

7 December 2009

MALDIVES: What do Maldivians understand freedom of religion or belief to be?

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Why is there hostility to freedom of religion or belief in the Maldives, where Islam in a form approved by the state is the only legal faith? This hostility even extends to parliament unanimously considering a draft bill to ban the – already impossible – possibility of building non-Muslim places of worship. Although some Maldivians anonymously identify themselves as different from the repressive Maldivian identity imposed by former President Maumoon Abdul Gayoom, hostility - from both state and society - to freedom of religion or belief and freedom of expression continues under President Mohamed Nasheed. Repressive legal instruments, state actions and social intolerance contribute to this hostility, which imposes barriers on Maldivians' understanding of what their human rights are. This has serious implications for the Maldives' future. Some parents have told Forum 18 News Service that they are afraid of what may happen if they bring their children up with Muslim or non-Muslim beliefs different from those imposed by state and society. As a Muslim explained, "if I teach my child that Islam respects all human beings as equal his Islam teacher states that women are inferior." She commented that "if I don't want my child to grow up with this kind of attitudes and thinking, I see no other way than to migrate."

On 18 November the Maldives parliament, the Majlis, unanimously approved in the initial stages a bill banning all non-Muslim places of worship, with proposed penalties for those who violate the Law of large fines and long imprisonment, Forum 18 News Service notes. As some Majlis members pointed out, the Constitution already bans non-Muslims from being Maldivian citizens and any laws contrary to any "tenet of Islam" - as the Maldives' repressive government understands this – so the proposed Law does not in practice add new restrictions to Maldivians' freedom of religion or belief. Nevertheless, Majlis members unanimously sent the bill to a committee for further work. President Mohamed Nasheed's Office has stated that, if the bill is eventually passed, he would probably sign it. However, it is thought that it may be months before the bill is finally passed, if it is indeed passed. Yet the proposed Law - even if it is not eventually passed - raises the question of what Maldivians understand freedom of religion or belief to be.

Why?

Why is there such extreme hostility to freedom of religion and belief, and what do Maldivians understand by this? Increasingly, Maldivians are identifying themselves – anonymously - in weblogs as secular or non-Muslims. Yet the Maldives continues to severely restrict the religious freedom of both Maldivians and non-Maldivian workers in the country (see eg. F18News 23 June 2009 http://www.forum18.org/Archive.php?article_id=1316).

One Maldivian, who preferred not to be identified for fear of reprisals, told Forum 18 in October that "few Maldivians do understand religious freedom. I also believe that there is a fear among many that to consider religious freedom is equivalent to being blasphemous." Maldivians are under this impression because they are told that in Islam there is no freedom to choose one's religion.

During the rule of former President Maumoon Abdul Gayoom, who lost the October 2008 presidential election, the once religiously tolerant Maldives – which tended towards folk Islam – was changed into a society intolerant of all beliefs except state-approved Sunni Islam (see F18News 18 February 2009 http://www.forum18.org/Archive.php?article_id=1257). The country has denied that the freedom of religion or belief provisions of the International Covenant on Civil and Political Rights (ICCPR) apply to the Maldives, against the recommendations made by the UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir (see F18News 15 October 2008 http://www.forum18.org/Archive.php?article_id=1203). It similarly violates its international obligations in relation to the human rights of migrant workers (see F18News 23 June 2009 http://www.forum18.org/Archive.php?article_id=1316).

What do Maldivians understand by freedom of religion or belief?

Muslim and non-Muslim Maldivians Forum 18 spoke to in autumn 2009 expressed the view that under President Nasheed they had obtained religious freedom. They defined this as being free to discuss religious issues related to Islam.

A Maldivian Muslim told Forum 18 in autumn 2009 that "we have freedom now. I can now keep my English Bible in a cupboard in

my sitting room. I don't need to hide it in a concealed place, as I used to have to." However, Forum 18 notes that the individual did not feel safe enough to keep the Bible openly on a table in the sitting room.

Other Maldivians told Forum 18 in autumn 2009 that they have religious freedom because: Salafi Islam can now openly be preached; women can walk around in headscarves, covering even their eyes; and men can wear beards and shortened trousers. None of these things were permitted under former President Gayoom (see F18News 15 October 2008 http://www.forum18.org/Archive.php?article_id=1203).

No public freedom of religion or belief permitted

However, when asked whether Maldivians were free to formally study any religion and to choose to follow any religion or belief they wish, people unanimously answered "no". All agreed that Maldivians have to publicly be Muslim, and that they cannot formally study, publicly profess, or practice any other religion.

When asked whether Maldivian parents had the choice as to whether or not they had to teach their children Islam, the answer was always "no". One non-Muslim Maldivian said that she had no chance to teach her child something about her own belief. She felt that to do so would put her child in danger. She told Forum 18 that she does not know what would happen to her child, if someone found out that the child was taught about any religion except Islam. For example, she does not know whether the child would be taken away from her.

