

MALDIVES 2019 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 “criticism of Islam” and speech “in a manner likely to cause religious segregation.” The penal code permits the administration of certain sharia punishments, such as stoning and amputation of hands. In January the magistrate court in Naifaru sentenced a woman to death by stoning for extramarital sex using provisions in the law allowing for discretionary sharia sentences in cases of *hudood* offenses (serious crimes). The Supreme Court overturned the sentence within days. On September 10, the Maldives Police Service (MPS) arrested a man from Thinadhoo Island in Gaafu Dhaalu Atoll under a court warrant for “criticizing Islam” on social media. On October 11, MPS questioned an unidentified woman in relation to “content that criticizes Islam being posted on a social media account.” On November 5, the Ministry of Youth, Sports, and Community Empowerment (MYSCE) said it had informed the human rights nongovernmental organization (NGO) Maldivian Democracy Network (MDN) that it was dissolving the group because its 2015 *Preliminary Report on Radicalization in Maldives* had content contrary to Islamic law. On December 19, the ministry proceeded with official dissolution of the NGO. MDN subsequently removed the report and issued an apology. During the April parliamentary elections, some candidates belonging to the opposition Progressive Party of the Maldives and to the minority coalition partner Jumhooree Party accused the main coalition Maldivian Democratic Party (MDP) of having an anti-Islamic agenda and staged rallies attacking the perceived “secularism” of their opponents. The Ministry of Islamic Affairs (MIA) continued to maintain control over all matters related to religion and religious belief, 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.

NGOs stated that religiously motivated violent extremists continued to issue death threats against individuals on social media, including employees of human rights organizations, labeling them “secularists” or “apostates” and calling for attacks against them. During an October rally, demonstrators on Angolhiteemu Island in

Raa Atoll chanted for nonbelievers to be burned and for the leader of a prominent NGO to be killed. NGO representatives stated they continued to see a rise in what they termed Islamic radicalism and fundamentalism among the populace, stating the government's efforts to address this trend were insufficient.

There is no permanent U.S. diplomatic presence in the country, but the U.S. Ambassador to Sri Lanka is also accredited to the country, and embassy staff represent U.S. interests there. In meetings with government officials, embassy officials regularly encouraged the government to investigate threats against individuals targeted as "secularists" or "apostates," to be more tolerant of religious traditions other than Sunni Islam, and to ease restrictions preventing non-Sunnis from practicing freely.

Section I. Religious Demography

The U.S. government estimates the total population at 392,000 (midyear 2019). The government estimates there are an additional 200,000 documented and an additional 63,000 undocumented foreign workers in the country, mostly from Bangladesh, Sri Lanka, India, and Pakistan. While the vast majority of citizens follow Sunni Islam, 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 Islam as the state religion, 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 deciding on whether a limitation on a right or freedom is constitutional, the constitution states a court must consider the extent to which the right or freedom "must be limited" to protect Islam.

The constitution makes no mention of freedom of religion. Although it contains a provision prohibiting discrimination "of any kind," it does not list religion as a

prohibited basis for discrimination. The constitution states individuals have a right to freedom of thought and expression, but only in a manner “not contrary to the tenets of Islam.”

The law prohibits the conversion of a Muslim to another religion. By law, a violation may result in the loss of the convert’s citizenship, although a judge may impose a harsher punishment per sharia jurisprudence. Although the law does not stipulate such punishment, sharia jurisprudence is often understood to provide for the death penalty in cases of conversion from Islam (i.e., apostasy).

The law states both the government and the people must protect “religious unity.” Any statement or action found to be contrary to this objective is subject to criminal penalty. Specific infractions include expressing religious beliefs other than Islam, disrupting 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 (\$1,300), imprisonment for two to five years, or deportation for foreigners.

Laws criminalize speech breaking Islamic tenets, breaching social norms, or threatening national security. The penal code criminalizes “criticism of Islam.” According to the law, 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 and conversing and 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, have a degree in religious studies from a university recognized by the government, and 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 that 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 and/or create hatred toward persons 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 of 5,000 to 20,000 rufiyaa (\$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 prison or house arrest. Proselytizing to change denominations within Islam is also illegal and carries the same penalty. If the offender is a foreigner, authorities may revoke the individual's license to preach in the country and deport the individual.

By law, mosques and prayer houses remain under the control of the MIA. 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." By law, 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 rufiyaa (\$320-\$1,300), and deportation.

By law, a female citizen may not marry a non-Muslim foreigner unless he first converts to Islam. A male citizen 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 the MIA deems contrary to Islam, 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 to foreigners on resort islands. Individuals must 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 receive authorization to do so only if they subscribe to Sunni Islam. Islam is a compulsory subject for all primary and secondary school students. The curriculum incorporates Islam into all subject areas at all levels of education, specifying eight core competencies underpinned by Islamic values, principles, and practices. In practice, foreign non-Islamic children may be allowed to opt out of studying Islam.

