

MALDIVES 2016 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 the Sunni school of 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. In August the parliament passed a new law criminalizing speech breaking Islamic tenets, breaching social norms, or threatening national security. Observers stated the new law could allow the government to designate as “defaming religion” any print or broadcast media report it chose, leading to the potential prosecution and imprisonment of journalists, editors, and publishers. 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 April the parliament passed amendments to the law creating a Supreme Council of Fatwa (also known as the Fatwa Majlis) with the authority to issue fatwas or legal opinions on religious matters. Throughout the year, numerous individuals were arrested on suspicion of practicing “black magic.” In February the Maldives Broadcasting Commission ordered all television stations to refrain from broadcasting any content involving black magic. Both the president and the minister of defense stated publicly they did not want any religion other than Islam in the country. The Ministry of Islamic Affairs (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 allow resident foreigners and foreign tourists to practice their own religions in private, but not in public.

Local nongovernmental organizations (NGOs) reported continued community pressure on women to wear a veil; some women who did not do so reportedly were harassed. NGOs also stated they continued to see a rise in what they termed Islamic radicalism and fundamentalism among the populace. The NGO Jamiyyatul Salaf announced it was increasing its religious activities, including Salafist religious classes during Ramadan.

There is no permanent U.S. diplomatic presence in the country, but personnel based at the U.S. Embassy in Sri Lanka traveled to the country regularly. Embassy officers in Sri Lanka also spoke with Colombo-based Maldivian government

officials. In meetings in Colombo and during visits to the country, embassy officers regularly raised the need for religious tolerance and advocated for the right of all residents of the country to practice the religion of their choice. The embassy encouraged the government to be more tolerant of religious traditions other than Sunni Islam and to reduce restrictions preventing non-Sunnis from practicing their religions freely. In August the Department of State Press Office issued a statement criticizing the new law criminalizing speech defaming Islam or deviating from social norms.

Section I. Religious Demography

The U.S. government estimates the total population at 393,000 (July 2016 estimate), which includes approximately 110,000 foreign workers from Bangladesh, Sri Lanka, India, and Pakistan. The Maldives government estimates there may be another 15,000 to 20,000 undocumented foreign workers in the country from South Asian countries. While officially, the religion of the indigenous population is Islam and the vast majority of citizens appear to follow Sunni practices, there are no reliable estimates of the citizenry's actual religious affiliation. Foreign workers appear to be mostly 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 the state religion of 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 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 in a manner “not contrary to tenets of Islam.”

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

The law, in the provisions of the Religious Unity Act passed in 1994, 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 working to disrupt religious unity and discussions or acts promoting religious differences. The list of infractions also includes delivering religious sermons in a way infringing 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 (\$1,322) or imprisonment from two to five years, or deportation for foreigners.

In August the parliament passed a new law entitled “Anti-Defamation and Freedom of Expression” which criminalizes speech breaking Islamic tenets, breaching social norms, or threatening national security. The new 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,” questions the validity of Islam or one of its tenets, compromises the “religious homogeneity of Maldivians,” or causes “disunity and religious polarization.” The new 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 religious teaching in schools and universities shall be carried out in accordance with the Religious Unity Act and only by those authorized by the government to teach Islam.

The new law authorizes the government to cut off live feeds and/or suspend a station’s license if it broadcasts content that violates its provisions. Publications, including websites, carrying “defamatory” comments may also have their licenses revoked. The new law specifies fines for defamation and violating social norms ranging between 50,000 rufiyaa (\$3,305) and 2 million rufiyaa (\$132,000) and states a failure to pay the fine will result in a jail sentence of three to six months. Failure to pay the fine may also lead to the closure of newspapers and media offices. The verdicts may only be appealed after the fine is paid.

The new law states the penalty for “breaking the tenets of Islam” shall be the same as those specified under the existing penal code for “criticizing Islam,” which states a person commits an offense 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, citizens may not deliver sermons or explain religious principles in public without obtaining a license to do so 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 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. 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 rufiyaa (\$330-\$1,322). The law requires foreign scholars to shape their sermons in line with the country’s norms, traditions, culture, and social etiquette.

