

THE INSTITUTE on Religion and Public Policy Report:

Religious Freedom in the Republic of Maldives

Executive Summary

(1) Instituted in 2008, the constitution for the Republic of Maldives declares Islam as the official state religion. The law requires that all citizens practice Islam. While restricting non-Muslim religions from establishing a community in the country, the government also has a tight grip on the required Muslim religion. The majority of abuse cases concerning religious liberty stem from actions of the Maldives' government.

THE INSTITUTE on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Status

(3) The official religion of the Maldives is Islam as proclaimed in the 1997 and the 2008 constitution. The constitution does not provide for any rights of freedom of religion or belief. All citizens must practice Islam as decreed by law. All the laws in the Maldives are based on Islamic or Shari'a Law. The president is seen as the supreme authority in the Maldives and on the tenets of Islam.

(4) Both the president and the cabinet members must all be Sunni Muslim as required by the constitution. The members of the People's Majlis, also known as Parliament, the Atoll Chiefs, and the judiciary are required to be Muslim of any denomination. Non-Muslims are not allowed to vote or hold office. Citizenship is only granted to Muslims.

(5) The Protection of Religious Unity Among Maldivians Act requires that both the government and the citizens of the country must protect the religious unity that they have created. Any action or statements that go against this act may result in a criminal penalty. The penalties range from fines to imprisonments. No one in the country is allowed to publicly talk about Islam unless the government has given that person permission, including imam. This law was enacted to maintain a moderate Islamic government rather than a radical one.

(6) The conversion of a Muslim to another religion is considered to be a violation of Shari'a law. The punishment that results from conversion to another religion is loss of citizenship. There are not any recorded cases of the government repealing the citizenship of an individual due to their conversion. Any individuals who are considering conversion are counseled to not convert after they are detained by the government.

(7) The civil law in the Maldives is based on Shari'a law. Furthermore, Shari'a law trumps civil law. If a situation cannot be resolved by civil law, Shari'a law will be utilized to come to a resolution. Shari'a law also controls inheritance resulting in the male heirs receiving twice as much as the female heirs. Due to the family law which complies with Shari'a law, women are not allowed to marry non-Muslim foreigners but men can marry non-Muslim foreigners. Any person also has the right to defend themselves in court with Shari'a law.

(8) The government of the Maldives maintained and funded the majority of the mosques in the country. Places of worship do not exist for non-Muslim religions. All imams in the country must use a government-approved sermon which has been drafted by the Supreme Council for Islamic Affairs. Legally speaking, imams are not allowed to write their own sermons independent from the government. Anyone who wishes to become an imam must go through exams and then present their scores and credentials to the Supreme Council for Islamic Affairs who certifies all imams. If the Supreme Council for Islamic Affairs does not grant certification to be an imam to an individual, that individual can appeal to the Board of Education. Some female imams do exist in the Maldives but they only work with women. A regulation of imams exists so that they can prevent the growth of fundamentalism in the country by insuring that the imam has appropriate theological qualifications.

(9) All non-Muslim foreigners, including tourists and foreign workers, are required to practice their beliefs in private exclusively. Furthermore, all visitors to the country must not suggest to citizens that they should practice other religions besides Islam. Any Muslim tourists or foreign workers can practice their religion in private or in the mosques where they live. Also, all foreigners are not allowed to import any items that go against the religion of Islam. These items include but are not limited to alcohol, pork products, and religious statues. Alcohol is allowed on the resorts for tourists but cannot legally be given to any citizen of the Maldives. Despite the fact that icons and religious statues are prohibited from being imported into the country, religious literature, such as The Bible, may be imported for personal use. The sale of non-Muslim religious items, such as Christmas cards, occurs in the resorts due to the preferences of the tourists.

(10) The school curriculum is required to be based on Islamic instruction. The Arabic-medium schools concentrate on Islam. Women also have the opportunity to receive an education. The government pays those who teach Islam.

(11) In October of 2007, press reports claimed that the Justice Ministry had banned all clothing which conceals a person's identity in the court room. Up until now, the Supreme Court for Islamic Affairs in the Maldives has yet to ratify a ban on the full veil.

(12) The country has recently drafted a new constitution in 2008. Although the Maldives have signed many international conventions, such as the International Covenant on Civil and Political Rights, which provide for freedom of religion, there exists a widespread feeling in the political world of this country to continue to require that all citizens be Muslim. The new constitution does not permit freedom of religion for the country.

