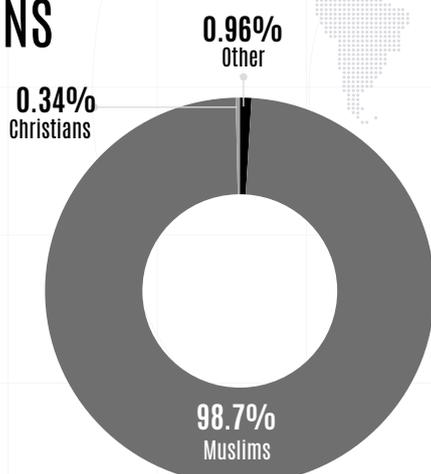




# MALDIVES

## RELIGIONS



Population

**458,909**

GDP per capita

**15,184 US\$**

Area

**300 Km<sup>2</sup>**

GINI INDEX\*

**31.3**

\*Economic Inequality

## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Maldives is known as an international tourist destination. Yet few of the nearly 1.5 million sightseers who visit the Maldives each year have any contact with the reality of life in a country in which Sunni Islam is the official religion and in which only Sunni Muslims can be citizens. According to Article 2 of the 2008 Constitution,<sup>1</sup> the Maldives is “a sovereign, independent and democratic Republic based on the principles of Islam.” Article 10 (a) of the Constitution stipulates that “the religion of the state of the Maldives is Islam.” Noting that Islam is central to the country’s legal structure, Article 10 (b) adds, “No law contrary to any tenet of Islam shall be enacted in the Maldives.”

Under Article 9 (d), “a non-Muslim may not become a citizen of the Maldives,” which is why the Maldives claims to have a 100 percent Muslim population. Nevertheless, these official statistics ignore the presence of up to 95,000 immigrants, or 25 percent of the total population, mainly from Bangladesh, India, Sri Lanka, and the Philippines,<sup>2</sup> many of whom are non-Muslims.

The Maldivian Constitution contains no protections for religious freedom. However, Article 27 protects the right to

freedom of thought and the freedom to communicate one’s opinions and to express oneself, but “in a manner that is not contrary to any tenet of Islam.” Article 19, dealing with restrictions on freedom, provides that, “A citizen is free to engage in any conduct or activity that is not expressly prohibited by Islamic Shari’a or by law.” Paragraphs (f) and (g) of Article 67 prescribe that it is the responsibility of Maldivian citizens “to promote democratic values and practices in a manner that is not inconsistent with any tenet of Islam” and “to preserve and protect the State religion of Islam, culture, language and heritage of the country.” Pursuant to Article 100 (a, 1), the president and vice-president may be removed from office by a resolution of Parliament (People’s Majlis) in case of “direct violation of a tenet of Islam.” In accordance with article 70 (c), Parliament “shall not pass any law that contravenes any tenet of Islam.” Article 142 requires that judges take account of Shari’a in order to settle issues not covered in the Constitution or the judicial system.

Article 274 (a) of the Constitution defines the “tenet of Islam” as follows: “The Holy Qur’an and those principles of Shari’a whose provenance is not in dispute from among those found in the Sunna of the Noble Prophet, and those principles derived from these two foundations.” The term “Islamic Shari’a” is defined as: “the Holy Qur’an and the

ways preferred by the learned people within the community and followers of the Sunna in relation to criminal, civil, personal and other matters found in the Sunna.”

In addition to the restrictions within the Constitution, the Protection of Religious Unity Act 1994 regulates the practice and preaching of Islam, and limits the practice and expression of religions other than Sunni Islam.<sup>3</sup>

Article 2 requires government authorisation for Islamic sermons, conferences, and publications. In accordance with Article 4, these sermons, conferences or doctrines must not contradict Sunni orthodoxy as interpreted by the government. Article 4 also prohibits preaching by other religions. According to Article 6, “it is forbidden to propagate a faith other than Islam or to make any effort to convert anyone to a religion other than Islam. It is also illegal to display in public symbols or slogans belonging to a religion other than Islam, or to generate interest in them.” According to Article 7, it is also illegal to “carry or exhibit in public books about other religions (apart from Islam), books and texts that promote and propagate other religions, as well as the translation into Dhivehi, [the official Maldivian language] of those books and texts related to other religions.”

Under Article 9, it is unlawful for non-Muslim residents or visitors to publicly express their faith in any way. In addition, according to Article 10, “It is unlawful to possess, distribute or propagate programs, writings, works of art and advertising about religions other than Islam.” The penalty for any violation of these legal provisions, pursuant to Article 12, is between two and five years of imprisonment for Maldivians, and foreigners who transgress or infringe them “must be handed over to the Ministry of Immigration and Emigration for expulsion from the Maldives.”

