

**MUSLIM BY LAW – A RIGHT OR A VIOLATION OF RIGHTS?  
A STUDY ABOUT THE MALDIVES**

July 2005

## SYNOPSIS

This dissertation examines the Maldivian government's claim that the Maldives has the right to remain 100% Muslim. It is based on evidence gathered from Maldivian government sources, victims of human rights abuses, reports of human rights and news agencies, recent anthropological research and literature of contemporary Muslim writers.

Chapter one introduces the discussion about the universality of the Universal Declaration of Human Rights (UDHR) and relates this to the Maldivian context. Chapter two portrays the Maldivian government's concerns and position on human rights issues. Chapter three presents the research findings into potential human rights violations mainly of Article 18 but also of Article 19 of the UDHR in the Maldives. Chapter four is a critique of the Maldivian government's position by using evidence from recent anthropological research and contemporary Islamic literature. Chapter five identifies the implications of the findings of this research for the Maldivian context, discusses the validity of cultural relativism in relation to the UDHR and gives personal recommendations for people involved in the reform process in the Maldives and the wider community.

Overall this dissertation suggests that the Maldivian claim is not legitimate and that the UDHR is based on a global ethic and therefore universally relevant and applicable to all.

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# 1. INTRODUCTION

It is generally acknowledged that the United Nations' (UN) Universal Declaration of Human Rights (UDHR) is a mainly western document dealing with western problems and circumstances. Considering the fact that some of the governments signing the Declaration in 1948 were colonising powers at that time, it is not surprising that the UDHR focuses neither on community rights nor explicitly demands a just economy and labour rights. In the aftermath of the Second World War, the UDHR was mainly concerned with the protection of individuals from oppressive governments, hoping to avoid situations like that of the Third Reich.

With this in mind it is understandable that the UDHR has been viewed suspiciously by governments and peoples who have not been directly involved in its making. With the uprising of post-modernity and cultural relativism the 'universality' of the UDHR has been questioned not only by people, who felt excluded mainly from the southern hemisphere, but also by others, like western anthropologists. The UN responded to these demands by further elaborating on the UDHR. Since 1948 there have been several more UN agreements on Human Rights.<sup>1</sup> With these agreements the UN created tools that not only protect individuals from oppressive states, but also states from colonial abuse; this means that human rights concepts have become less individualistic and more inclusive. Nevertheless, their universality is still questioned and Kofi Annan, the Secretary General of the UN, acknowledges that the principles of the UDHR are far from being implemented fully in today's society. He recently stated that "those great documents expressed an optimistic vision, not a description of existing realities."<sup>2</sup>

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<sup>1</sup> These include the *Covenant on Civil and Political Rights*, the *Covenant on Economic, Social, and Cultural Rights*, the *UN Convention on the Condition of the Wounded and Sick in Armed Forces*, the *Convention against Genocide*, the *Convention against Torture*, the *Convention on Elimination of Discrimination Against Women*, the *Convention on the Rights of the Child*, the *Charter of the United Nations*, the *Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief* and the *Declaration on the Rights of Persons belonging to National or Ethnic, or Religious and Linguistic Minorities*. For a full list on UN International human rights Instruments see:

<http://www.unhchr.ch/html/intlinst.htm>

<sup>2</sup> Kofi Annan speaking in Tübingen (Germany) in 2003: <http://www.weltethos.org/index.htm>

The editors of the book *Culture and Rights*<sup>3</sup> identify several tensions between rights and cultures: culture in the UN documents is seen as having clear boundaries and being clearly defined, however anthropologists today see cultures rather as changing and evolving. Another tension is described as 'rights versus culture' where rights seem to undermine individual cultures. The opposite is also possible namely when people understand the 'right to culture' in ways that put certain cultural habits above universal rights. The editors further point out that the whole human rights scheme or apparatus has become a culture of its own. In order to understand one's right, or to demand one's right, one has to know this culture and act according to its rules.