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 unlawful sexual intercourse (adultery, fornication, and same-sex relations), incest, false accusation of unlawful sexual intercourse, failing to fast during Ramadan, or (for Maldivian citizens only) consuming pork or alcohol. Other sharia penalties are not specified, but the code grants judges the discretion to impose sharia penalties for *hudood* 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 the president’s approval.

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

In January the magistrate court in Naifaru Island sentenced a woman to death by stoning for extramarital sex using provisions in the law allowing for discretionary sharia sentences in cases of *hudood* offenses. The Supreme Court overturned the sentence within days, judging the lower court had violated the legal provision under which prosecutors charged the defendant, and the woman remained free at year's end. The government reported three adults and two children were sentenced to flogging but did not always impose other sharia penalties for *hudood* and *qisas* offenses, despite having the legal authority to do so.

On September 10, MPS arrested a man from Thinadhoo Island in Gaafu Dhaalu Atoll under a court warrant for “criticizing Islam” on social media. The man posted about holding “irreligious discussions” with the youth on his island a day earlier and his intentions to plan rallies encouraging secularism. On September 9, the man had tweeted about filing a report with MPS after receiving death threats online. On September 11, MPS told media it was separately investigating the death threats against the man. On September 11, the criminal court authorized MPS to detain him for 15 days, but no charges were filed by year's end.

On December 18, MPS and the Maldives National Defense Force launched a joint operation on Maduvvari Island in Raa Atoll to investigate allegations a religious group was depriving women and children of health care and education and was conducting illegal “child marriages.” According to media reports, MPS identified five children whose parents refused to vaccinate them on religious grounds, preventing them from attending local schools. The parents of four of these children agreed to vaccination during the operation, and the government took no adverse action against them. MPS arrested one set of parents and placed their child in the custody of a family member for continued refusal to vaccinate the child or send the child to school.

On October 11, MPS questioned a woman not identified by local media in relation to “content that criticizes Islam being posted on a social media account.” No charges were filed by year's end.

A 2017 legal challenge to the constitutionality of a ban on the *niqab* for civil servants filed by Jamiyyatul Salaf, a local religious NGO, was still pending at year's end.

On November 5, the MYSCE said it informed MDN that it was dissolving the organization because the group's 2015 *Preliminary Report on Radicalization in Maldives* had content contrary to Islam, and on December 19, the ministry proceeded with official dissolution of the NGO. MDN called on the government to reverse this decision. MDN subsequently removed the report and issued an apology. MDN's executive director Shahindha Ismail said that, in making the decision to dissolve the NGO, the government had yielded to the demands of "religious extremists." The report explored institutional practices such as teaching of Islam, enforcement of laws, public awareness and education, social media, and the work of religious organizations. In its initial decision suspending MDN's activities, the MYSCE cited the relevant article of the Associations Regulation, which prohibits establishment of an association for the purpose of "conflicting with the principles of Islam, or disregarding Islamic religion, or rebuking or undervaluing religious harmony of the country, or expressing or propagating the thinking and beliefs of any another religion other than Islamic religion." Government authorities investigated MDN at the request of the MIA following an online campaign led by religious scholars calling for the government to ban MDN. State Minister of Islamic Affairs Sheikh Ilyas Jamal said the report was "very dark and dangerous" and that it was aimed at introducing secularism and removing Islamic principles from the state and education sector. In an October 7 statement on the MDN report, President Ibrahim Mohamed Solih said "any attempts to tarnish the name of Islam... will not be permitted" and called on the public to "conform to holy directives and principles of Islam."

On October 23, police arrested Mohamad Ameen on suspicion of spreading an "extremist ideology." Authorities alleged that Ameen was serving as a local recruiter for ISIS.

The trial of seven men for the 2017 killing of blogger Yameen Rasheed, a critic of religious fundamentalism and violent extremism, remained pending at year's end.

In September the Presidential Commission on Investigation of Murders and Enforced Disappearances reported that Ahmed Rilwan, a journalist abducted in 2014, was killed by "radical Islamists." The commission's head, Husnu Suood, stated Rilwan, a critic of the then government and radical Islam, had been threatened by foreign jihadi groups on several occasions prior to his death.

In January MPS announced it was "meeting with" individuals posting online content that "disrupts public unity and peace" and those responding to such content "with verbal attacks that encourage violence and hatred." According to an MPS

public statement and media reports, MPS questioned former member of parliament Ibrahim Rasheed to “clarify information” after he received online death threats following a report from a news website stating one of his tweets “insulted Prophet Mohamed”; independent reporter Aishath Aniya, who received death threats online for criticizing the design of a new mosque in Male; Mohamed Siruhan, who allegedly operated a Facebook page profiling citizens whom the page stated were apostates; and religious scholar Sheikh Ali Zaid. The latter two criticized Rasheed and Aniya over posts they said “insulted Islam.” MPS officials reported they advised and cautioned the individuals against posting content that disrupts public unity and encourages violence and hatred but took no further action.