No public freedom of religion or belief for Muslims permitted

Individual Muslims also have no choice about how they personally follow Islam. Maldivians unanimously stated to Forum 18 that Maldivians could not publicly: follow any other approach to Islam apart from that within Sunni Islam; question the Islamic teaching of religious scholars; or pray in whatever way they wanted. They also stated that there was no public choice over whether one could: fast or not fast during Ramadan; drink alcohol; have intimate relationships outside marriage; or be publicly anything other than heterosexual in sexual orientation.

Echoing views Forum 18 has heard from other Maldivian Muslims in recent years, a Muslim told Forum 18 in autumn 2009 that she needed to migrate for her child to grow up in an environment that respects alternative views. She explained that the state denies her right to teach her child according to her own convictions. "Some years ago, we were told as Maldivians we had to be Muslims. Then the government started to narrow it down and asked us to be Sunni Muslim. Now for my child Sunni Muslim is not good enough, he is taught to follow Islam the Salafi way."

She told Forum 18 that in schools "the teacher has all power. If I teach my child to speak about God in a language and in terms that they can understand, and my child uses this language and terms in school examinations, the teacher will mark it as wrong. Although my child writes the correct Islamic answers, the teacher insists she personally decides which style of language children have to use when referring to God or religion." These are distinctions which are very important in speaking Dhivehi.

"If I teach my child that Islam respects all human beings as equal," she continued, "his Islam teacher states that women are inferior – even that I, my child's mother, makes my child unclean if I touch him after the ritual washing before prayers. My child is taught that women who follow true Islam stay at home and don't go out to work. In other words, my child is taught in school that his mother is not following true Islam. If I don't want my child to grow up with this kind of attitudes and thinking, I see no other way than to migrate."

As this Muslim Maldivian mother has discovered, legally Maldivians are not forced to follow Salafi Islam – but the social pressure to do so is very high.

Particular problems are caused by the Maldives Government's insistence that only Islamic marriages conducted in ways acceptable to the Maldives' narrow interpretations are legal and Muslim women cannot marry non-Muslim men unless they convert to Islam in a ceremony that the Maldivian authorities regard as acceptable (see F18News 15 October 2008 http://www.forum18.org/Archive.php?article_id=1203).

What do the authorities understand by freedom of religion or belief?

The authorities' approach to their international human rights obligations on freedom of religion or belief is hostile. Forum 18 asked the Human Rights Commission of the Maldives (HRCM) on 15 June for comment on the lack of religious freedom suffered by migrant workers (see F18News 23 June 2009 http://www.forum18.org/Archive.php?article_id=1316). In particular, the HRCM was asked to comment on:

1. a parliamentary statement of the Minister for Human Resources, Youth and Sports, Hassan Latheef, that the Maldives will not have to respect the freedom of religion or belief of migrant workers on joining the International Labour Organisation;

and 2. the report of the UN Special Rapporteur on Freedom of Religion or Belief (A/HRC/4/21/Add.3) following her country visit to the Maldives, including the comment at paragraph 68 that: "The Special Rapporteur is extremely concerned by the current limitations placed on the right of migrant workers and other foreigners to manifest their religion or belief. She notes that these limitations are implemented as a matter of practice, and not as a matter of law. As such, they may fail to comply with the requirement in article 18, paragraph 3 of the ICCPR that any limitation on the right to manifest one's freedom of religion or belief must be prescribed by law. Furthermore, the Special Rapporteur questions to what extent these limitations are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, as set out in article 18, paragraph 3, of the ICCPR and article 1, paragraph 3, of the 1981 Declaration."

[The text of the International Covenant on Civil and Political Rights (ICCPR), including Article 18 on the right to freedom of thought, conscience and religion, is available at <http://www2.ohchr.org/english/law/ccpr.htm>; General Comment 22 explaining Article 18 is available at <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/9a30112c27d1167cc12563ed004d8f15?Opendocument>; and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief is available at <http://www.un.org/documents/ga/res/36/a36r055.htm>.]

Minivan News on 5 October 2009 reported that HRCM Spokesperson Jeehan Mahmoud had said that the Commission decided not to respond as the Constitution clearly prescribes Islam as the state religion. Jeehan told Minivan News that the HRCM forwarded Forum 18's enquiry to the Ministry of Islamic Affairs for their reference. "We haven't sought advice from the Ministry because there's no question about it," Jeehan stated. "It's in the Constitution .. our first priority is the Constitution," she said.

Minivan News also reported that State Minister of Islamic Affairs Mohamed Shaheem Ali Saeed had said that places of worship for other religions could not be built in the Maldives. "We will not accept it under any circumstances," he told Minivan News. "They [Forum 18] want to build temples in the country. They have always been trying to spread Christianity in the Maldives. But it cannot be done. All Maldivians are Muslims."

State Minister Saeed added that expatriates, such as teachers and labourers, were free to worship in the privacy of their homes, but congregating for prayer was illegal. "In their personal life, in their homes, they can practice their beliefs," he told Minivan News. "But they can't gather people for worship."