### **1.1 A Study about the Maldives**

Unnoticed by the wider world, human rights agencies like Amnesty International have reported for years that there are human rights violations in the tropical holiday paradise of the Republic of Maldives. President Maumoon Abdul Gayoom categorically denies these allegations. President since 1978, he is not only the political head of state but also head of the army, judiciary, finance and of religious affairs. Hence, it seems appropriate for this paper to look at President Gayoom and his arguments as 'the personification' of the Maldivian government. References to President Gayoom therefore acknowledge his role as representative of the Maldivian government and are not intended to imply criticism of him personally.<sup>4</sup>

The Maldives claims to be a 100% Islamic state, with every Maldivian required to be Muslim by law. Advocating 'the right to culture' the Maldivian government so far refused the implementation of some aspects of Articles 18 and 19 of the UDHR<sup>5</sup> because they are seen as 'rights against culture'. Applying 'cultural relativism', the Maldivian President Gayoom explains that Islam is a vital cultural trait of being Maldivian, and therefore being Muslim by law is not a problem for its citizens. He claims to fully abide by the UDHR and to grant individual rights in the constitution

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<sup>3</sup> Cowan, Dembour, Wilson (ed.) *Culture and Rights – Anthropological Perspectives* (Cambridge: Cambridge University Press, 2001)

<sup>4</sup> For an overview of the presidential powers see in the appendix under "The Powers of President Gayoom" pp. 70 ff.

<sup>5</sup> Article 18: Freedom of thought, conscience and religion; Article 19: Freedom of opinion and expression

'according to the law' ('law' referring to the way Shari'ah<sup>6</sup> is practised in the Maldives). At the same time the Maldives attached a reservation to Article 14 of the Convention on the Rights of the Child that grants the right of the child to freedom of thought, conscience, and religion. The reservation stipulates that "all Maldivians should be Muslim".<sup>7</sup> This stipulation together with the 'Protection of Religious Unity Act'<sup>8</sup> in the Maldives which 'safeguards' the Maldivian Muslim identity, seems to be in sharp contrast and contradiction to Article 18 of the UDHR and creates a tension with President Gayoom's public assertion that the Maldivian human rights record is 'very good'<sup>9</sup>. This is underlined by the fact that Amnesty International claims to keep receiving "compelling testimonies from former detainees and other sources showing systematic violations of the fundamental right to freedom of conscience and expression, the right to a fair trial, and the right to physical and mental integrity."<sup>10</sup> These reports increased considerably after the prison shooting incident of September 2003<sup>11</sup> and the politically-motivated demonstration in Male that was followed by mass-arrests and a declaration of a state of emergency in August 2004.<sup>12</sup>

In an interview given to *The Hindu* newspaper in September 2004, President Gayoom argues that all these reports of human rights violations in the Maldives are based on the opinion of only five Maldivians living abroad. He characterises them as fugitive criminals or people with personal grudges against the present regime.<sup>13</sup> Amnesty International's Report 2003 acknowledges the fact, that "tight restrictions imposed on the right of freedom of expression by the Government of President Maumoon Abdul Gayoom makes the gathering of information on

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<sup>6</sup> The root of this word is Shara'a; and some other names of it are Shar', Shir'ah and Tashri'. Shari'ah is the revealed and the canonical laws of the religion of Islam. The legislative power in the government lies in the hands of the legislative assembly. The legislators are to make rules and regulations within the scope and dimensions of the Qur'an and the Sunnah (tradition) of the Prophet. These rules constitute the Shari'ah. This information is taken from the *Islamic Glossary*:

<http://www.usc.edu/dept/MSA/reference/glossary/term.SHARIAH.html>

<sup>7</sup> (Lerner 2000:106)

<sup>8</sup> [http://www.maldiveslaw.org/Acts\\_of\\_parliament.htm](http://www.maldiveslaw.org/Acts_of_parliament.htm)

<sup>9</sup> These words were reportedly used by President Gayoom while giving an interview to the BBC in October 2003.

<sup>10</sup> <http://web.amnesty.org/library/print/ENGASA290022003>

<sup>11</sup> Harrison F, "Maldives capital tense after riot" in *BBC News*: [http://news.bbc.co.uk/go/pr/fr/-/2/hi/south\\_asia/3126440.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3126440.stm)

<sup>12</sup> "Emergency delays Maldives debate" in *BBC News*: [http://news.bbc.co.uk/go/pr/fr/-/2/hi/south\\_asia/3568612.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3568612.stm)

<sup>13</sup> "The Maldives ready for change, says Gayoom" in *The Hindu*: <http://www.hinduonnet.com/thehindu/thscrip/print.pl?file=2004090501771400.htm&date=2004/09/05/&prd=th&>

human rights violations in the Maldives difficult."<sup>14</sup> This leaves the wider community with an important question: What is the human rights situation really like in the Maldives? Is the information Amnesty International and others receive mainly from a small minority of people with unethical motives?

