

MALDIVES 2021 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.” On May 6, Speaker of Parliament Mohamed Nasheed was seriously injured in a bomb attack that also wounded five other persons. While media accounts say that Nasheed may have been targeted because he criticized individuals characterized as religious extremists, authorities say he was targeted because the perpetrators believed he publicly mocked and insulted Islam. Nine men whom the government described as supporters of ISIS were charged with the attack under antiterrorism legislation and eight were on trial at year’s end. The ninth, Adhuham Ahmed Rasheed, entered into a plea bargain agreement that sentenced him to 23 years’ imprisonment in December. In court, Rasheed said he had participated in the attack due to his religious beliefs. The penal code permits the administration of certain sharia punishments, such as flogging, stoning, and amputation of hands. Although nine persons were sentenced to flogging during the year, no sentences were carried out as the appeals process continued for each of them. In April, the Maldivian Democratic Party (MDP) parliamentary faction stated that authorities should investigate social media comments, including death threats directed against MDP member of parliament (MP) Mohamed Waheed, who was criticized by a religious scholar for allegedly making comments opposing sharia during a party rally. The MDP said Waheed was opposing the actions of the previous administration, not sharia. Waheed asked the Maldives Police Service (MPS) to investigate, but there had been no arrests by year’s end. In November, the government recharged Mohamed Rusthum Mujuthaba for “criticizing Islam” and “producing or distributing obscene material” in 2019. Mujuthaba had been convicted and sentenced on separate charges in 2020 and served one year in prison. In September, parliament announced an investigation into statements made by an MP who called for greater freedom of religion in the country. In June and July, religious scholars, religiously affiliated nongovernmental organizations (NGOs), and island councils launched a public campaign against a government-proposed amendment to the penal code that would criminalize public accusations that an individual had violated or insulted Islam and public allegations that a Muslim was

a non-Muslim. After consultations with Islamic scholars and taking into account some of their views, parliament ratified the amendment, which became law in December. In July, the Maldives Customs Service announced it was launching a joint investigation with the police into incidents of Christian literature being mailed from abroad to institutions, companies, and individuals in the country. In December, customs officials reported they were unable to verify the origin of these items, and police reported the investigation closed. MPS reported it was investigating one website and 14 distinct Twitter handles for “criticizing Islam” as of September. In November, the Criminal Court ordered internet service providers to block access to online content that targeted Maldivians “with the intention of spreading religions other than Islam.” 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 services. The government continued to prohibit resident foreigners and foreign tourists from practicing any religion other than Islam in public.

NGOs continued to report that persistent online and in-person threats against individuals perceived to be insufficiently Muslim effectively foreclosed the possibility of meaningful discussion of religious issues in the country. NGOs continued to report instances of individuals deemed “secularists” or “apostates” receiving death threats and being cyberbullied. In August, the NGO Maldives Journalists Association published a threat perception survey of journalists in which 37 percent of the 70 local journalists who participated reported “being labelled ‘irreligious’ and threatened by radicalized or violent extremist individuals or groups online.” Respondents to the survey also reported an increase in anonymous social media accounts believed to be linked to government officials or groups characterized as religiously extremist that harassed journalists. NGO reported the government continued to fail to take action against online death threats and attacks against those perceived to be critical of Islam.

There is no permanent U.S. diplomatic presence in Maldives, but the U.S. Ambassador to Sri Lanka is also accredited to the country, and the embassy in Colombo represents 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. In meetings with government agencies, embassy officials expressed concern regarding harassment of individuals and organizations characterized as “irreligious,” and urged the government to formulate a longer-

term strategy to deal with incidents of online hate speech and harassment of NGOs and individuals.

Section I. Religious Demography

The U.S. government estimates the total population at 391,000 (midyear 2021). In 2021, the government estimated the total population at 568,261, including 112,000 documented and 63,000 undocumented foreign workers, mostly from Bangladesh, Sri Lanka, India, and Pakistan. While most citizens follow Sunni Islam (a requirement of citizenship), there are no reliable estimates of religious affiliations. Most foreign workers are likely Muslim, Hindu, Buddhist, Jewish, or Christian, although there are no reliable estimates available of the number of followers of different faiths among foreign workers.

