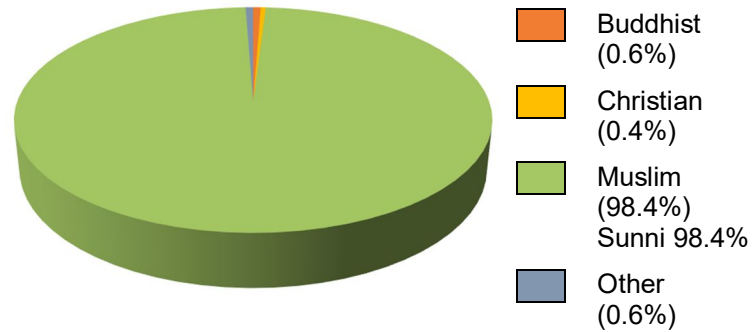


MALDIVES



Area:	Population ¹ :	Political system:	Major Language(s):
298 km ²	344,000	Democracy / Autocracy ²	Maldivian (Dhivehi)

Legal framework on freedom of religion and actual application

For most people, the Maldives conjure up images of a paradise of tropical beaches, or alternatively, the threat of global warming hanging over this archipelago of almost 1,200 islands, only 188 of which are inhabited. It is true that the country welcomes more than a million tourists each year – yet these tourists do little more than pass through the international airport, which is situated on an island close to Malé, the island capital. Here, almost 150,000 people are crammed into a space of barely six km², making this capital city one of the most densely populated territories in the world.³ The tourists then travel on to the island atolls, with their numerous luxury hotels, without ever encountering the overtly Muslim identity of this country, in which Islam is the state religion and nearly everybody is a Sunni Muslim.

Maldives is directly exposed to the threat of climate change as it is the most low-lying country in the world. The average height of the land is no more than 1.8 metres above sea level. While the government appears to have abandoned earlier plans to purchase new land in a neighbouring country – the Maldives are around 280 miles, or 450 kilometres to the south of India – there is a real risk of being submerged by rising sea levels. The capital, Malé, is, in fact, ringed by a dike which it is hoped will protect it from the rising ocean.

A move to democracy aborted

However, the political reality in recent years has been dominated not so much by the economic or environmental problems, but rather by the hardening of the ruling presidential regime. In 2008, after 30 years under President Maumoon Abdul Gayoom, the (Islamic) Republic of the Maldives seemed to be ready to take the path to a multi-party democracy, and new president Mohamed Nasheed, was even democratically elected – a first for the country. However, democracy is still struggling to assert itself in this former British colony. The rise to power of Mohamed Nasheed, a former journalist, ecologist and indefatigable activist, had in fact translated into a wind of freedom, and the country had adopted a new constitution which, notably, affirmed the independence of the judiciary. But in 2012, after three rather disappointing years in terms of reforms introduced, President Nasheed ordered the arrest of the Chief Justice of the criminal court on suspicion of corruption. This action was followed by unrest, which ended with the resignation of the president himself. In the subsequent presidential elections in 2013, amid widespread allegations of

irregularities, the Gayoom family once again took power in the person of Abdulla Yameen Gayoom, the half-brother of the former dictator. He was sworn in as president on 17th November 2013.

Since then, President Abdulla Yameen Gayoom has exercised power in an increasingly authoritarian way. Weakened by an assassination attempt in September 2015, as he was returning from a pilgrimage to Mecca – an incident that has still not been fully clarified to this day – and tarnished by a massive corruption scandal, the president has made a whole series of arbitrary arrests, some even involving the highest levels of government. In the space of a few months, two vice-presidents were accused of treason, and two defence ministers were put behind bars.⁴ On 22nd February 2015 there was the very public arrest, in the street, of the former president, Mohamed Nasheed. His sentencing to 13 years imprisonment for “terrorism” followed a trial marked by irregularities.⁵ In January 2016, after obtaining permission to leave the country for medical treatment in London, Mohamed Nasheed took advantage of the opportunity to burnish his image as the “Nelson Mandela” of the Maldives. In early February 2016 he appeared in a video addressing several thousands of Maldivians, gathered in Malé. He said: “We are not going to let our arms fall in despair while there is a risk of losing our wealth and our heritage because of corruption.”

Mohamed Nasheed has succeeded in dramatically raising his international public profile by enlisting as his legal defence the highly media savvy Amal Clooney, wife of actor George Clooney. In response, the Maldives’ government enlisted the services of Omnia Strategy, the legal firm of Cherie Blair, wife of former UK Prime Minister Tony Blair.⁶ Against this backdrop of legal conflict between leading political groups, radical Islam continues to prosper in the Maldives.