Articles 18 and 19 of the UDHR are closely linked together. In 1998 different organisations recorded the imprisonment and torture of Maldivian Christians and the expulsion of foreign Christian workers.<sup>15</sup> The US State Department (in its International Religious Freedom Reports 2002 & 2003)<sup>16</sup>, the World Evangelical Fellowship<sup>17</sup> and many other organisations report that the religious freedom in the Maldives is still severely restricted. They do not usually publish case-studies of religiously-motivated human rights violations but base their judgment mainly on the fact that every Maldivian has to be a Muslim by law. Do Maldivians themselves see this fact as an infringement of their rights? President Gayoom repeatedly said that the whole discussion about human rights is only a western, Christian idea.<sup>18</sup> Is he right? Is there enough evidence that Maldivians suffer because of human rights violations? Trying to answer this question is not an easy task: Amnesty International admits that tight restrictions on the freedom of expression and the fear resulting from the history of religiously-motivated arrests in the past make it nearly impossible to get first-hand information.

## 1.2 The Question

This study seeks to answer the question whether there are legitimate limits for the implementation of Articles 18 and 19 of the UDHR<sup>19</sup> in the Maldives. In order to answer this question the study investigates following sub-questions:

- a) What are the Maldivian government's concerns?
- b) Are there human rights violations in the Maldives?<sup>20</sup>

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<sup>14</sup> <http://web.amnesty.org/library/print/ENGASA290022003>

<sup>15</sup> Amnesty International Annual Report 1999, EASL (Evangelical Alliance Sri Lanka), CSW (Christian Solidarity Worldwide), Alleanze Cattolica, etc

<sup>16</sup> <http://www.religiousfreedom.com/wrpt/asiapac/maldives.htm>

<sup>17</sup> [http://worldangelical.org/persec\\_summary\\_22dec03.html](http://worldangelical.org/persec_summary_22dec03.html)

<sup>18</sup> Mohamed M. "Democratic reform: un-Islamic and a grand conspiracy by Christian missionaries, not by Maldivians – President Gayoom" in *Dhivehi Observer*: [www.e-maldives.com/news/reformunislamic.html](http://www.e-maldives.com/news/reformunislamic.html)

<sup>19</sup> From now on Article 18 and Article 19 will stand alone, the addition 'of the UDHR' will be omitted.

- c) Is the Maldives 100% Muslim?
- d) Does Islam support the UDHR?

The findings of this study are relevant in two ways: firstly, if there are Maldivians who suffer violations of their human rights, then this needs to be recognised and the necessary measures taken to improve this situation. Secondly, it seems that since 1998 most human right agencies have not continued to take the issue of religious freedom very seriously. Maybe this is not only because of the lack of first-hand evidence but also because they were not sure how to deal with the Maldivian claim for cultural relativism. Hopefully the evidence given in this paper appears convincing and clear enough to help to solve this dilemma and to support a universal application of the UDHR.

### **1.3 Approach**

In order to be able to answer the question of whether there are legitimate limits for the implementation of Articles 18 and 19 in the Maldives, this paper seeks to examine the validity of the Maldivian government's position by focussing on the following areas of research:

#### 1.3.1. The President's View

Firstly it seeks to portray President Gayoom's position. This is done by looking at his biography and the arguments in his speeches, by consulting the official government websites and by reading interviews given to news agencies and articles in other relevant websites.

#### 1.3.2 Evidence of Violations of Articles 18 & 19

The second step is the presentation of the research findings of potential human rights violations mainly of Article 18 but also of Article 19 in the Maldives. This was done by

- a. asking people to share their experiences
- b. writing a diary of witnessed human rights violations

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<sup>20</sup> The research focuses only on Articles 18 and 19 of the UDHR because these two are the most dominant in all the reports of human rights agencies. The main emphasis of the research is on violations concerning Article 18. This is because Amnesty International admits that it is nearly impossible for them to get first-hand information about possible violations of Article 18.



- c. asking people to fill in a questionnaire
- d. checking news concerning the Maldives
- e. consulting a variety of web-pages and discussion forums about and from the Maldives.

The political situation gave rise to specific problems with each of these methodologies as will now be explained.

Method a): The people who gave such evidence were doing this at great risk. The fear of repercussion by the Maldivian government silences most people. Although people might tell their story in private there were very few who were willing to get their story published. The people who have experienced or are still experiencing human rights violations are traumatised. Many of them are mentally unstable and/or drug addicts. These people could not be used as informants because it would have been irresponsible to put them under even greater pressure. Because of this, only people with whom the writer already had a relationship of trust have been asked for information. It is sometimes said that people make up such stories to please the researcher, but in this case, this is unlikely because of the fear of repercussions from the government being much bigger than the fear of losing a friendship.