Victims of online harassment and threats said they felt vulnerable because of the lack of police responsiveness to their complaints and because similar occurrences preceded the 2014 disappearance and killing of journalist Ahmed Rilwan and the 2017 killing of blogger Yameen Rasheed.

During the April parliamentary elections, some candidates belonging to the opposition Progressive Party of the Maldives and to the ruling coalition’s Jumhooree Party accused the MDP, the main party in the government coalition, of having an anti-Islamic agenda and staged rallies attacking perceived “secularism” of their opponents. In a March 25 campaign speech, Jumhooree Party leader Gasim Ibrahim said if the MDP won a majority in parliament, the government would “build churches here, build temples. People of other religions will have the opportunity to live in the Maldives. Then we will be forced to wage war.” An MDP representative said Ibrahim’s statements were “ridiculous.”

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. Police reported investigating one website for un-Islamic content but did not file charges. In September Facebook removed a page at the request of Ministry of Science, Communication, and Technology officials who argued the page “mocked Islam” and posed a threat to public order and societal harmony.

The MIA continued to maintain control over all matters related to religion and religious belief, including requiring 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.

According to the MIA, foreign residents, such as teachers, 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.

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 ministry continued to restrict the sale of religious items, including Christmas cards, to resort islands patronized by foreign tourists. In August the customs service confiscated 247 books from a public book fair in Male organized by a private bookshop for content that “violated the principles of Islam” but did not file charges. Customs officials reported 18 cases involving importation of religious idols, statues, and Christian crosses during the year. Authorities confiscated these items but did not press charges.

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 others 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, passages in some textbooks portrayed democracy as being anti-Islam, encouraged anti-Semitism and xenophobia, glorified jihad, and demonized the West. The MIA continued to permit foreign individuals to opt out of Islamic instruction as a stand-alone subject. The MIA continued to permit foreigners to raise their children to follow any religious teaching they wished, but only in private.

Observers reported the Family Court continued in some instances to refuse to register children if one of the parents was a non-Muslim. Although the law allows the marriage of Muslim men to Christian or Jewish women, the court reportedly argued citizens could neither marry non-Muslims nor have children with them. Children not registered were unable to obtain birth certificates or identity cards, which are required for admittance to schools or for accessing government services.

The Ministry of Gender, Family, and Social Services reported intervening in such cases to ensure admittance to schools and government services despite the lack of documentation.

Section III. Status of Societal Respect for Religious Freedom

NGOs reported that persistent online and in-person threats against individuals perceived to be insufficiently Muslim effectively foreclosed the possibility of meaningful discussion on religious issues in the country. NGOs reported an increase in online death threats and attacks against those perceived to be critical of Islam since January with little action from authorities.

NGOs reported increasing instances of individuals deemed “secularists” or “apostates” receiving death threats, being cyberbullied, and being followed on the street by individuals with records as criminal gang members. In January MPS launched an investigation into hate speech and death threats after “Murtad Watch” (Apostate Watch), a public channel on the social media application Telegram, compiled a list and profiled citizens deemed to be “apostates,” arguing the sharia penalty for apostasy is death. MPS did not publicize findings of this investigation by year’s end. Days later, President Solih established a ministerial committee chaired by the vice president and directed it “to find a solution to the uprising issue on [sic] religious criticism targeted to [sic] Islamic faith.” MDN reported its staff received anonymous death threats and were the targets of hostile surveillance. During an October rally calling for the government to ban MDN, demonstrators in Angolhitheemu Island in Raa Atoll chanted for nonbelievers to be burned and for MDN executive director Shahindha Ismail to be killed.

NGOs reported continued community pressure on women to wear hijabs and harassment of women who chose not to do so.

In January unknown individuals vandalized the main door of private Mandhu College and issued online threats after its chairman questioned whether the January stoning sentence of a woman for extramarital sex was justified under sharia.

Media did not question Islamic values or the government’s policies on religion. Media reported higher levels of self-censorship in reporting on religion due to concerns about societal harassment and threats. Several outlets continued to avoid publishing bylines to protect their journalists from possible punitive actions or harassment. NGO and journalist sources stated media practiced self-censorship on

matters related to Islam due to fears of harassment from being labeled “anti-Islamic.”

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 the country, as are all of the embassy’s staff, who visit regularly. The embassy also maintained an American Center in Male. 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 prioritize investigations into threats against individuals targeted for their perceived “secular” viewpoints. Embassy officials expressed concern regarding the dissolution of human rights NGO MDN and persistent societal harassment and threats against MDN members and other individuals.