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 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.

Since an amendment in December, the penal code criminalizes violence against individuals based on their religion or calls for violence against individuals based on their religion, with sentences of up to four years and two years, respectively.

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 by the public and religious scholars to provide for the death penalty in cases of conversion from Islam (i.e., apostasy), but the government has made no such statement.

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.'" In December the penal code expanded the definition of "criticizing Islam" to include "insulting or spreading misinformation about Islam, Allah, the Prophet, or Sunnah through an act or expression in a public forum, using a communications device or otherwise, with the intention of undermining Islam." Individuals convicted of these offenses are subject to imprisonment for up to one year.

An amendment to the penal code passed in December criminalizes as a hate crime public allegations or portrayals of individuals as persons who violate or oppose Islam based on an act they carried out or a belief they expressed, without having violated an accepted principle of Sunni Islam and while the issue mentioned is known to have different interpretations among Islamic scholars. The amended penal code also criminalizes public allegations or portrayals of a Muslim as a non-Muslim or an apostate when the accused has not carried out an act of apostasy, uttered an expression of apostasy, or violated Islam. Individuals convicted of these

offenses are subject to imprisonment for up to one year. The amended penal code also states these offenses do not apply to public statements detailing Islamic rulings as provided in the Quran or Sunnah.

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 making statements in sermons that may be interpreted as racial or gender discrimination, discouraging access to education or health services in the name of Islam, or demeaning the character of and/or creating 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 (if they have one) and deport the individual.

By law, mosques and prayer houses are 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 from the Ministry of Economic Development to import restricted goods.

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-Muslim children are allowed to opt out of studying Islam.

The constitution states Islam forms a 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, but sharia is not considered applicable to non-Muslims.

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 certain offenses under sharia – including murder, apostasy, assault, theft, homosexual acts, drinking alcohol, and property damage – if proven beyond all doubt. The penal code requires that all appeal processes be exhausted prior to the administration of sharia punishments specific to these 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."

Government Practices

On May 6, individuals labeled by the government as Islamic extremists attempted to kill Speaker of Parliament Mohamed Nasheed, seriously wounding him and injuring five others. MPS stated that Nasheed had been targeted because the perpetrators believed he was an "infidel" who publicly mocked and insulted Islam. Media analysts said it was likely Nasheed was targeted because of his outspoken criticism of religious fundamentalists. Nine men the government described as ISIS supporters were charged with the crime under the Prevention of Terrorism Act and eight were on trial at year's end. The ninth, Adhuham Ahmed Rasheed, entered into a plea bargain agreement under which the Criminal Court sentenced him to 23 years' imprisonment in December. In court, Rasheed said he had participated in the attack "due to some religious beliefs (he) had."

The government reported that nine adults were sentenced to flogging as of June, eight for extramarital sex and one for same-sex relations, but none of the sentences were carried out, pending completion of appeals.

In April, the MDP parliamentary faction stated that authorities should investigate "actions by some intended to endanger the life of MDP MP Mohamed Waheed." On April 15, religious scholar Sheikh Adam Nishan bin Adam al-Maaldheefee posted on his Facebook page a video clip of Waheed speaking at a party rally criticizing the political opposition for advocating for the death penalty when they were in power during the former administration. Adam said Waheed was criticizing sharia penalties and opposing sharia. His post was followed by

hundreds of comments on Facebook and Twitter calling Waheed an apostate, with some also calling for his death, including one posted by Mohamed Ashraf, an Islamic Studies teacher in a government school. The MDP said Waheed did not criticize sharia, but rather the actions of the Yameen administration. The statement noted that Waheed represented the Ungoofaaru constituency, the same constituency represented by former MP Afrasheem Ali, who was killed in 2011 after being branded an apostate. Waheed filed an official complaint with MPS asking for an investigation into the threats against him, and he was provided with military security. MPS had not made any arrests in this case as of December. In August the Ministry of Education dismissed Ashraf, who had posted the death threat against Waheed.

As of November, pretrial hearings continued against six men who were charged in 2020 with supporting a terrorist organization, promoting materials supporting terrorist organizations, and producing or distributing obscene materials under the Anti-Terrorism Act and penal code. All six were released from custody in September 2020 and remained free through 2021. The group was led by Maldivian ISIS leader and recruiter Mohamed Ameen, who was arrested in 2019 and remained in custody with his trial underway at year's end.