Article 10 of the constitution of 2008 states that: “(a) The religion of the State of the Maldives is Islam. Islam shall be the one of the basis (*sic*) of all the laws of the Maldives,” and “(b) No law contrary to any tenet of Islam shall be enacted in the Maldives.”

Article 9(d) states that: “A non-Muslim may not become a citizen of the Maldives.” Hence the Maldives’ government claims that the country is 100 percent Muslim. This official statistic quite obviously ignores the presence on the archipelago of a significant immigrant population, estimated at anywhere between 50,000 and 100,000 people, most of them from southern Asia (Bangladesh, Sri Lanka, India and Pakistan), who work in the hotels on the various atolls, and not all of whom are Muslims.

Article 19 states: “A citizen is free to engage in any conduct or activity that is not expressly prohibited by Islamic *Shari’a* or by law.”

Article 27 grants “the right to freedom of thought and the freedom to communicate opinions and expression”, but only “in a manner that is not contrary to any tenet of Islam”.

Article 67 states that it is the responsibility of every citizen “to promote democratic values and practices in a manner that is not inconsistent with any tenet of Islam” and also “to preserve and protect the State religion of Islam, its culture, language and heritage of the country”.

Article 100 states that the president and the vice-president may be removed from office in the case of a “direct violation of a tenet of Islam, the constitution or law”. And, in taking the oath for any public office, every official is required to swear “in the name of Allah the all-powerful” and also to say: “I will respect the Muslim religion.”

Even the educational system is constitutionally obliged to promote Islam. Article 36 (c) states: “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.” Article 70(c) states that: “The People’s Majlis shall not pass any law that contravenes any tenet of Islam.”

Article 142 refers to the courts: "When deciding matters on which the constitution or the law is silent, Judges must consider *Shari'a*." And article 149, referring to the qualifications for judges, states that, in addition to their other qualifications, a judge must "be a Muslim and a follower of a Sunni school of Islam".

Article 274 of the constitution also defines a "tenet of Islam" as meaning "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". It defines the term "Islamic *Shari'a*" as meaning "the Holy *Qur'an* and the ways preferred by the learned people within the community and followers of the Sunnah in relation to criminal, civil, personal and other matters found in the Sunna".

In addition to these restrictions in the constitution, the 1994 Law on the Protection of Religious Unity seeks to unify the practice and preaching of Islam, and, at the same time to limit or prohibit the practice and expression of all religions other than Sunni Islam. According to article 2 of this law, which was published in the official government journal in September 2011, government permission is obligatory for the giving of sermons and talks on Islam. Under article 4, these sermons, talks, or teachings are not permitted to contradict Islam, nor the general consensus established among the learned Muslim scholars, nor the *Qur'an*, the Sunna or the hadiths.

Article 4 likewise bans any preaching by other religions, while article 6 states: "It is forbidden on the Maldives to propagate any faith other than Islam, or to make the least effort intended to convert any person to a religion other than Islam. It is likewise illegal to publicly exhibit any symbols or slogans belonging to a religion other than Islam, or to incite interest in regard to them."

Similarly, under article 7 of this same law, it is illegal in the Maldives "to carry or exhibit in public any books on other religions (than Islam), any books or texts which promote or propagate other religions, and likewise the translation into the Divehi language of any of these books and texts on other religions."

Article 9 states: "It is illegal for non-Muslims living on the Maldives, and for non-Muslims visiting the Maldives, to express their religious slogans in public and to exercise any religious activities by forming groups and conducting such activities in public places, or involving Maldivians in their activities of this kind." And finally, article 10 states: "It is illegal to possess, distribute or disseminate programmes, writings, works of art or publicity on religions other than Islam." The penalty for any infringement of these laws, according to article 12, is between two and five years' imprisonment for Maldivian citizens while, in the case of foreigners, they "must be handed over to the ministry of immigration and emigration with a view to their expulsion".

Religious liberty in practice

There is no freedom to convert from Islam to any other religion, or to express any disbelief in regard to Islam. No other religion may be taught in the country except Sunni Islam. The Maldives authorities claim that foreigners living in the country are free to practise their religion in private, but in the past a number of Christian expatriates have been either arrested or expelled for having taken part in religious worship in private homes.⁷ All foreign visitors arriving in the Maldives are required to sign a declaration stating that they are not carrying any pornographic material, any idols, any alcohol, any pork meat or any "materials contrary to Islam".⁸ In the hotels for foreigners on the atolls alcohol is available, but it is contrary to the law to offer alcohol to a Maldivian.