Method b): Not all of this evidence is fresh. There are also some accounts of the events in 1998.<sup>21</sup> There is also evidence from Maldivians living abroad.

Method c): Because of the sensitivity of the topic and the great risk, very few people were willing to fill out questionnaires with specific questions. After a few test-runs, it became clear that because most Maldivians are not acquainted with the concept of human rights, they did not understand the questions. Eventually, there were only two questionnaires handed out and filled in.<sup>22</sup>

Method d): It is difficult to get unbiased news about the Maldives as all the news is censored. As a result everything that is broadcast or published is 'pro-government' and does not necessarily reflect the truth. In the past few months there have been a growing number of reports in local Sri Lankan and Indian newspapers about the Maldives that seem more critical of the Maldivian regime. It is not always clear from where these newspapers get their information. Do they depend on Maldivian sources living outside the Maldives or do the reporters actually know the situation themselves? The BBC South-Asia section also reported several times about the situation in the Maldives. The BBC reporters have been in the Maldives and sometimes even report directly from the Maldives. However, they also admit that

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<sup>21</sup> These events are mentioned on page 3 and a detailed account is given on pp.29 +34 ff.

<sup>22</sup> A copy of the questionnaire can be found in the appendix on pages 73ff.

because most people are afraid it is very difficult for them to get adequate information from local citizens.

Method e): There are many different websites, chat-rooms and discussion forums that Maldivians visit. The chat-rooms do not give much information about the political situation in the Maldives. There are several 'anti' and several 'pro' government websites and discussion forums. The information in these websites and forums is by nature biased and not accurate, nevertheless some articles still give valuable insight into the actual political situation in the Maldives. All 'anti' government websites are blocked inside the Maldives. That means that most of the Maldivians contributing to and reading these websites are living abroad.

In spite of these problems, the research comprises 22 case-studies presenting strong evidence of violations of Articles 18 & 19 in the Maldives.

### 1.3.3 Maldivian Culture

Next, the paper examines the accuracy of the claim that the Maldives is 100% Muslim. Academic literature about this subject is very limited indeed. The research therefore focuses mainly on the recent and academically most accurate research of Romero-Frias.<sup>23</sup>

### 1.3.4 The Islamic Discourse about Human Rights

The paper looks at the modern Islamic discourse of human rights, especially with regard to the interpretation of Shari'ah.<sup>24</sup> It seeks to answer the question whether Islam is supportive of the principles of the UDHR, especially in regard to Article 18. It argues that there are elements within Islam that clearly affirm human rights and even freedom of religion.

The summary of conclusions leads into the discussion about the validity of cultural relativism in relation to the UDHR and identifies the implications of the research findings for individuals and organisations involved in human rights issues.

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<sup>23</sup> Romero-Frias, X. *The Maldivian Islanders- A Study of the Popular Culture of an Ancient Ocean Kingdom*, (Barcelona, Spain: Nova Ethnographia Indica, Third revised edition 2003)

<sup>24</sup> Shari'ah is the Islamic law.

## 1.4 Resources and Previous Work

There are different reports of human rights agencies available on the web<sup>25</sup>. However, with the exception of the 1998 reports, there are only a relatively small number of agencies that report violations of Article 18. Although these agencies continue to report violations of Article 18, there is no mention of names or case-studies of violations in the reports published after 1998. Many news agencies report violations of Article 19 and other violations of human rights in the Maldives. News agencies that publish interviews with the president are a very important source for investigating his view and interpretation of the situation. *The Sunday Leader* in Sri Lanka<sup>26</sup>, *the Hindu Newspaper*<sup>27</sup>, *the Frontline Magazine*<sup>28</sup> in India and *BBC News*<sup>29</sup> have recently given valuable first-hand evidence of the happenings in the Maldives. Local Maldivian newspapers<sup>30</sup> are a means of propaganda for President Gayoom. They too give insight into his arguments. There are also a few Christian news agencies that report about the Maldives, however their articles are written in a general way and, apart from the happenings in 1998, they give no clear or new first-hand evidence of violations of Article 18 or 19. There are at least two official political Maldivian government websites<sup>31</sup> and these explain President Gayoom's views. There are a vast number of websites with general information about the Maldives mainly for tourists. These websites are not relevant for this dissertation. However there are two official Maldivian websites that provide useful general information.<sup>32</sup> There is also a Maldivian 'anti-missionary' website that provides valuable insight into the thinking of Islamists in the Maldives.<sup>33</sup> One webpage is

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<sup>25</sup> Amnesty International's *Annual reports on the Maldives 1999 – 2003*, World Evangelical Organisation's *Geneva Report 2001 & 2003*, Open Doors' reports, Alleanze Cattolica's *Report 1998*, International Coalition for Religious Freedom's *Religious Freedom World Report*, U.S. Department of State's *International Religious Freedom Report*, U.S Department of State's *Country Reports on human rights Practices-2003*, South Asia human rights Documentation Centre's *Publication from 2004*, Reporters without borders' reports, etc.

