



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
2014**

RELIGIOUS FREEDOM IN THE MALDIVES

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Introduction.

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative Status before the United Nations Economic and Social Council¹. This report's purpose is to raise concerns for the 2014 Universal Periodic Review (UPR) regarding circumstances in the Republic of the Maldives [hereafter the Maldives] that have significant potential to limit the Maldives' ability to safeguard human rights.

Regardless of the Maldives' New Constitutional Guarantees for Full Enjoyment of Human Rights, the Maldives Continually Denies Non-Sunni Muslim Citizens and Non-Muslim Foreigners the Right to Freely Practice Religion.

2. The Maldives, after transferring power to its first democratically elected government in 2008 under the presidency of Mohamed Nasheed, implemented a new constitution that purports to ensure the equal protection of human rights; however, it only grants those freedoms to the extent they are compatible with Sunni Islam², under *Sharia* law³. The Constitution's Non-Discrimination Clause provides that "[e]veryone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island"⁴. Noticeably, religion does not appear in the Clause. Instead, "it is the responsibility of every [Maldivian] citizen . . . to preserve and protect the State religion of Islam"⁵. Thus, there is no freedom of religion or religious expression in the Maldives as the Constitution forbids the practice of any religion other than Islam⁶. Only Muslims are granted citizenship, while formerly-Muslim religious converts are punished by revocation of citizenship⁷. Therefore, it is unlikely that the Maldives is making any effort to work towards religious freedom for non-Muslims because Islam, as the official religion, holds both religious and political power⁸. "Islam is so intertwined with politics in the Maldives that it is the only country

¹NGO Branch, U.N. Dep't of Econ. & Soc. Affairs, Consultative Status for the European Centre for Law and Justice (2007), <http://esango.un.org/civilsociety/> (accessed by searching "European Centre for Law and Justice" in the iCSO Database).

²CONST. OF THE REPUBLIC OF MALDIVES, ch. II, art. 16(a)–(b), *available at* <http://www.maldivesinfo.gov.mv/home/upload/downloads/Compilation.pdf> [hereinafter, CONST. OF THE REPUBLIC OF MALDIVES].

³Human Rights Comm'n of the Maldives, *Shadow Report On the International Covenant on Civil And Political Rights In Response To The Maldives Initial State Report* (June 2012), http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/MDV/INT_CCPR_NGO_MDV_105_9610_E.pdf.

⁴CONST. OF THE REPUBLIC OF MALDIVES, ch. II, art. 17(a).

⁵CONST. OF THE REPUBLIC OF MALDIVES, ch. II, art. 67(g).

⁶*Maldives-Religion*, WINDOWS ON ASIA, http://asia.isp.msu.edu/wbwoa/south_asia/maldives/religion.htm.

⁷*Maldives Elections Unlikely To Improve Religious Freedom*, OPEN DOORS, 6 Sept. 2013, <https://www.opendoorsusa.org/news/2013/09-September/Maldives-elections-unlikely-to-improve-religious-freedom>; *See Religious Freedom In The Republic Of Maldives*, THE INSTITUTE ON RELIGION & PUBLIC POLICY, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/MV/IRPP_InstituteonReligionandPublicPolicy.pdf.

⁸*Maldives Elections Unlikely To Improve Religious Freedom*, *supra* note 7.

in the world where it is illegal [for citizens] to be anything other than a Muslim”⁹. The Maldivian Constitution stipulates that “a non-Muslim may not become a citizen of the Maldives”¹⁰. Additionally, the Maldivian government has incorporated an aspect of *Sharia* law into its legal system which provides that “citizens who convert to another religion can have their citizenship revoked”¹¹ or be sentenced to death¹².

Protection of Religious Unity Act.