In November, the government recharged Mohamed Rusthum Mujuthaba with "criticizing Islam" and "producing or distributing obscene material," although he was not in custody as of year's end. The original case against him, filed in a magistrate court in Thinadhoo Island, was returned to the Prosecutor General's Office because of administrative errors and refiled at the Criminal Court. The charges stem from social media posts by Mujuthaba in 2019 that had been deemed by the government to be critical of Islam. MPS officials reported they had continued to investigate death threats made against him in 2019 but had not made any arrests or filed charges from that investigation as of year's end. Mujuthaba had been previously convicted on separate charges of obstructing justice in 2020 and served one year in prison. The UN Human Rights Council said that Mujuthaba had been kept in extended pretrial detention and had suffered torture and solitary confinement during his sentence, which ended when he was released on March 29.

In September, the parliament secretariat announced an investigation into statements made by Dhivehi Rayyithunge Party MP Abdulla Jabir, who, during a session of parliament, called for greater freedom of religion in the country. Minister of Islamic Affairs Ahmed Zahir and President of the Supreme Council of Islamic Affairs Mohamed Rasheed Ibrahim told media that Jabir's statements violated Islamic tenets. A day later Jabir recanted his statement and apologized.

Groups of religious scholars and some island councils, however, continued to urge the government to take action against Jabir. The government had taken no action against him as of year's end.

In June and July, 101 religious scholars, 106 religiously affiliated NGOs, and 123 island councils signed petitions, issued statements, held online discussions, or organized peaceful protests as part of a campaign they termed "Ban Secular Bill" to oppose the first draft of a government-proposed amendment to the penal code that would criminalize public accusations that an individual had violated or insulted Islam, public allegations that a Muslim was a non-Muslim, and attempts to create societal hatred towards individuals based on their religious beliefs. These scholars, NGOs, and councils said the amendment would limit the efforts of religious scholars to spread Islamic awareness, hinder freedom of expression, lead to increased criticism of Islam, and provide legal protection for apostates and those who insult Islam. After the government held discussions with Islamic scholars, parliament revised the amendment to delete the reference to creating social hatred, clarify that the amendment's restrictions did not apply to public statements detailing Islamic rulings as provided in the Quran or Sunnah, and to slightly modify other language before ratifying it in December.

During the year, the government did not take further action on an investigation launched in 2019 against employees of the NGO Maldivian Democracy Network (MDN), which had been deregistered in December 2019 because the group's 2015 *Preliminary Report on Radicalization in Maldives* contained content that mocked Islam and the Prophet Muhammad, according to MPS and the Ministry of Youth, Sports, and Community Empowerment. MPS reported the investigation remained open at year's end.

NGOs continued to report that the open investigation against MDN and failure of the government to publicly refute statements by popular religious figures characterizing NGOs as "irreligious" prevented them from expressing solidarity or publicly supporting those subjected to harassment in case of similar action against their organizations.

The trial of six men for the 2017 killing of blogger Yameen Rasheed, whose writing centered around political, social, and economic issues, including his critique of violent extremism, remained pending at year's end. Rasheed's sister said that he received direct death threats after reporting on a rally calling for more religious tolerance and freedom on international Human Rights Day in December

2011. Rasheed's family heavily criticized the government for what they said was incompetence and lack of action.

Victims of online harassment and threats continued to say they believed themselves vulnerable because of the past lack of police responsiveness to their complaints and because similar incidents of online harassment had preceded the 2014 disappearance and killing of journalist Ahmed Rilwan and the 2017 killing of Rasheed. MPS reported investigating five cases of online harassment during the year, four of them involving defamation and one involving a death threat. Of the five cases, one was concluded without any arrests or action, and the other four remained under investigation at year's end.

In November, the Criminal Court ordered all local internet service providers to block access to websites, social media pages, YouTube channels, and online applications that targeted Maldivians "with the intention of spreading religions other than Islam." The order was issued at the request of MPS following reports that Christian advertising in the local Dhivehi language directed at children had appeared on Facebook, YouTube, and some gaming apps. Access to those websites and social media platforms had not been blocked as of the end of the year.

