lawsuit filed by Yameen Rasheed's family against the Maldives Police Service for failure to take any action in response to several complaints filed by Rasheed reporting death threats he had received since 2010.

NGOs reported continued community pressure on women to wear a veil, and harassment of women who chose not to.

NGOs said they continued to see a rise in support for religiously motivated violent extremism among the populace, and that the government actively encouraged this trend.

Section IV. U.S. Government Policy and Engagement

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is accredited to Maldives, as are many of the embassy's staff. The U.S. embassy in Sri Lanka also maintained an American Center in Male in partnership with the National Library of Maldives. Staff of the embassy in Sri Lanka conducted all engagement with the government through travel to Maldives or interaction with Maldivian officials based in Colombo. In the wake of Yameen Rasheed's killing and increased rhetoric on social media calling for religiously motivated violence, the embassy expressed concern to government officials about government statements and actions creating an environment conducive to the growth of societal intolerance. In addition, in meetings throughout the year, embassy officials continued to encourage the government to be more tolerant of religious traditions other than Sunni Islam, to ease restrictions preventing individuals other than Sunni Muslims from practicing their religions freely, and to cease the government's derogatory statements about other religious traditions. Embassy officers also expressed concern regarding anti-Semitic and antidemocratic rhetoric in textbooks, and societal harassment and violent attacks on secular bloggers.