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MALDIVES: Religious freedom survey, October 2008

By Odd Larsen, Forum 18

The Maldives is well known as a tourist destination, but its severe repression of freedom of thought, conscience and belief is less well-known. The Maldives is one of the few states – such as Saudi Arabia – that allows only one faith to be practised publicly, and even insists that all citizens must be Muslims. Islam itself can only be openly practised in the government-favoured version of Sunni Islam, Forum 18 News Service has found. The public practice of other faiths – including other forms of Islam, Hinduism, Buddhism and Christianity – is banned. The state closely monitors all forms of religious expression, Forum 18 notes, and the cramped living conditions most Maldivians endure facilitates this. Maldivians are – justifiably – fearful that they will face severe consequences if they publicly and identifiably defend everyone's right to freedom of thought, conscience and belief. No candidate in the country's first multi-party presidential election, for which a run-off is due on 28 October, has called for improvement in this aspect of the country's human rights record.

The Maldives government claims to tourists that the Indian Ocean archipelago represents "the sunny side of life", yet it severely represses freedom of thought, conscience and belief. The Maldives is one of the few countries – such as Saudi Arabia – that legally allow only one faith to be practised publicly. However, the Maldivian authorities go much further even than that, insisting on homogeneity in religion and that all citizens must be Muslims. Islam itself can only be practised in the government version of Sunni Islam. The public practice of any other faith – including other varieties of Islam, Hinduism, Buddhism and Christianity – is banned.

The Republic of the Maldives is a collection of 1,190 coral reef islands in the Indian Ocean, south west of Sri Lanka. Only 200 islands are inhabited, with 44 used exclusively as holiday resort islands. The Maldives has a population of about 300,000 citizens, plus about 65,000 migrant workers. About one third of the population lives in the capital Male, in an area of about 2 square kms or just over three quarters of a square mile. This means that most Maldivian houses are overcrowded, and individuals mostly have no privacy. State control of the opinions and actions of Maldivians is made easy by these poor living conditions.

Since 1978, the Maldives has been under the regime of President Maumoon Abdul Gayoom. For the first time ever, multi-party presidential elections were held on 8 October 2008. According to the official count, President Gayoom won the largest share of the votes of the six candidates. But this was not enough for an outright victory, so a run-off election (currently due on 28 October) will take place between President Gayoom and the largest opposition party's candidate Mohamed Nasheed.

In 2003 the death of a prisoner, who had allegedly been beaten by police, sparked public protests. Demands escalated for political reform and human rights. In June 2004, yielding to internal and external pressure, President Gayoom announced plans to make changes to the Constitution to bring it into line with modern democratic and human rights norms. On 7 August 2008 President Gayoom ratified the new Constitution, a major step in the political reform process. Yet, this reform process did not reform the issue of religious rights (see F18News 18 February 2009 http://www.forum18.org/Archive.php?article_id=1257).

The Maldives has ratified many international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR). However, on acceding to the ICCPR in September 2006, the government lodged a reservation over Article 18 (which covers rights to freedom of religion and belief), specifying that "The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives." This reservation effectively nullifies the commitment.

The lack of religious freedom for all Maldivians (whether or not they are Muslim) is enshrined in the present and previous Constitutions, and clearly violates the ICCPR's provisions (see F18News 18 February 2009 http://www.forum18.org/Archive.php?article_id=1257). The UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, in a February 2007 report (A/HRC/4/21/Add.3) following her August 2006 visit, expressed concerns about a wide range of restrictions on religious activity. She urged the government to change the law to allow all residents of the Maldives to be allowed to choose their own religion or belief, to end the ban on manifestation of non-Muslim religions or beliefs, and called on the government to review its reservation to Article 18 of the ICCPR.

Government-defined Islam the only permitted faith

The new 2008 Constitution brings in separation of powers and a bill of rights. However, religious freedom remains a taboo subject in the Maldives. The government claims that Islam is a vital cultural trait of being Maldivian, and therefore religious freedom is not an issue in the Maldives. It categorically ignores the existence of non-Muslim Maldivians. The new Constitution spells out more strongly than before that all Maldivians have to be Muslims (see F18News 18 February 2009 http://www.forum18.org/Archive.php?article_id=1257).

Article 36 states that "The exercise and enjoyment of fundamental rights and freedoms is inseparable from the performance of responsibilities and duties, and it is the responsibility of every citizen: (...) (g) to preserve and protect the State religion of Islam, culture, language and heritage of the country".