Societal and Cultural Status

(13) The government officials of the Maldives have commented that citizens believe that Islam is one of the society's most distinctive features. Furthermore, the government proclaimed that citizens believe that Islam helps to maintain a peaceful society as well as a cohesive national identity. Furthermore, the president of the Maldives often encourages the citizens to continue to uphold the Muslim tradition in order to maintain unity.

(14) The majority of the population in the Maldives practices Sunni Islam. However, looking beyond the state religion of Islam, many different ethnic groups exist in this society. Many of these ethnic groups have ties to South India, Arab Communities, and Sri Lanka.

(15) As mentioned, all citizens born in the Maldives are considered Muslim. Parents are required to raise their children in the tradition of the Muslim religion. Any foreign-born individuals living in the Maldives are free to raise their children using any religion they see fit. If the religion that a foreign-born parent selects to raise their child non-Muslim, the parent is required to teach the religion to their child in private.

(16) As mentioned previously, all religious instruction in the country is required to have an Islamic-based curriculum. Many individuals who leave the country for advanced levels of education go to Pakistan, Saudi Arabia, or other Islamic countries in order to continue their religious education.

Abuse of Religious Liberty

(17) The constitution of the Maldives presents the biggest affront to religious freedom in the country. As the constitution does not allow for religious freedom, citizens lack basic liberties. Not considering the blatant violation of religious freedom which the constitution imposes on the citizens, few cases of societal discrimination induced by religious belief or practice exists. Furthermore, there have been no reports of religious prisoners or detainees. Also, no cases of forced religious conversion have been reported.

(18) In January 2009, the Ministry of Islamic Affairs banned a religious group from having a prayer group on Fridays. This action of the government was justified by the Protectionism of Religious Unity Act and provisions of the constitution which outlaw anything besides Islam.

(19) In February of 2008, the president of the Maldives proclaimed that music is permitted and acceptable in the Muslim religion. Shortly after the president's statement in March 2008, a local religious nongovernmental organization publicly showed a video of local scholars declaring that music is forbidden in Islam. The police stopped the gathering even though no prior warning was given to the group. The government stated that this was done because of the high risk of religious extremism arising from the situation.

(20) In November 2007, a minister from the government said that an all state-run television in the Maldives has been ordered to not employ any women who cover their heads in any manner. The government's reasoning behind this order rests on the fact that the government does not want to praise Palestinian suicide bombers. This decree is among a package of restrictions put in place to stop fundamentalist Islam in the Maldives to reassure tourists of the safety of the country. The decree also states that women in full veil cannot be shown on television even if the image is part of the news. Yet another part of the package requires that Palestinian suicide bombers not be referred to as jihadis which means holy warriors. The government does not want people referring the bombers as jihadis because the government believes it gives praise to the bombers. Furthermore, any panelist who is not moderate cannot be on television shows.

(21) In 2006, the government built a mosque on an old graveyard which is forbidden in Islam. The new mosque was built on Himadhoo Island. The people of the island refused to use the mosque due to its location. The residents of the island created a local, unregistered mosque to use instead of the one which the government had provided. In October of 2006, the police shut down the local mosque, moved all sacred material from the site, and then destroyed the local mosque. Afterwards, the police then arrested nine individuals using unnecessary force. These individuals began worshipping on the beach after the local mosque had been destroyed. The residents continue to refuse to use the mosque built by the government.

(22) Press reports have indicated that female police officers are permitted to wear head scarves. The female officers can wear the head scarves only after they have obtained a special permit. Various female police officers have commented that the permit was rescinded before they could even wear a head scarf to work for the first time.

United States Government Policy and Efforts

(23) The United States government discusses the issue of religious freedom with the government of the Maldives. The United States discusses religious freedom as part of their policy to promote human rights. There is no United States embassy in the Maldives. The United States' ambassador from the embassy in

Colombo, Sri Lanka has the responsibility as acting as the ambassador to the Maldives. The ambassador from Sri Lanka travels to the Maldives often.

Conclusion

(24) The government of the Maldives has a constitution which inherently restricts religious freedom in a very severe way. Even when shifting from the 1997 constitution to the 2008 constitution, the Maldivian government ignored all international pacts they signed relating to human rights which include religious freedom. Despite the general oppression of religious freedom of the country, the government has also started a crack down on all things that may produce religious extremism in the country. These actions have further limited religious freedom in the country. The government of the Maldives must rethink both their restrictive religion laws and endorsement of Islam if they wish to step away from the restrictive policies they have towards religious liberty within their country.