



Report to the Human Rights Committee on:

Maldives

Freedom of Religion or Belief (ICCPR art. 18), Freedom of Expression (ICCPR art. 19) and Right of Peaceful Assembly (ICCPR art. 21)

Submitted to the Human Rights Committee ahead of the consideration of the List of Issues Prior Reporting for Maldives during the Committee's 130th session in October 2020.

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Submitted by:

The World Evangelical Alliance (WEA) is a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

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1. Maldives is a state party to the International Covenant on Civil and Political Rights (ICCPR), with a reservation on Article 18, according to which religious freedom shall be “without prejudice to the Constitution of the Republic of Maldives.”¹
2. The Constitution of Maldives designates Sunni Islam as state religion and requires every Maldivian citizen to be Muslim (Articles 9.d and 10).² To be eligible for public office one must be a Sunni Muslim.
3. The Constitution does not make any mention of Freedom of Religion or Belief, and Article 17 of the Constitution does not prescribe “religion” as a ground for non-discrimination.³
4. The government does not allow any other religion than Sunni Islam in the country. **Abandoning Islam (apostasy) for another religion, or no religion, is illegal and may result in loss of citizenship and harsh punishments based on Sharia judgments, which may include the death sentence.**
5. Although some specific Sharia penalties are not prescribed in the Criminal Code of Maldives, judges hold discretion to impose Sharia penalties on *hudud* crimes, which, according to Sharia include apostasy, transgression, theft, highway robbery, adultery, slander and drinking alcohol. According to section 1205 of the Criminal Code of Maldives on *hudud* crimes: “if an offender is found guilty of committing an offense for which punishments are predetermined in the Holy Quran, that person shall be punished according to Islamic Sharia and as prescribed by this Act and the Holy Quran.” Sharia jurisprudence is often understood to provide for the death penalty in cases of apostasy.
6. According to a policy paper published by the Ministry of Islamic Affairs in April 2018 aimed at reinforcing the legal framework on apostasy and “mockery” of Islam, “apostates” should be “removed from society for a certain period set by law” and be deprived of all state benefits, including state-provided health insurance, land rights, housing subsidies, and low-interest loans.⁴ According to international human rights law, freedom to have or to adopt one’s religion or belief of their choice is an absolute right and no limitations are allowed.
7. “Criticizing Islam” is a criminal offense in Maldives, which includes engaging in criticism of Islam in public; the production, sale and distribution of material criticizing

¹ https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND.

² Art. 9: “(a) The following persons are citizens of the Maldives: 1. citizens of the Maldives at the commencement of this Constitution; 2. children born to a citizen of the Maldives; And 3. foreigners who, in accordance with the law, become citizens of the Maldives. (b) No citizen of the Maldives may be deprived of citizenship. (c) Any person who wishes to relinquish his citizenship may do so in accordance with law. (d) Despite the provisions of article (a) a non-Muslim may not become a citizen of the Maldives.” Art. 10: “(a) The religion of the State of the Maldives is Islam. Islam shall be the one of the basis of all the laws of the Maldives (b) No law contrary to any tenet of Islam shall be enacted in the Maldives.” Constitution of the Republic of Maldives, 2008, available at: <https://storage.googleapis.com/presidency.gov.mv/Documents/ConstitutionOfMaldives.pdf>.

³ Art. 17.a: “(a) Everyone 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.” *Ibid*.

⁴ Apostates, jihadists and extremists face tough new punishments, Maldives Independent, April 11, 2018, <https://maldivesindependent.com/society/apostates-jihadists-and-extremists-face-tough-new-punishments-137396>.