Article 9, Section D (which defines citizenship) states that "a non-Muslim may not become a citizen of the Maldives". On 17 May 2008, the Information Minister Mohamed Nasheed (not the same person as the presidential candidate) admitted on his personal blog that: "When the revised constitution gets introduced, it will operate to take away the citizenship from citizens of Maldives who may have a faith different from Islam." He made this statement after stating that: "Maldives leadership and the Maldives people have always said that Maldives is, as a matter of fact, a 100 percent Islamic nation. However being Moslem is not a requirement of law; and is subject to dispute by some. There are many who argue that there may be Maldives nationals or dual citizenship holders possibly professing a different faith."

The minister's earlier statement has the worrying implication that Maldivians who convert away from Islam, or who are children of Maldivians married to non-Muslims, risk losing their citizenship under the new Constitution. This is in line with the Maldivian reservation to Article 14 of the United Nations Convention on the Rights of the Child, which stipulates that all Maldivians should be Muslim.

The Protection of Religious Unity Act (Law No. 6/94) regulates all aspects of religion in a way that ensures religious homogeneity. Maldivian non-Muslims and Maldivians who do not wish to practice Sunni Islam in the state-approved way have to hide and even deny their convictions and beliefs. In the past, Maldivians suspected of having converted away from Islam have been imprisoned. While imprisoned, these people were publicly branded as "traitors", "second class citizens", "immature", as well as being accused of having been led astray by "foreign forces". They were released from prison only after signing a declaration that they believed in Islam. After their release, they were shunned and are still regarded with suspicion by government officials and members of the public. Some of them lost their jobs.

The treatment of these people still serves as a warning to all Maldivians. Fearing the grave consequences of disobedience to the government's religious line, Maldivians are inhibited from identifying their own convictions. The cramped living conditions most Maldivians have to endure make it easy for the government to detect religious or political dissent.

Even Maldivians living abroad do not dare to identify as non-Muslims. They feel that they are observed and checked by fellow Maldivians and added to a government list if they fail to obey the government's religious rules.

Maldivian non-Muslims and other Maldivians who do not want to practice their faith in the state approved way cannot practice their own faith. They cannot even pray the way they want. Kneeling down, folding hands or using religious symbols like crosses, candles, pictures or statues can lead to government action. Performing movements in the Namaadu (namaz or Islamic ritual prayer) differently to the state-approved way can also lead to arrest by the police.

These restrictions also apply to foreign workers, who can only practice their faith privately when Maldivians are not present. This is especially difficult for the many Hindu and Buddhist labourers, who live without any privacy in large, crowded accommodation or as servants in Maldivian houses.

Strict state censorship

Maldivians face great difficulties in obtaining information about non-state approved beliefs. This is a particularly severe deprivation for those Maldivians who do not follow the state's religious views. Maldivians are not allowed to possess religious material – whether holy books, audio and video tapes, CDs and DVDs, pictures or artefacts – that is not approved by the government. Sometimes private houses and mosques are raided by police in their search for non state-approved religious material. When found, all such material is confiscated. Electronic media, radio broadcasts, the internet, and printed material are all censored by the government. Access to foreign non-Muslim religious media, such as the Dhivehi (the Maldivian language) Christian website Sidahitun.com, is blocked inside the Maldives. Everything deemed to be outside the government's interpretation of Islam is banned.

Such tight state censorship extends to Maldivians living abroad. Bookshop owners in India and Sri Lanka who tried to sell religious literature in Dhivehi that was not approved by the Maldivian government, have been harassed and threatened. This continued until they removed the material from their shelves. The luggage of Maldivians returning to the country is searched and all unauthorised religious material is confiscated. Foreign citizens arriving in the Maldives – whether as migrant workers or tourists – also have their luggage searched for "un-Islamic" materials. Small quantities of non-Muslim literature for personal use are generally permitted to foreign tourists. However, this does not include such material as Christian Scripture in Dhivehi.

State intimidation of those who think differently

Maldivians are also not allowed to discuss their faith with anyone. No-one is allowed to discuss religion without the explicit permission of the government. Even imams are only allowed to discuss religion after passing an exam and being certified by the Government's Supreme Council of Islamic Affairs (SCIA). The SCIA also writes the Friday sermon to be delivered at mosques. Imams who refuse or fail to follow these regulations may face serious consequences. In March 2008 the SCIA banned Afrashim Ali, who has a doctorate from Malaysia's International Islamic University, from preaching in public until he had lived in the country for at least one year. Dr Ali previously contradicted the SCIA by openly arguing that singing was not un-Islamic.

