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MALDIVES

Submission by:

ADF International
Chemin du Petit-Saconnex 28
1209 Geneva, Switzerland

Web: www.ADFinternational.org
Email: un@ADFinternational.org

Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report describes the current state of freedom of religion or belief in the Maldives.

(a) Freedom of Religion or Belief

3. With a population of approximately 324,000 citizens, the Maldives has been a majorly Islamic country since leaders adopted the religion in the early 12th century.¹ According to its Constitution, all laws passed in the Maldives must not conflict with Sharia law and, in order to be recognized as citizens and protected by national law, all are required to practice Sunni Islam.²
4. There is no protection for religious minorities or guarantee of religious freedom in that the government prohibits worship or religious practices of other religious groups.³ In 2018, Maldives defense minister Adam Shareef proclaimed that the Maldives would never allow religious freedom.⁴
5. Other than expatriates, there are officially no known Maldivian religious minorities, including Christians, on any of the nation’s approximately 1,200 islands. Strict apostasy laws make converting to another religion, or questioning Islam, illegal.⁵ Because of the country’s increasing national adherence to Sharia law, since the 2013 election of former President Abdulla Yameen diversion from Islam is not only punishable criminally in the Maldives, but approval of religious freedom in any regard is culturally taboo.⁶
6. The government of the Republic of Maldives has an established entity to regulate and manage religious affairs: the Ministry of Islamic Affairs (MIA). The MIA is a constitutionally mandated entity designed to inspect and approve all of the nation’s

¹ 'Maldives Profile' (*BBC News*, 2019) <https://www.bbc.com/news/world-south-asia-12651486>

² Constitution of the Maldives, Art 9-10.

³ 'FINAL WWL 2019 COUNTRY DOSSIER MALDIVES' (*Opendoorsusa.org*, 2019) <https://www.opendoorsusa.org/wp-content/uploads/2016/09/Maldives-FINAL-WWL-2019-DOSSIER-December-2018.pdf>

⁴ 'Will Not Allow Religious Freedom In Maldives, Says Defence Minister' (*Maldivesindependent.com*, 2018) <https://maldivesindependent.com/society/will-not-allow-religious-freedom-in-maldives-says-defence-minister-137455>

⁵ 'Apostates, Jihadists And Extremists Face Tough New Punishments' (*Maldivesindependent.com*, 2018) <https://maldivesindependent.com/society/apostates-jihadists-and-extremists-face-tough-new-punishments-137396>

⁶ 'Repression Of Maldives Christians To Intensify' (*World Watch Monitor*, 2017) <https://www.worldwatchmonitor.org/coe/repression-of-maldives-christians-to-intensify/>

religious texts, ensure prayer times are followed across the country, and advise the government on interpreting Sharia law.⁷

7. Favoritism for one religious group in the Maldives and lack of freedom to worship freely are consequences of a nation who has some of the most restrictive laws and policies towards religious freedom in the world.⁸ Citizens are almost guaranteed to be imprisoned, pay hefty fines, or be put to death if they shared about any religious experience or thought contradicting Islam or MIA standards. Because of this, there are few public stories of personal, Maldivian experiences in conflict with Islam and the country's strict religion laws.
8. All religious literature and exercise of worship or religious expression must be approved by the MIA. Maldives citizens are not allowed to establish a place of Christian worship or entitled to hold Christian meetings, even in the privacy of their own homes. Even tourists are not allowed to practice their faith or worship in public while visiting.
9. Section 1205 of the Penal Code which leaves up to interpretation orders for punishment according to the Quran. In light of this legal provisions, both blasphemy and apostasy are punishable by death in the Maldives.
10. Contraband laws prohibit the import of objects of a religion other than Islam.⁹ Notably, owning a Bible not approved by the MIA is punishable by death.¹⁰ As recently as September 2019, over one hundred books were confiscated from the nation's largest book fair. These books contained religious themes other than Islam, including books detailing the story of Christianity.¹¹
11. For the above reasons, according to Open Doors' World Watch List, the Maldives is the 6th most dangerous country in the world where to live as Christians.¹²

