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

Odd Larsen

Forum 18 (07.12.2009) / HRWF (11.12.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> – 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.

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 (. The country has denied that the freedom of religion or belief provisions of the International Covenant of 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. It similarly violates its international obligations in relation to the human rights of migrant workers.

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.

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.

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. 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."

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".

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. 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.

Reform excludes freedom of religion or belief

By Odd Larsen

Forum 18 (18.02.2009) / HRWF (23.02.2009) – Email: info@hrwf.net – Website: <http://www.hrwf.net> – Mohamed Nasheed's election as President of the Maldives was hailed as the dawn of a new era of democracy and freedom in the Indian Ocean country. Under former President Gayoom, the once religiously tolerant Maldives – which tended towards folk Islam – was changed into a society intolerant of all beliefs except state-approved Sunni Islam. President Nasheed has, Forum 18 News Service notes, taken no steps to dismantle the Gayoom legacy of continuing religious freedom violations. Indeed, the scope for violations has been increased by the creation of a new and powerful Ministry of Islamic Affairs. The 2008 Maldivian Constitution, inherited from the Gayoom era, also places many obstacles in the way of establishing human rights. Many Maldivians – especially secular and non-Muslim Maldivians forced to conceal their beliefs – have begun using anonymous weblogs to voice their concern over the situation. Fear of social

ostracism and government punishment prevents this concern from being openly expressed. If President Nasheed does not respect all Maldivians' right to freedom of religion or belief, he will not be able to fulfil his promises to respect their human rights.

The election of Mohamed Nasheed in October 2008 as President of the Maldives was hailed internationally and locally as the dawn of a new area of democratisation and the recognition of basic freedoms in the Indian Ocean country. However, what is often unnoticed is that religion is politically such a sensitive issue in the Maldives that President Nasheed has excluded it from his reforms.

Under President Nasheed's predecessor, Maumoon Abdul Gayoom, in power from 1978 to 2008, Sunni Islam was made the cornerstone of nationalism, and the once religiously tolerant Maldivian society – which tended towards folk Islam - underwent a wide ranging Arabisation and Islamic radicalisation. Indigenous cultural symbols and practices (including personal names) were declared un-Islamic and therefore forbidden. Islam became a compulsory subject in schools.

The 1997 Constitution - amended in 2008 - declared Islam the official state religion, while the 1994 Protection of Religious Unity Act went even further by ordering religious homogeneity.

Seeing being a follower of Sunni Islam as an essential part of being Maldivian became deeply engraved in every Maldivian's heart. Nowadays most Maldivians perceive the very thought of non-Muslim Maldivians and/or the idea of a multi-religious society as a national threat. As a result, no politician openly challenged the suggestion of one Member of Parliament to add the clause "a non-Muslim may not become a citizen of the Maldives" to the newly amended Constitution in 2008. Thus, article 9d of the amended Constitution stipulates that "a non-Muslim may not become a citizen of the Maldives".

In May 2008 the local news agency Minivannews quoted the then Information Minister as saying: "it will be very difficult for Maldives mentality to accept Maldives citizens may belong to a different faith". And he added: "No Maldives leader would want to rock the boat." This has proved to be true not only for the members of the old government, which left office in the wake of last year's election, but also for newly elected President Nasheed and his government.

Even Dr. Hassan Saeed - co-author of the book "Freedom of Religion, Apostasy and Islam" which is banned in the Maldives (see Forum 18's October 2008 religious freedom survey at http://www.forum18.org/Archive.php?article_id=1203) - dismissed any concerns about the discriminatory citizenship clause. Minivannews quoted him as saying that the issue was of "very little relevance" as "we do not have a non-Muslim population".

It seems that the new government's commitment to human rights does not include freedom of religion or belief - which also touches such rights as freedom of expression and freedom of association. This was already exposed during the 2008 election campaign.

The political use of religion

At the same time as the Arabisation of Maldives was taking place, many young Maldivian students were sent to be educated in Islamic institutions abroad. Some of these youths have come back to the Maldives with radicalised religious views and attitudes. Their views mixed with former President Gayoom's rhetoric warning of religious (Christian) infiltration from outside and fostered fertile ground for xenophobia in general and discrimination and intolerance against non-Muslims (mainly Christians) in particular. Accusing a Maldivian of being a "Christian" became the worst possible insult.

Not only parties like Adhaalath and the Islamic Democratic Party (IDP), which claim a specific religious basis, started making use of religious claims in politics. Other parties, without an overt religious basis, also started using religion as a political tool.

Religion became one of the main focuses of the 2008 presidential election campaign. While the government of President Gayoom accused the opposition of trying to introduce "foreigners and Jews" and non-Islamic religions into the Maldives, the opposition filed a case against President Gayoom, accusing him of not being a Sunni Muslim. The accusation was based on President Gayoom's refusal to make veiling of women mandatory and because he allegedly did not believe in the second coming of Christ.