Also in June 2008 the SCIA banned a book co-authored by former attorney general and presidential candidate Dr Hassan Saeed with his brother, Melbourne University professor Abdullah Saeed. The book, "Freedom of Religion, Apostasy and Islam", published in Britain in English in 2004, questions the validity of the apostasy law in Islam and advocates the need to rethink and reform the apostasy laws. However, it does not discuss the case of the Maldives.

The restrictive attitude of the Maldivian government leads to the isolation of religiously non-conformist Maldivians, whether Muslim or of other faiths. They do not even dare to discuss their beliefs with their spouses and children. The political intimidation of the public and the official denigration of religiously non-conformist people have led to widespread mistrust and fear. Children of people who are suspected of holding alternative religious convictions are sometimes interrogated by their teachers about their parents' opinions and convictions.

Constant intimidation and oppression leads people to act contrary to their own convictions and beliefs. Some people feel forced to perform Muslim ritual prayers (in the state-approved way) to avoid any possible suspicion. They also feel forced to teach their children according to the government's will instead of their own conviction. They are forced to observe the fast during the Muslim fasting month of Ramadan. After the first week of this year's Ramadan, which began in early September 2008, a Maldivian radio station announced that the police had already arrested 76 people for not fasting.

No freedom within education

Although "everyone has the right to education without discrimination of any kind" in Article 36 (a) of the new Constitution, but this is contradicted by Article 36 (c). This reads: "Education shall strive to inculcate obedience to Islam, instil love for Islam, foster respect for human rights, and promote understanding, tolerance and friendship among all people." Accordingly, all teaching material has to be approved by the government.

In the past history textbooks have been banned for reasons such as including texts about the sixteenth century Reformation of the Christian Church in Europe. In May 2008 a local school library was closed following the discovery of a book containing stories "based on stories of Christianity". Islamic Studies is a compulsory subject for all students up to school-leaving examinations. There is no provision for non-Muslim students to be taught in their chosen religion or beliefs. The 64,000 expatriates living in the Maldives are not allowed to open schools for their children, or to practice their faiths openly.

Other articles of the Constitution also impose discrimination within Maldivian society (see F18News 18 February 2009 http://www.forum18.org/Archive.php?article_id=1257).

Non-Muslim marriages and burials barred

Contrary to the Islamic principle that forbids coercion, the Maldivian government only recognises Islamic marriages. Non-Muslim men who want to marry a Maldivian woman are required to convert to Islam. Without this, any marriage is illegal. Similarly, Maldivian men are only allowed to marry Muslim, Christian or Jewish women. However, marriages to women of Christian and Jewish faiths are subject to biased administrative policies which make the process cumbersome. In addition, marriages performed and registered outside the Maldives are not legally recognised in the country, unless they are registered at the Family Court in the Maldives. This Court only recognises marriages performed in an "Islamic way," at approved institutions.

There are no provisions for the burial of non-Muslims. Public institutions, such as prisons and hospitals, have no facilities (eg. places for private worship, dietary provision) for non-Muslim people. Thus, even the religious freedom of the dead and those closest to them is not respected.

Fear of standing up for religious freedom

Some Maldivians risked much, when in 2003 they started to publicly voice opposition to political oppression, and called for more human rights. However, so far no Maldivian has dared to publicly stand up against the violation of religious rights. The government's policy of labelling all such attempts as high treason has successfully inhibited Maldivians from standing up against this

oppression. In the 2008 presidential election campaign, no candidates spoke up for freedom of religion or belief in the Maldives, and some called for this fundamental right to be further restricted. All of the candidates stressed that they wanted to defend the Islamic identity of the country.

How can religious freedom come to the Maldives?

The Maldives is the only country worldwide that legally prescribes and enforces homogeneity in religion. Maldivians are - justifiably – fearful that they will face severe consequences if they publicly and identifiably defend everyone's right to freedom of thought, conscience and belief. Because of this fear, Maldivians hope the international community will support their struggle. One step to do this is for states and human rights organisations to urge the Maldivian government to implement the recommendations of the UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, in her report (A/HRC/4/21/Add.3). Maldivians themselves, not just tourists, also want to experience "the sunny side of life" in the Maldives. (END)

More analyses on freedom of thought, conscience and belief in the Maldives can be found at <http://www.forum18.org/Analyses.php?region=81>.

A printer-friendly map of the Maldives is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=maldiv>.

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