The law concerning defamation criminalises any speech, remark, writing or action that is considered defamatory towards “all proponents of Islam.” Potential offenders are punishable by fines ranging from 50,000 Maldivian rufiyaas (US\$3,200) to two million rufiyaas (US\$130,000), and sentences of three to six months of imprisonment. Publications, including those online, found guilty of harbouring “defamatory” comments may have their licences revoked.<sup>4</sup>

The Maldives claims that foreigners residing in the country can practise their religion privately, but many Christian expatriates have been either arrested or deported for attending private worship.<sup>5</sup>

All visitors to the Maldives are required to sign an immigration form stating that they do not carry pornographic

material, idols, alcohol, pork, or “material against Islam”.<sup>6</sup> Consequently, the official import of Bibles and Christian literature is forbidden.

With the absolute government prohibition of non-Muslim religious expression in any form (alongside an absolute level of government control of Muslim expression), there is no church or place of Christian worship in the country. The few Maldivian Christians have nowhere to meet and do their best to keep their faith private. Officially, there are no Maldivian Christians, only Christian expatriates.<sup>7</sup>

## INCIDENTS AND DEVELOPMENTS

The presidential elections of 23rd September 2018 saw the election of opposition leader Ibrahim “Ibu” Solih, a founder of the Maldivian Democratic Party (MDP) along with Mohamed Nasheed, the Maldives’ first democratically elected president.<sup>8</sup> In the parliamentary elections that followed (6th April 2019), the MDP won a landslide victory and Nasheed became the speaker of parliament.<sup>9</sup>

While President Solih’s government has worked to reform key institutions, including the Supreme Court, the criminal justice system, and the security forces, progress towards wider political reform, greater religious freedom, and curbing Islamist extremism has been scant.<sup>10</sup>

Solih also pledged to confront Islamic radicalism and, to this end, appointed a presidential commission to investigate certain recent murders of moderates. Encouragingly, in September 2019, the commission published its conclusion that al-Qaeda-linked networks were responsible for the killings. However, as of mid-2020, the government has yet to prosecute a single suspect.<sup>11</sup>

Indeed, the Maldives has become a notorious recruiting ground for terrorists. A study by The Soufan Group found high levels of Islamic State (IS) recruitment among Maldivians as far back as April 2016.<sup>12</sup> Graffiti on walls in different atolls called on people to join IS. The country’s police commissioner revealed in December 2019 that “almost 500 Maldivians had travelled, or attempted to travel, to Syria or Iraq” during the peak years of the Islamic State’s power and expansion between 2014 and 2018. Per capita, this makes the Maldives one of the world’s principal sources of Islamist foreign terrorist fighters (FTFs).<sup>13</sup>

Evidence abounds that Islamic radicalism continues to grow, especially with the Solih government’s inconsistent response to the problem. In September 2019, the US Government claimed that a Maldivian, Mohamad Ameen, was a “key leader for ISIS in Syria, Afghanistan, and the Mal-

dives,” and that he was active as recently as April 2019 in recruiting jihadis in the Maldivian capital of Malé.<sup>14</sup>

On 4th February 2020, Islamist extremists, alleging in a subsequent on the Telegram channel Al-Mustaqim Media that the Maldivian Government was being run by infidels<sup>15</sup>, stabbed three foreign nationals, two Chinese and one German, on Kaffu Atoll. It is suspected that they were inspired by the Islamic State.<sup>16</sup>

On 12th April 2020, Easter Sunday, the Islamic State claimed responsibility for an attack on several boats anchored off Mahibadhoo Island, some of which (according to the ISIS Al Naba magazine) belonged to the “apostate government” of the Maldives.<sup>17</sup>

Equally problematic for religious freedom and the country’s transition to democracy is the influence of conservative Islamic organisations, including the Adhaalath Party. In late 2019 this party pressured the Solih government to close a reputable democracy and human rights NGO, the Maldivian Democracy Network (MDN). Adhaalath described the MDN’s reporting on the dangers of jihadist extremism as “blasphemy against Islam.”<sup>18</sup> Rather than defend MDN, the Solih government agreed with the conservatives that a 2015 MDN report on Islamic radicalisation contained “content slandering Islam and the Prophet Mohamed (PBUH).”<sup>19</sup> The government officially dissolved the MDN in December 2019.

Among other developments, unchecked Islamic radicalism is putting pressure on women to wear hijabs, leading to social harassment of those women who choose not to. For the Maldives, this is a new trend; as late as a decade ago, very few women wore headscarves in the insular nation.<sup>20</sup>

## PROSPECTS FOR RELIGIOUS FREEDOM

Human rights are not a priority of the current Maldivian government, which is more concerned about fostering relations with India and China, and trying to extricate the country from the Chinese “debt-trap diplomacy” created by the previous administration.

The outlook for religious freedom in the Maldives is exceptionally negative. The country lacks constitutional protections, faces a powerful current of Islamist extremism at the social level, and is ruled by political leaders unwilling to curb jihadism and pursue meaningful political and religious reform.

Worse still, according to one analyst, “[t]he full devastation of COVID-19” and “a prolonged economic downturn” are

“creating opportunities for populists and demagogues.” If unchecked, “these factors could easily bring an untimely end to democracy’s latest sojourn in paradise.”<sup>21</sup>

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