Islam and “[a]ttempting to disrupt the religious unity of the citizens of Maldives”. The Criminal Code does not specify what is intended by “criticizing”.⁵

8. Whereas all Maldivian citizens are considered as Muslims and do not enjoy their right to change one’s religion, **Non-Muslim expatriates are not allowed to hold any religious activities in public, including weddings**. Expatriates are allowed to practice their religion only in private. The law prescribes that non-Muslims living in Maldives must not openly express their religious beliefs, hold public religious meetings, propagate any religion other than Islam, and proselytize. The law prescribes that those expressing religious beliefs other than Islam face imprisonment of up to five years or house arrest, fines from 5,000 to 20,000 rufiyaa (\$320 to \$1,300), and deportation. Encouraging Maldivians to participate to any non-Islamic religious activity is illegal.
9. Finally, women and girls are under community pressure to wear clothing deemed appropriate according to certain interpretations of Islamic precepts. Women and girls are often harassed or threatened for not wearing head covering, and those who chose not to cover their head face public stigmatization. In April 2018, for example, the police briefly arrested a male taxi driver who threatened to kill a woman for not wearing a hijab. The police released the man within hours without charges.⁶
10. The Human Rights Committee in its Concluding observations adopted at its 105th session declared “the State party’s reservation to article 18 of the Covenant to be incompatible with the object and purpose of the Covenant (general comments No. 22 (1993) on the right to freedom of thought, conscience and religion, and No. 24 (1994) on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant) because: (a) it applies unrestrictedly to all the provisions of article 18 of the Covenant, including the right to have or adopt a religion, which right may not be subject to restriction; (b) moreover, the reservation is not specific, and does not make clear what obligations of human rights compliance the State party has or has not undertaken (general comment No. 24 (1994), para. 19).”⁷
11. In the same concluding observations the Committee recommended that Maldives should revise its Constitution to ensure that religion is not a basis for citizenship; expressed concern at the fact that non-Muslims can only practice their religion in private and do not have public places of worship; and that it is prohibited for Maldivian citizens to adopt a religion other than Islam. As the Committee can observe from the present report, issues of concern previously addressed by the Committee with regards to

⁵ “(a) Offense Defined. A person commits an offense if (1) engages in religious oration and criticism of Islam in public or in a public medium with the intention to cause disregard for Islam; or (2) produces, sells, distributes, or offers material criticizing Islam with the intention to cause disregard to Islam; (3) The production, possession, sale, distribution, dissemination of pornography in the Maldives or importation thereof. (4) The production, possession, sale, distribution dissemination and importation of idols of worship in the Maldives or importation thereof. (5) Attempting to disrupt the religious unity of the citizens of Maldives, and conversing and acting in a manner likely to cause religious segregation amongst people. (c) Grading. The offense is a Class 1 misdemeanor.” The Criminal Code of Maldives, 2014, available at: <https://www.law.upenn.edu/live/files/4203-maldives-penal-code-2014>.

⁶ Police probe death threat against woman for not wearing hijab, Maldives Independent, April 15, 2018, <https://maldivesindependent.com/society/police-probe-death-threat-against-woman-for-not-wearing-hijab-137457>.

⁷ Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July, 2012, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMDV%2fCO%2f1&Lang=en.

freedom of religion or belief, freedom of expression and freedom of peaceful assembly have not yet been addressed by Maldives.

Suggestions for List of Issues for Maldives

12. In light of the above, we respectfully call on the Human Rights Committee to submit the following questions to Maldives:
13. Please explain how a blanket reservation to Article 18 the Covenant is compatible with the object and purpose of the Covenant, and provide information on whether the State party intends to withdraw such reservation.
14. Please clarify how punishment for apostasy, removal from the society and lifting of state benefits to individuals abandoning Islam is compatible with the provisions of the Covenant, in particular article 18.2.
15. Provide information on how many individuals identified as “apostates” are currently in detention, on death row, in isolation from the society or forcibly exempted from state benefits.
16. Please provide information on how Section 617 of the Criminal Code on “criticizing Islam” is compliant with the provisions of the Covenant, in particular articles 18 and 19.
17. Please clarify how the criminalization of all manifestations of religious beliefs different than Islam is consistent with the provisions of the Covenant.
18. Please clarify how Maldives intends to protect and prevent women and girls from harassment and other acts of violence for manifesting their freedom of religion or belief.