Propagation of any religion other than Islam is a criminal offense. Proselytizing to change denominations within Islam 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 to Muslims by adherents of other religions is illegal, and the penalty is the same as for intra-Islamic proselytizing.

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

By law, a Maldivian woman may not marry a non-Muslim foreigner unless he converts to Islam first. 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. Islam is a compulsory subject for all primary and secondary school students. A new curriculum introduced in 2015 incorporates Islam into all subject areas at all levels of education, specifying eight core competencies that are 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 sentences 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 to a standard of practical certainty.

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.

In April and November the parliament passed amendments to the law creating a Supreme Council of Fatwa with the authority to issue fatwas or legal opinions on religious matters. The Supreme Council replaced the Fiqh Academy, the institution previously responsible for resolving differences of opinion and disputes on religious matters. The council will function under the MIA and comprise of 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, but this appointment is still 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 preliminarily investigated 57 cases of suspected black magic during the year. Although there was no law defining or addressing the practice of black magic, the police included it in warrants as a basis for making arrests. Once the cases moved to the courts, observers said, the individuals arrested on this basis were prosecuted for “conspiracy to cause harm” or for “criticizing Islam.” The police forwarded 11 of the 57 cases to the prosecutor general’s office for further action.

Local media continued to describe such cases as arrests for black magic, reporting approximately a dozen individuals, including two top island council civil servants, had been arrested on suspicion of practicing black magic during the year. Local media reported police found and confiscated materials used for practicing black magic, including books written in Arabic, in the homes of the suspects. The arrests followed local media reports about President Abdulla Yameen’s reputed fear the main opposition had used black magic to curse him and the president’s own reputed use of black magic to assist him in winning the 2013 election.

Observers stated belief in black magic remained widespread throughout the country. In February the Maldives Broadcasting Commission ordered Raajje TV, a private station, to stop rebroadcasting any portion of an interview it had conducted with the president's former "black magic practitioner," and ordered all television stations to refrain from broadcasting any content involving black magic on the grounds that it encouraged people to use black magic. The Fiqh Academy warned the media not to disseminate any information that might promote black magic, saying it was a "grave sin" prohibited in Islam. The academy stated such programs might "lead the public astray from the clear path of Islam."

During a January political rally held by the Progressive Party of Maldives, President Yameen stated, "We do not accept that there should be other religions in the Maldives....We do not want another faith in the Maldives."

In January while speaking at an official ceremony to mark the day the country embraced Islam, Minister of Defense and National Security Adam Shareef Umar stated, "We all have to engineer ways to keep Maldives as a fully Islamic nation." Referring to the educational standards introduced in 2015, he said teachers and parents should follow and implement the new education curriculum, saying the population needed to be "wary of secular ideals creeping into society."

In September the government dismissed several Department of Immigration officers for failure to comply with the uniform code, which required beards to be kept shorter than two centimeters and prohibited trouser hems above the ankle. The officers had refused to comply on religious grounds, saying trimming their beards and lowering their trousers went against the Quran and the teachings and practices of Prophet Muhammad.

The MIA continued its control over all matters relating to religion and religious belief. It continued to require imams to use government-approved sermons in Friday prayers.

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

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.

Customs officials reported 18 cases during the year involving the importation of religious idols and a Christian cross. Customs stated all the cases had been closed and letters of caution would be issued to those involved as first-time offenders. Customs officials reported they had issued a letter of caution to a work visa holder as a first-time offender involved in the importation of 207 prohibited religious books in 2015.

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 the resort islands patronized by foreign tourists.

In September the MIA initiated a project to provide every citizen a copy of the Quran. The project was funded by NGOs, individual donations, and the Quran Care Society of Bahrain.

The Maldives Port Limited, a government-owned company operating the port facilities in Male, donated 4,765 religious books to the MIA to be used as “Islamic reference” and to assist those who “wished to convert to Islam.”

According to the MIA, the government continued to own and control all mosques, including maintaining and funding them. The government continued to permit private sources to fund mosques as well.