3. The Protection of Religious Unity Act of 1994 maintains that “both the government and the citizens of the country must protect the religious unity that they have created”¹³. Despite the 2010 Working Group’s “grave concern” for religious freedom under the religious unity regulations, which enforce the Religious Unity Act¹⁴, the Maldivian government ratified and published the new draft of the regulations in 2011¹⁵. The religious unity regulations of the Act make it “illegal in the Maldives to propagate any faith other than Islam or to engage in any effort to convert anyone to any religion other than Islam”¹⁶. It is also illegal to publically carry or display non-Islamic religious books and writings, and is illegal to translate non-Islamic religious writings into Dhivehi, the Maldivian language¹⁷. Only the following remain exempt: “articles that disseminate information about various disciplines, intellectual studies carried out, comparative studies between Islam and other religions, description of sayings and expressions about Islam by people of other religions, and dissemination of Muslim expressions on other religions”¹⁸.

4. Further, it is “illegal to display in public any symbols or slogans belonging to any religion other than Islam, or creating interest in such articles”¹⁹. This regulation—in addition to the Regulation on the Protection of Religious Unity forbidding the media from publicising material that “humiliates Allah or his prophets or the holy Quran or the Sunnah of the Prophet

⁹*Id.*

¹⁰CONST. OF THE REPUBLIC OF MALDIVES, ch. I, art. 9(d).

¹¹*Maldives Elections Unlikely To Improve Religious Freedom*, OPEN DOORS, 6 Sept. 2013, <https://www.opendoorsusa.org/news/2013/09-September/Maldives-elections-unlikely-to-improve-religious-freedom>.

¹²*Children Liable For Death Penalty Under New Maldives Law*, THE CLARION PROJECT (4 May 2014), <http://www.clarionproject.org/news/children-liable-death-penalty-under-new-maldives-law> [hereinafter *Children Liable*].

¹³*Religious Freedom in the Republic of Maldives*, THE INSTITUTE ON RELIGION & PUB. POLICY para. 1, http://lib.ohchr.org/HRBodies/UPR/Documents/Session9/MV/IRPP_InstituteonReligionandPublicPolicy.pdf.

¹⁴Rep. of the Working Group on the Universal Periodic Review, Human Rights Council, 9th sess., 30 Aug. 2010, ¶ 81 U.N. DOC. A/HRC/WG.6/9/MDV/1/Rev.1 [hereinafter 2010 UPR].

¹⁵JJ Robinson and Ahmed Naish, *New Religious Unity Regulations Crack Down on Extremist Preaching in Maldives*, MINIVAN NEWS: INDEPENDENT NEWS FOR THE MALDIVES (18 Sept. 2011), <http://minivannews.com/society/new-religious-unity-regulations-crack-down-on-extremist-preaching-in-maldives-25734>.

¹⁶REGULATION ON PROTECTION OF RELIGIOUS UNITY AMONG MALDIVIAN CITIZENS § 6 (unofficial translation), available at <http://minivannews.com/society/new-religious-unity-regulations-crack-down-on-extremist-preaching-in-maldives-25734> (follow “religious unity regulations” imbedded link) [hereinafter “REGULATION ON PROTECTION OF RELIGIOUS UNITY”].

¹⁷REGULATION ON PROTECTION OF RELIGIOUS UNITY § 7(a), *supra* note 16.

¹⁸REGULATION ON PROTECTION OF RELIGIOUS UNITY § 7(b), *supra* note 16.

¹⁹REGULATION ON PROTECTION OF RELIGIOUS UNITY § 6, *supra* note 16.

(Mohamed) or the Islamic faith”²⁰—authorised the Maldivian Ministry of Islamic Affairs to block eight websites in 2008 and 2009 “for allegedly publishing anti-Islamic and pro-Christianity content in [] Dhivehi [language]”²¹. In November 2011, the Ministry of Islamic Affairs also banned a controversial blog written by Ismail ‘Hilath’ Rasheed²², a Maldivian freelance journalist and religious freedom campaigner²³. Rasheed spoke against the Maldivian Constitution’s proscription against Islamic schools outside the “Sunni school of Islam”²⁴. Rasheed’s blog was banned for containing anti-Islamic statements²⁵. In a statement defending his blog’s Islamic character, Rasheed stated, “I am a Sufi Muslim²⁶ and there is nothing on my website that contradicts Sufi Islam”²⁷.