Mohamed Shafaz Wajeesh, Director of the HRCM, replied to Forum 18 on 7 October that: "such rights should be respected insofar as Article 10 of the Constitution of the Maldives is upheld, which states that Islam shall be the religion of the state and shall be the basis for all laws in the Maldives."

The HRCM claims on its website that its "Vision" is: "Human rights, democracy and the rule of law for everyone." Yet Wajeesh's statement nullifies this "Vision", as Article 10 of the Constitution enacts Islam as the state religion, and states that "No law contrary to any tenet of Islam shall be enacted in the Maldives". The Constitution defines – or more accurately does not define - "tenets of Islam" in a way which leaves great uncertainty over what is legal and what is not, thus undermining all three elements of the HRCM "Vision" (see F18News 18 February 2009 http://www.forum18.org/Archive.php?article_id=1257).

Continuing to limit human limits, Wajeesh of the Human Rights Commission went on to state that "the Maldives has a reservation against Article 18 ["freedom of thought, conscience and religion"] of the International Covenant on Civil and Political Rights to the effect that the application of the principles set out in Article 18 shall be without prejudice to the Constitution of the Maldives."

Wajeesh ends his response by stating that "the Commission would like to give its assurances that foreign manual labourers or other expatriates, face no restrictions in joining local mosques for prayers, and further that expatriate school pupils are under no compulsion to choose Islamic Studies and Dhivehi Language, and can freely opt out of these subjects." The Human Rights Commission in this reply limits the internationally recognised right of all to freedom of religion or belief to practising Islam in a state-approved way and not forcing non-Maldivian children to study Islam.

Also in October the ruling-coalition Adhaalath Party, which controls the Islamic Affairs Ministry, issued a Dhivehi-language statement that: "There might be mosques, churches, temples and synagogues in the same street of Bombay (Mumbai), but we don't want that here. And even though the Indian government has made laws and is trying to bring the Christians, Hindus, Muslims, Buddhists, Jews and Sikhs to live together in peace and harmony, that doesn't mean we in the Maldives need to concern ourselves with it or make such laws."

Censorship continues

Some Maldivians Forum 18 spoke to in autumn 2009 said that they thought there was religious freedom in Maldives because people have the possibility to find out about other religions through the internet. According to them, the government is not able to monitor, censor and block all internet access. "Anyone who is really desperate can find information about other religions on the internet," Forum 18 was told.

However, the authorities still impose censorship on religious materials (see eg. F18News 23 June 2009

http://www.forum18.org/Archive.php?article_id=1316). This still includes blocking access to websites such as the Dhivehi (the Maldivian language) Christian website Sidahitun.com. Similarly, in March 2009 one international and eight local websites were blocked by the newly-created Ministry of Islamic Affairs, according to Iliyas Ahmed of the Telecommunications Authority of Maldives. Among the blocked websites was an Islamic site, raajjeislam.com, which was blocked after it published an audio clip of an imam claiming he had been threatened by State Minister of Islamic Affairs Saeed if he failed to co-operate with the Ministry's orders.

In July 2009 the Islamic Affairs Ministry banned the import of Indian company Airtel's digital satellite receivers in the Maldives. Minister Bari stated at a news conference reported by Haveeru on 7 July that the Ministry had received a CD of an Airtel-broadcast programme that promoted Christianity. Haveeru quoted him as saying that "the law prohibits the import of material that can be used to promote and spread illegal religions in the country", and that the Ministry would ban pornographic or Christian websites reported to them. On 12 July Haveeru reported that Mohamed Zuhair, Press Secretary of President Nasheed's Office, had said that if anti-Islamic channels cannot be blocked, Airtel receivers will be banned. Some Maldivians Forum 18 has spoken to state that the ban was not implemented because Airtel proposed to modify new satellite dishes, so that unwanted channels would be blocked.

Little chance of change for the better

Given the government hostility to its international human rights obligations to defend human rights such as freedom of religion or belief and the linked right to freedom of expression, it seems unlikely that Maldivians will be able to openly exercise these fundamental human rights in the near future. This will continue to impose barriers on Maldivians' understanding of what their human rights mean, despite an apparently increasing willingness of some Maldivians to anonymously in web comments openly express their diverse identities – for example in religion, belief, or sexual orientation.

However, already strong social pressure to adopt a radicalised Islamic identity is increasing. This causes moderate Muslim and other Maldivians to think that their only chance of being able to exercise their fundamental human rights is to leave their own country. It is not clear whether President Nasheed will ever seek to defend human rights for all in the Maldives, given his apparent willingness to sign a proposed bill banning all non-Muslim places of worship. (END)

For more background, see Forum 18's Maldives religious freedom survey at http://www.forum18.org/Archive.php?article_id=1203.

More analyses on freedom of thought, conscience and belief in the Maldives can be found at <http://www.forum18.org/Analyses.php?region=81>.

A printer-friendly map of the Maldives is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=maldiv>.

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