The National Institute of Education continued to implement a curriculum for public and private schools incorporating Islam in all subject areas. According to NGOs and other observers, passages in some of the new 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 standalone subject. The MIA also continued to permit

foreigners to raise their children to follow any religious teaching they wished, but only in private.

NGOs reported widespread criticism of the lack of academic qualifications of one of the president's appointees to the Supreme Council of Fatwa. Observers also criticized his appointment of Al Sheikh Adam Shameem because of Shameem's membership in the religious NGO Jamiyyatul Salaf, a self-described antiseccular advocate of a Wahhabi/Salafi school of Islam. They also criticized Shameem's role as a founder of the NGO Al-Asr, which held workshops in the islands reportedly supporting an extremist interpretation of Islam and involved in efforts to recruit Maldivians for jihad in Syria.

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 criticizing or defaming Islam. The Maldives Police Service reported it was investigating one case of online content against the tenets of Islam and one case of Islamic radicalization as of year's end.

Following passage of the new law criminalizing speech breaking the tenets of Islam or social norms, the country's first private TV station, DhiTV, abruptly closed. Observers concluded the closure was related to the new law. The government's media-regulating agency, Maldives Broadcasting Commission, issued a warning to all broadcast companies to pay "special attention" to the law and take more care censoring coverage of live events and current affairs. Journalists stated the passage of the law set the stage for the criminalization of media reports for defaming religion and the potential imprisonment of journalists or anyone critical of the government.

In March the Maldivian Democratic Party condemned the government's invitation to a visiting fundamentalist preacher, Assim al-Hakeem from Saudi Arabia, to deliver the Friday prayer at the Islamic Center in Male, the country's largest mosque. In his sermon, the cleric said it was "un-Islamic" to disobey rulers even if they were "unjust," "corrupt," or perpetrated the use of torture. He further stated Muslims must hate non-Muslims and "outsiders" who tried to divide them from their ruler, and should kill anyone urging them to rebel against their ruler. NGOs said the government used fundamentalist preachers such as al-Hakeem to stifle democracy.

Section III. Status of Societal Respect for Religious Freedom

NGOs reported numerous instances of secularist 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 as a result of a lack of police responsiveness to their complaints and because similar events had preceded the 2014 disappearance of journalist Ahmed Rilwan, who had filed reports on reputed links between religious extremists and criminal gangs.

The 2012 stabbing of religious freedom advocate Ismail “Hilath” Rasheed by an unknown assailant remained unsolved. Observers stated the unsolved stabbing and Rasheed’s discontinuation of his blog in 2015 had created a chilling effect on other would-be advocates of religious freedom.

NGOs reported continued community pressure on women to wear a veil. They stated women who did not wear a veil continued to report harassment.

Jamiyyatul Salaf announced it was increasing its religious activities, including TV broadcasts and religious classes in mosques during Ramadan, as a result of an increase in resources and members.

NGOs said they continued to see a rise in religious radicalism and fundamentalism.

Section IV. U.S. Government Policy

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is accredited to Maldives and the U.S. Embassy in Sri Lanka maintained an American Center in the country, set up as a partnership with the National Library of Maldives. All engagement with the government was conducted by visiting staff of the U.S. Embassy in Sri Lanka, who traveled to Maldives regularly, or through embassy interaction with Maldivian officials based in Colombo. In the wake of the passage of the new law on defamation, the embassy raised concern over the criminalization of speech contravening the tenets of Islam. In addition, in meetings throughout the year, the embassy continued to encourage the government to be more tolerant of religious traditions other than Sunni Islam, to reduce its restrictions preventing non-Sunni Muslims from practicing their religions freely, and to reduce its rhetoric and derogatory statements about other religious traditions in its continuing efforts to counter the rise of what it characterized as “radical” Islam. Embassy officers also expressed

concern over the anti-Semitic and antidemocratic rhetoric in textbooks and over the societal victimization of secularist bloggers.

In August the Department of State Press Office issued a statement calling the Anti-Defamation and Freedom of Expression law criminalizing speech defaming Islam and deviating from social norms a “serious setback for freedom of expression in the country.”