The Communications Authority of Maldives (CAM) continued to maintain an unpublished blacklist of websites containing material it deemed un-Islamic or anti-Islamic. CAM 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. MPS reported continuing investigations launched in 2020 against three websites for publishing un-Islamic content or content that violated Islamic tenets. During the year, MPS initiated two investigations involving individual "criticism of Islam in the form of hate speech." All investigations remained ongoing at year's end.

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 services. 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, including on resort islands, remained free to worship in their own residences, 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 to be imported for scholarly research. In a July 6 statement, the Maldives Customs Service announced it was launching a joint investigation with MPS into Christian literature, published in the local Dhivehi language, being mailed to institutions, companies, and individuals based in the country. In December, customs reported it was unable to verify the origin of these items, and police reported the investigation closed. Customs officials reported two cases involving the import of non-Islamic religious idols and religious banners during the year. Authorities confiscated the items in one case and were continuing to investigate the other case as of year's end.

In its Freedom in the World 2021 report, the global NGO Freedom House stated “in recent years, growing religious extremism, stoked in part by the Yameen administration, has led to an increase in threatening rhetoric and physical attacks against those perceived to be insulting or rejecting Islam. Secularist writers and defenders of freedom of conscience have faced pressure from the authorities as well as death threats.” Freedom House also noted Mohamed Rusthum Mujuthaba's arrest in 2019 for his posts on social media.

According to the international Christian NGO Open Doors, all politicians in the country supported keeping it 100 percent Muslim, leaving effectively no space for any alternative. It continued to report that conversion to Christianity could easily result in being reported to Muslim leaders or authorities. Expatriate Christians, most of them working in the tourist sector and coming from India and Sri Lanka, reported being “closely watched.”

The MIA continued to conduct what it termed “awareness programs” through radio and television broadcasts in the capital 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. One NGO, citing the MDN radicalization study from 2015, continued to say that passages in some textbooks portrayed democracy as being anti-Islam, encouraged antisemitism and

xenophobia, glorified jihad, and demonized the West, but the NGO did not provide concrete examples from current textbooks. The MIA continued to permit foreign individuals to opt out of Islamic instruction as a standalone subject. The MIA continued to permit foreigners to teach their own children religious content of their choice, but only in private.

On December 5, the MIA filed a police case against Clique College in Male for playing Christian songs at a children's sports festival held in the Hulhumale central park. The lyrics included the words "We believe in Jesus, We believe in the Holy Spirit." In a statement about the incident, the MIA said it considered the incident "a very serious matter." The college stated the song accidentally autplayed from a playlist and the organizers immediately changed the song upon realizing that it was Christian. Representatives from the college stated that the institution does not promote Christianity.

Section III. Status of Societal Respect for Religious Freedom

NGOs continued to state 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 that the government continued to fail to take action against online death threats and attacks against those perceived to be critical of Islam. NGOs also reported fear of retribution and a lack of confidence that authorities would take action prevented persons from filing complaints of online harassment with authorities.

NGOs continued to report instances of individuals deemed "secularists" or "apostates" receiving death threats and being cyberbullied.

MPS continued to report a lack of cybercrime legislation posed obstacles to investigation of online hate speech perpetrated by anonymous accounts and on social media channels.

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

NGO and journalist sources stated the media practiced self-censorship on matters related to Islam due to fears of harassment for being labeled "anti-Islamic." In August, the NGO Maldives Journalists Association published a threat perception survey of journalists in which 37 percent of the 70 local journalists who

participated in the survey reported “being labelled ‘irreligious’ and threatened by radicalized or violent extremist individuals or groups online.” Respondents to the survey also reported an increase in anonymous social media accounts believed to be linked to government officials or religious groups considered to extremist that harassed journalists.

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 also accredited to the country, and U.S. interests are represented there by the embassy in Colombo. 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” or “apostate” viewpoints. In meetings with government agencies, embassy officials expressed concern regarding harassment of individuals and organizations characterized as “irreligious,” and urged the government to formulate a longer-term strategy to deal with incidents of online hate speech and harassment of NGOs and individuals.