Rising Influence of Islamic Conservatism.

Apostasy Law.

5. A major concern to the country is the Islamists’ rising influence. In addition to the constitutional provisions granting equal protection of human rights only to the extent they are compatible with Islam, there has also been talk about fully integrating and implementing *Sharia* law in the country²⁸. Even under current law, however, aspects of *Sharia* are incorporated into the legal system²⁹. For example, starting at age seven, apostasy is punishable by death³⁰.

6. In May 2010, during a public question-and-answer session with Islamic speaker Dr. Zakir Naik, Mohamed Nazim stated that he was “Maldivian and not a Muslim”³¹. Nazim was the first Maldivian to publicly announce he was not a Muslim³². The Islamic Foundation, a local religious

²⁰Eleanor Johnstone, *Blog Crack-Down “Is Just The Beginning”, Warns Censored Blogger*, MINIVAN NEWS (21 Nov. 2011), <http://minivannews.com/politics/blog-crack-down-is-just-the-beginning-warns-censored-blogger-28433> (internal quotations omitted).

²¹*Maldives: Dissident and Anti-Islamic Sites Blocked*, GLOBAL VOICES ADVOCACY: DEFENDING FREE SPEECH ONLINE (19 March 2009, 12:28 AM), <http://advocacy.globalvoicesonline.org/2009/03/19/maldives-dissident-and-anti-islamic-sites-blocked/>.

²²Johnstone, *supra* note 20.

²³*Reporter Missing For Past Ten Days in Maldives*, REPORTERS WITHOUT BORDERS (18 August 2014), <http://en.rsf.org/maldives-reporter-missing-for-past-10-days-18-08-2014,46814.html>.

²⁴*Id.* See CONST. OF THE REPUBLIC OF MALDIVES, ch. III, art. 73(3); *Id.*, ch. IV, art. 109(b); *Id.*, ch. V, art. 130(a)(3); *Id.*, ch. VI, art. 149(b)(1).

²⁵Johnstone, *supra* note 20.

²⁶Sufism is a dimension of Islam that follows all the outward signs of devotion to Allah, but further demonstrates “dedication to worship, total dedication to Allah [M]ost High, disregard for the finery and ornament of the world, abstinence from the pleasure, wealth, and prestige sought by most men, and retiring from others to worship alone.” *Sufism*, BBC NEWS (8 Sept. 2009), http://www.bbc.co.uk/religion/religions/islam/subdivisions/sufism_1.shtml.

²⁷Johnstone, *supra* note 20.

²⁸Benedict Rogers, *Choking Off Freedom In The Maldives*, N.Y. TIMES (26 July 2012), http://www.nytimes.com/2012/07/27/opinion/choking-off-freedom-in-the-maldives.html?_r=0.

²⁹*Children Liable*, *supra* note 12.

³⁰*Id.*

³¹Eugene Volokh, *Maldives: Islamic Foundation Calls for Death Sentence if Apostate Fails to Repent*, THE VOLOKH CONSPIRACY (31 May 2010, 12:16 PM), <http://www.volokh.com/2010/05/31/maldives-islamic-foundation-calls-for-death-sentence-if-apostate-fails-to-repent/>.

³²*Id.*

non-governmental organisation³³, called for Mohamed Nazim to be stripped of his citizenship and sentenced to death if he did not repent and return to Islam³⁴. Nazim’s statement challenged the constitutionality of revocation for renouncing the Muslim faith³⁵. The 2008 Maldivian Constitution states that anyone who was a Maldivian citizen at the commencement of the Constitution is a citizen of the Maldives³⁶. It also states that “[n]o citizen of the Maldives may be deprived of citizenship”³⁷. Thus, Maldives’ adherence to *Sharia* law, which punishes apostasy with revocation of citizenship, is contradictory to the Maldivian Constitution³⁸. Nazim said, “When I did what I did, legally I was absolutely convinced that there was no way I could not be a Maldivian”³⁹.