During the presidential campaign, current President Mohamed Nasheed was also caught up in religious controversy. When his appointment of a female running mate was challenged as un-Islamic by his party's religious advisors, Nasheed yielded to pressure and dropped her. In order to win the elections, Nasheed depended on an alliance of the opposition, including the religiously conservative Adhaalath Party.

Party hostile to religious freedom given control of religious affairs

In the wake of a religiously motivated bomb blast in the capital Malé in September 2007, people finally started to realise the magnitude of the change in the religious perceptions of Maldivian society. President Nasheed too, seems to be aware of the dangers of religious intolerance. He told the Sri Lankan newspaper The Sunday Times shortly after his election: "We have to respect different religious views. I hope with improved governance and the rights of people being guaranteed the issue of fundamentalism will subside. People who want to preach can preach and those who want to follow a different line also do so. Fundamentalism will be eradicated with democracy."

However, President Nasheed is not following up on this promise. In order to secure the support of the Islamic conservative movement, one of his first acts as President was to create the Ministry of Islamic Affairs and to appoint members of the Adhaalath Party to its senior positions. As Minister of Islamic Affairs, President Nasheed appointed Sheikh Abdul Majeed Abdul Bari. In May 2007, Bari had told Minivannews that he believes that apostasy is one of three offences that must be punished by death, along with adultery and murder. (In the Maldives apostasy is understood to mean either leaving Islam as defined by the state or denying Islamic doctrines.) Bari also stated: "There would be peace if the country was practising Islamic Shari'ah."

Recently a reader voiced his disappointment with the new government in an open letter published in Minivannews: "Every single Friday prayer, since the inauguration of the new government, has been led by a religious figure from Adhaalath. Only scholars associated with the Adhaalath Party are allowed to give previously unseen sermons; all other Imams are asked to read sermons pre-approved by the Ministry of Islamic Affairs."

By giving Adhaalath political control over religious affairs, it seems that President Nasheed was trying to silence those expressing concern over possible religious pluralism under his presidency. However, by giving so much political power to members of the most conservative Islamic party in the Maldives, President Nasheed has opened the door widely to more religious discrimination.

In November 2008 a Maldivian man was investigated at the airport for having an English-language Bible in his luggage. The following month Bari, the newly appointed Minister of Islamic Affairs, not only temporarily closed down a Christian website, but on New Year's Eve he also ordered the banning of all discos and parties, explaining that mixed-sex dancing is forbidden in Islam.

In January 2009 the Ministry of Islamic Affairs announced that it would ban a religious group from practicing Friday prayers independently of the state. Bari justifies his orders on the basis of the Protection of Religious Unity Act and provisions of the new Constitution – adopted in 2008 - which outlaw anything that is against the "tenets of Islam". This illustrates how the new Constitution justifies religious discrimination.

On 28 January the local newspaper 'Haveeru' reported that a man had been prosecuted in the Maldivian Criminal Court for denying the existence of Allah and the prophethood of Mohammed. After the man confessed the existence of Allah and affirmed the prophethood of Mohamed in the court, the judge made him recite the Shahadah (Islamic creed) and urged him to embrace it strongly. The judge suggested that such cases should be handled by the Ministry of Islamic Affairs. Given Islamic Affairs Minister Bari's statement that apostasy deserves death, this development in the justice system causes concern.

Maldivian Constitution violates human rights

The current 2008 Maldivian Constitution, inherited from the era of President Gayoom, also places many obstacles in the way of establishing freedom of religion or belief in the Maldives. Some of the main obstacles are:

Constitution denies citizenship to non-Muslims

Article 9d stipulates that "a non-Muslim may not become a citizen of the Maldives". Maldivian politicians are not sure how to interpret this article. Does it only refer to people who were not Maldivians at the beginning of this Constitution and now wish to become Maldivians, or is it possible to strip non-Muslims of their current Maldivian citizenship? Although widely discussed by the public, the government has so far refrained from officially clarifying the meaning of this article. Either way this article clearly contradicts the Maldivian commitment to adhere to international human rights standards.

Rule of law undermined by Constitution's lack of clarity

Article 10 enacts Islam as the Maldivian State religion, but it does so in a way which causes great uncertainty about what this means in legal practice. Section 10b states that "No law contrary to any tenet of Islam shall be enacted in the Maldives". Similarly the Constitution limits the rights and freedoms of citizens in Article 16 to "a manner that is not contrary to any tenet of Islam". Article 16 c goes even further, pointing out that individual freedoms can also be limited "in order to protect and maintain the tenets of Islam". Likewise, the freedom of expression in Article 17 is explicitly limited to "a manner that is not contrary to any tenet of Islam".