As far as a Christian presence in the Maldives, the only certainty is that there is not a single Christian church or place of worship in the country. Christian Maldivians have nowhere to meet and do everything they possibly can not to be discovered. Christians are forced to live their faith in the greatest secrecy because they know what awaits them if they are discovered. Officially, there are no Maldivian Christians, but only Christian expatriates. The official import of Bibles and other Christian literature is absolutely prohibited. Evangelisation in any form is forbidden and is a

punishable offence. No foreign religious group is allowed to set up a centre or a local office in the country, still less any place of worship, with the sole exception of Sunni Muslim mosques.

No criticism of the official version of Islam is tolerated in any form whatsoever, not only on account of the law but also for social reasons.

Even the preaching and teaching of Islam itself can only be carried out by individuals authorised by the Ministry of Islamic Affairs, or after having obtained permission from the authorities.

Incidents

According to human rights organisation Amnesty International, religious vigilantes have carried out a growing number of abductions and attacks, apparently with the complicity of the police, against social gatherings, and in particular against those alleged to be promoting "atheism". In 2015, these gangs even attacked peaceful demonstrators, again with the complicity of the police, and not one person has been brought to justice regarding these attacks. Amnesty has described these attacks as part of what it calls an "alarming" deterioration in the human rights situation in the country.⁹

Prospects for freedom of religion

In recent years, graffiti has appeared in many places on the walls of the capital, and on some of the other islands, calling on people to join the ranks of Islamist terror movement Daesh. Nor is the influence of Daesh limited to just a few slogans, but is translated into significant levels of recruitment. Western and Indian intelligence agencies estimate that around 200 Maldivians, out of a population of 359,000, are in Syria and Iraq at the time of writing, so the Maldives can be considered as a recruitment camp for DAESH (ISIS).

According to Indian journalist Praveen Swami, a specialist in security issues writing in the Indian Express newspaper, this is the largest single contingent of any country in the world in proportion to its national population.¹⁰ There are various reasons for this. Firstly there are the close links forged between the Maldivian jihadist networks and Pakistani extremist groups. Another is the apparent failure of the authorities to investigate these links, and their recruitment networks, which operate via the social media. The Indian daily comments: "For tourism-dependent Maldives, the prospect of attacks on Western tourists staying at isolated resorts scattered across the country's more than 2,600 (sic) islands is a growing concern."

¹ Plus somewhere between 50,000 and 70,000 immigrant workers from the countries of southern Asia

² Current president, Abdulla Yameen, a half-brother of Maumoon Abdul Gayoom, whose autocratic rule lasted 30 years, has taken steps to restrict opposition protests against his government: <http://www.bbc.com/news/world-south-asia-12651486>

³ <http://statisticmaldives.gov.mv/preliminary%20results.pdf> : *Census 2014, Statistics Maldives. National Bureau of Statistics.*

⁴ *Libération*, 24 October 2015 : « Attentat contre le président des Maldives : le vice-président arrêté pour 'haute trahison' » (http://www.liberation.fr/planete/2015/10/24/attentat-contre-le-president-le-vice-president-arrete_1408598)

⁵ *The Christian Science Monitor*, 4 November 2015 : « Why Maldives is under a state of emergency » (<http://www.csmonitor.com/World/Global-News/2015/1104/Why-Maldives-is-under-a-state-of-emergency>)

⁶ *Libération*, 10 February 2016 : « Maldives : la résistance s'organise à Londres » (http://www.liberation.fr/planete/2016/02/10/maldives-la-resistance-s-organise-a-londres_1432329)

⁷ *Compass Direct News*, 12 August 2010 : « Prospects of Religious Freedom Appear Grim in Islamic Maldives » (<https://www.worldwatchmonitor.org/2010/08-August/23856/>)

⁸ Ibid.

⁹ *Amnesty International*, 24 April 2015 : « Maldives. Les droits humains sont mis à mal tandis que les autorités intensifient la répression » (<http://www.amnesty.fr/Maldives-Les-droits-humains-sont-mis-mal-tandis-que-les-autorites-intensifient-la-repression-14974>)

¹⁰ The Indian Express, 15 April 2015: "From Kerala family to ex-gangster, Islamic State pulls Maldives men", <http://indianexpress.com/article/india/india-others/from-kerala-family-to-ex-gangster-is-pulls-maldives-men>