Freedom of religion or belief in international law

12. Laws and practices restricting the freedom of every individual to freely exercise their human right to freedom of religion or belief are in violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which clearly guarantees, among other things, the right to manifest one's religion or belief—whether

⁷ 'Ministry Of Islamic Affairs' (*Islamicaffairs.gov.mv*, 2019) <http://islamicaffairs.gov.mv>

⁸ 'How Religious Restrictions Have Risen Around The World' (Pew Research Center's Religion & Public Life Project, 2019) <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world>

⁹ Louis Doré, 'The Countries Where Apostasy Is Punishable By Death' (Indy100, 2017) <https://www.indy100.com/article/the-countries-where-apostasy-is-punishable-by-death--Z110j2Uwxb>

¹⁰ Kate Lyons and Garry Blight, 'Where In The World Is The Worst Place To Be A Christian?' (*The Guardian*, 2015) <https://www.theguardian.com/world/ng-interactive/2015/jul/27/where-in-the-world-is-it-worst-place-to-be-a-christian>

¹¹ Hassan Mohamed, 'Customs Seizes More Than 100 Books With 'Irreligious Content'' (2019) <https://maldivesindependent.com/society/customs-seizes-more-than-100-books-with-irreligious-content-147706>

¹² Sarah Eekhoff Zylstra, 'The Top 50 Countries Where It'S Most Dangerous To Follow Jesus' (Christianity Today, 2018) <https://www.christianitytoday.com/news/2018/january/top-50-christian-persecution-open-doors-world-watch-list.html>

in public or in private. Moreover, Article 19 ensures that all people have the right to freedom of expression and to hold opinions without governmental interference. Lastly,

13. In particular, blasphemy laws are inter alia an egregious violation of Article 19 of the ICCPR, which ensures that all people have the right to freedom of expression and to hold opinions without governmental interference. More still, such laws violate Article 22, which guarantees the right to freedom of association. Mere hostility on the part of the government towards certain religions is indeed not sufficient justification for limiting this fundamental human right guaranteed under international law.
14. It should be recalled that, upon its accession to the International Covenant on Civil and Political Rights (ICCPR) on September 19, 2006, the Maldives entered a reservation with respect to Article 18 stating 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.'¹³
15. Due to its incompatibility with the object and purpose of the Covenant pursuant to Article 19 the Vienna Convention on the Law of Treaties, this reservation is to be deemed invalid and therefore without legal effect. In addition, Article 27 of the same Convention is clear in affirming that a party may not invoke the provisions of its internal law as justification to abide by the provisions of a treaty.
16. That said, as the government of the Maldives strives to improve its human rights record, withdrawing this reservation would be seen as an important element of accountability – both domestically and internationally – with respect to the country's commitment to guaranteeing freedom of religion or belief for everyone.

(b) Recommendations

17. In light of the aforementioned, ADF International suggests the following recommendations be made to the Maldives:
 - a) Safeguard the right to freedom of religion or belief in the Maldives, both in law and in practice, for adherents of all religions, and root out all cases of religious persecution and exploitation of laws against members of religious minorities;
 - b) Ensure that the right to freedom of thought, conscience, and religion is duly recognized and respected in accordance with relevant international human rights law;
 - c) Grant non-Muslims the right to acquire Maldivian citizenship, including by repealing Article 9(d) of the Constitution.
 - d) Decriminalize apostasy and blasphemy and ensure and safeguard the rights to freedom of opinion and expression as required under international law;

¹³ 'OHCHR Dashboard' (2019) <http://indicators.ohchr.org/>

- e) Foster an environment of religious harmony and cooperation, and cease discriminating against individuals or communities based on their religious affiliation.



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