7. Ultimately, Nazim re-embraced Islam, after being detained for five days at the Dhoonidhoo prison where he received counseling from religious scholars⁴⁰. He said, however, “[t]he extremism that was taking hold in the Maldives was increasing so rapidly. . . . I needed to speak about it⁴¹”. Nazim stated that “[s]omebody had to do it, it needed to be spoken about. The repression of thought, the lack of debate and a lack of a proper public sphere in which such discussion can take place, is dangerous”⁴².

8. In July 2010, a 25-year-old air traffic controller, Ismail Mohamed Didi, who was being investigated by his employer for apostasy, was found hanged at Male International Airport in an apparent suicide⁴³. Didi had been seeking asylum in the United Kingdom, fearing persecution for his professed atheism⁴⁴. In emails sent to an international humanitarian organisation, Didi said, “[I] foolishly admitted my stance on religion” to co-workers, which “spread like wildfire. . . . I have even received a couple of anonymous phone calls threatening violence if I do not repent and start practising Islam”⁴⁵. Didi wrote, “I cannot bring myself to pretend to be I am something I am not, as I am a staunch believer in human rights. I am afraid for my life here and know no one inside the country who can help me”⁴⁶.

³³*Islamic Foundation Calls for Death Sentence for Nazim, if Not Repented*, MIADHU DAILY (30 May 2010), <http://www.miadhu.com/2010/05/local-news/islamic-foundation-calls-on-death-sentence-for-nazim-if-not-repented/>.

³⁴Eugene Volokh, *supra* note 31.

³⁵Azra Naseem, *Revelations of a Former Apostate: Mohamed Nazim Speaks to Minivan*, MINIVAN NEWS: INDEPENDENT NEWS FOR THE MALDIVES (28 Sept. 2010), <http://minivannews.com/society/revelations-of-a-former-apostate-mohamed-nazim-speaks-to-minivan-11617>.

³⁶CONST. OF THE REPUBLIC OF MALDIVES, ch. I, art. 9(a)(1).

³⁷CONST. OF THE REPUBLIC OF MALDIVES, ch. I, art. 9(b).

³⁸Azra Naseem, *supra* note 35.

³⁹*Id.*

⁴⁰*Id.*

⁴¹*Id.*

⁴²*Id.*

⁴³JJ Robinson, *Hanged Air Traffic Controller Sought Asylum for Fear of Religious Persecution*, MINIVAN NEWS: INDEPENDENT NEWS FOR THE MALDIVES (14 July 2010), <http://minivannews.com/society/hanged-air-traffic-controller-sought-asylum-for-fear-of-religious-persecution-9381>.

⁴⁴*Id.*

⁴⁵*Id.*

⁴⁶*Id.*

Increasing Religious Extremism.

9. “Extremists are targeting liberal intellectuals, writers and activists”⁴⁷. According to a “Threat Analysis Report” by the Maldives Broadcasting Commission, eighty-four percent of Maldivian journalists have reported being threatened at least once, due to attempts by political forces to control the media⁴⁸. Five percent of journalists reported being threatened daily⁴⁹. The top source of threat to journalists was identified as political parties; while gangs, religious extremists and the parliament were second; and the government placed third⁵⁰.

10. On 4 June 2012, three individuals belonging to Maldivian extremist Islamic groups attacked Ismail Rasheed⁵¹, the prominent blogger mentioned in paragraph four. The attackers stabbed Rasheed in the neck⁵². This was the third attack on his life since December 2011⁵³. Rasheed noted,

When they were slashing my throat, they uttered the words “Mee Shaheem, Imran, Muttalib faraathun hadhiyaa eh,” meaning “Compliments from Shaheem, Imran and Muttalib.” Even though the three politicians may not have directly ordered the three attackers to murder me, their calls for killing me somehow had a psychological influence on the three attackers to the extent that they did attack me⁵⁴.