"Tenet of Islam" is defined as: "the Holy Qur'an and those principles of Shari'ah 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".

The reference to "tenets of Islam", takes away certainty of what is legal and what is not. According to Article 16c courts will have to draw the line between the protection and maintenance of the tenets of Islam and the limits of personal freedom guaranteed by the Constitution. In other words, there is no clear distinction between religion and law. In addition, the freedoms guaranteed by the Constitution are subject to various religious interpretations.

The problem of the uncertainty of law is further enhanced by the frequent references to Islamic Shari'ah. Article 142 stipulates that "When deciding matters on which the Constitution or the law is silent, Judges must consider Islamic Shari'ah."

"Islamic Shari'ah" is defined, as: "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." As with "tenets of Islam", this is an extremely wide-ranging and vague formulation.

Shari'ah law in the Maldives is not codified and a matter of debate, subject to various interpretations. Some interpretations of Shari'ah clearly violate international human rights standards. These interpretations favour the rights of men over those of women and discriminate against non-Muslims. By referring to Shari'ah law in the Constitution, the Maldives weakens its commitment to adhere to human rights standards and the international commitments it has voluntarily undertaken.

Freedom of religion or belief omitted from Constitution

When a Special Majlis discussed amendments to the Constitution in 2008, it dropped any guarantee of freedom of conscience and religion from the Constitution. This is in line with a longstanding practice of denial of religious freedom by the Maldivian government. The country has entered reservations relevant to freedom of religion or belief in a number of international treaties.

The decision to drop any reference to freedom of conscience and religion from the Constitution was taken in spite of the recommendations made by the UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, following her visit in August 2006.

Religious discrimination included in Constitution

Article 17 lists attributes for which people should not be discriminated against. By excluding religion from this list - a very significant omission in the Maldivian context, the government not only sanctions religious discrimination but underlines the religious discriminatory nature of this whole Constitution.

Constitution imposes mandatory practice of Islam

Several Articles clearly make it mandatory for Maldivian citizens to practice Islam. Article 36 makes it "imperative on parents and the State to provide children with primary and secondary education". Section C of the same Article stipulates that "Education shall strive to inculcate obedience to Islam, instil love for Islam".

In practice, the wording is interpreted and understood to mean that parents are forced to educate their children as Muslims, whether they themselves are Muslim or not. Parents have told Forum 18 that their children are asked by teachers what they are taught about religion at home. This makes Non-Muslim parents hide their religious conviction from their own children in order to protect them from any harassment.

Article 67 goes even further than Article 36. Section g stipulates that it is the duty and responsibility of a Maldivian citizen to "to preserve and protect the State religion of Islam". Although the exact meaning of the wording is not given, ordering citizens to "preserve" and "protect" Islam is asking much more than simply to "respect" Islam. It puts non-Muslim citizens under pressure to compromise their own conviction.

Constitution requires key posts to be held by Sunni Muslims

According to the Constitution, all candidates for Presidency or vice-presidency, all ministers, all judges, as well as all members of the parliament (People's Majlis) have to be Sunni Muslims.

Along with many other parts of the Constitution, this directly contravenes international human rights standards such as the International Covenant on Civil and Political Rights. As the former UN Human Rights Committee's General Comment 22 on Article 18 of the ICCPR notes at paragraph 10: "If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties, etc., or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it."

Is President Nasheed really committed to human rights?

New Maldivian President Nasheed has promised to adhere to international human rights standards. Nevertheless, so far he has not moved to support freedom of religion or belief, a core human right inextricably linked with freedoms such as freedom of speech, assembly, and association. Publicly adhering to non-Muslim faiths – or indeed professing atheism – remains forbidden, while the public manifestation of Islam remains that defined by the state. Moreover, by giving the Islamic conservative Adhaalath Party political control over religious affairs, President Nasheed has increased the possibility of further violations of the right to freedom of religion or belief.

Recently, many Maldivians have started to voice their concern over this, in anonymous weblogs. It is feared that the Adhaalath Party was given control over religion in exchange for the political security of President Nasheed and Islamic legitimisation of the ruling party. Secular and non-Muslim Maldivians alike feel unease. However, the fear of social ostracism and government punishment inhibits people from voicing their concern openly.

President Nasheed faces a choice. If he does not bring the new Constitution into line with international human rights standards, or prevent the new Ministry of Islamic Affairs imposing its view of religion on the population, he will not be able to fulfill his promises to adhere to international human rights standards. Further, the nationalistic view of Maldivian identity created in the Gayoom era will be further entrenched, and Maldivian society will forget that it was once a religiously tolerant society.

President Nasheed's choices will be crucial in determining whether Gayoom's legacy of freedom of religion or belief violations will be overcome. If Nasheed does not respect all Maldivians' right to freedom of religion or belief, he will not be able to fulfill his promises to respect their human rights.