In an interview with the International Federation for Human Rights, Rasheed said that “[t]he present government of Dr. Mohamed Waheed came to power with the help of Islamic extremists” because he had “seen some of [his] attackers behind police lines with media passes during [religious tolerance] protests”⁵⁵. Consequently, Rasheed believed that the Maldivian government would not seriously prosecute radical Islamists for violent crimes, which caused him to flee the country⁵⁶.

11. In January 2011, Aishath Velezinee, a Maldivian activist, was stabbed in the back in broad daylight⁵⁷. Two months before the attack, Velezinee claimed that members of the Judicial

⁴⁷Animesh Roul, *The Threat from Rising Extremism in the Maldives*, CTC SENTINEL (27 March 2013), <https://www.ctc.usma.edu/posts/the-threat-from-rising-extremism-in-the-maldives>.

⁴⁸Ahmed Rilwan, *Politicians, Gangs and Religious Extremists Threaten Media Freedom*, MINIVAN NEWS: INDEPENDENT NEWS FOR THE MALDIVES (1 May 2014), <http://minivannews.com/politics/politicians-gangs-and-religious-extremists-threaten-media-freedom-83908>.

⁴⁹*Id.*

⁵⁰*Id.*

⁵¹“*I Don’t Think the Maldives Is Safe for Me Anymore*”: Interview With Ismail Hilath Rasheed, Blogger and Human Rights Defender, FIDH (17 Sept. 2012), <http://www.fidh.org/en/asia/maldives/i-don-t-think-the-maldives-is-safe-12184> [hereinafter “*I Don’t Think the Maldives Is Safe*”].

⁵²*Id.*

⁵³*Id.*

⁵⁴Animesh Roul, *supra* note 47.

⁵⁵“*I Don’t Think the Maldives Is Safe*, *supra* note 51.

⁵⁶*Id.*

⁵⁷Animesh Roul, *supra* note 47.

Service Commission were conspiring with political officials to bring down the first democratically-elected government⁵⁸.

12. Intolerance toward other religions has also been manifested via attacks on cultural symbols in the Maldives⁵⁹. In November 2011, Islamist protestors damaged monuments given to the Maldives by the South Asian Association for Regional Cooperation because the monuments depicted “anti-Islam” objects of worship⁶⁰. In February 2012, Islamist radicals vandalized archaeological artifacts in the National Museum⁶¹, destroying, according to the museum’s director, “99%” of Maldives’ pre-Islamic history⁶².

Foreigners’ Right to Practice Religion.

13. “Foreigners, including those working in the growing tourist industry, are allowed to practice their religion but may do so only in private and may not engage in any missionary activities”⁶³. Furthermore, foreigners may not import any religious artifacts, such as statues or pictures⁶⁴. However, “religious scriptures may be brought into the country for personal use”⁶⁵.

Conclusion.

14. While the Constitution of Maldives grants rights and freedoms to its citizens, it limits those freedoms based on the government-authorized, Sunni Islam. There is no freedom of religion or religious expression in the Maldives as the practice or propagation of any religion other than Sunni Islam is not only forbidden but punishable by revocation of citizenship or death. With Islamic extremists gaining political power in the Maldives, religious freedom will continue to diminish, even within the Muslim community. Currently, there have only been limited demonstrations of religiously motivated instability and violence. But, as radical Islamic groups continue to gain power, moderate Muslims and non-Muslims will begin to experience severely restricted religious freedom. Thus, the Working Group must stress the importance of the freedom of religion and its free expression, and specifically urge the Maldivian government to resist embracing radical Islamic ideals.

⁵⁸*Id.*

⁵⁹*Id.*

⁶⁰*Id.*

⁶¹*Id.*

⁶²*Id.*

⁶³Asian Studies Center, *Maldives – Religion*, WINDOWS ON ASIA (2013), http://asia.isp.msu.edu/wbwoa/south_asia/maldives/religion.htm.

⁶⁴*Id.*

⁶⁵*Id.*