<sup>26</sup> Jansz, F. "Gayoom's iron fist in velvet glove" in *Sunday Leader*, Vol10/21, on 7/12/03: <http://www.thesundayleader.lk/20031207/Issues3.htm>

<sup>27</sup> "The Maldives ready for change, says Gayoom" in *The Hindu* on 9/5/04 <http://www.thehindu.com/2004/09/05/stories/2004090501771400.htm>

<sup>28</sup> Sambandan V.S., "A cry for democracy" in *Frontline*, Vol 21/20, 2004 <http://www.flonnet.com/fl2120/stories/20041008000705900.htm>

<sup>29</sup> "Emergency delays Maldives debate" in *BBC News*, 16/8/04: [http://news.bbc.co.uk/go/pr/fr/-/2/hi/south\\_asia/3568612.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3568612.stm) and [3126440.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3126440.stm)

<sup>30</sup> Haveeru News, Aafathis,

<sup>31</sup> <http://www.themaldivian.org>; [www.presidencymaldives.gov.mv/v3/index.phtml](http://www.presidencymaldives.gov.mv/v3/index.phtml)

<sup>32</sup> <http://www.visitmaldives.com>; [www.maldivesstory.com.mv](http://www.maldivesstory.com.mv)

<sup>33</sup> <http://www.factmaldives.com>

entirely devoted to human rights in the Maldives<sup>34</sup>, but the author is anonymous. There are several 'anti-government' websites<sup>35</sup> that advocate human rights in the Maldives; these websites are politically biased and therefore need to be interpreted with caution. *Maldives Ethnography*<sup>36</sup> is the most academic and valuable reference about Maldivian history. Its content is based on all known and relevant sources about Maldivian history. Other sources include relevant articles on the web<sup>37</sup>, the Maldivian constitution<sup>38</sup>, a translation of the Protection of Religious Unity Act<sup>39</sup>, copies of the different UN Rights documents and the Universal Islamic Declaration of Human Rights.<sup>40</sup> Romero's book about Maldivian culture is the most valuable work for the purpose of this research<sup>41</sup>. Apart from the reports of human rights agencies following the incidents in 1998, no recorded first-hand evidence about violations of Article 18 is available. Therefore it would appear that no other research has been conducted into this question. There are a variety of Islamic Websites<sup>42</sup> giving valuable insight into the contemporary discussion about human rights among Muslims. The local college library has many books by Muslim writers about the subject. The research seeks to explore the current views of Muslim thinkers and therefore mainly considers books written after 1995.

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<sup>34</sup> <http://www.geocities.com/CapitolHill/Lobby/2311/>

<sup>35</sup> <http://www.maldiviandemocraticparty.org>; <http://www.dhivehiobserver.com>;  
<http://www.maldivesculture.com>; <http://maldivesroyalfamily.com>;  
([www.friendsofmaldives.co.uk](http://www.friendsofmaldives.co.uk) is not included because this website seems to rely heavily on the first mentioned web-pages without much valuable first-hand information)

<sup>36</sup> <http://www.maldives-ethnography.com>

<sup>37</sup> See bibliography for "Articles from Websites"

<sup>38</sup> <http://www.dhivehiobserver.com/reports/Constitution%20of%20the%20Maldives.pdf>

<sup>39</sup> [http://maldiveslaw.org/protection\\_of\\_religious\\_unity\\_act.doc](http://maldiveslaw.org/protection_of_religious_unity_act.doc).

<sup>40</sup> [http://www.e-maldives.com/humanrights/Islamic\\_declaration.htm](http://www.e-maldives.com/humanrights/Islamic_declaration.htm)

<sup>41</sup> Romero-Frias X., *The Maldives Islanders*, (Barcelona, Spain: Nova Ethnographia India, 1999)

<sup>42</sup> Islam Online: <http://www.islamonline.net/>; The Arab Organization for human rights (AOHR): <http://aohr.org/>; Institute for the Secularisation of Islamic Society: <http://www.secularislam.org/humanrights/compatible.htm>; Institute of Islamic Information and Education: <http://www.usc.edu/dept/MSA/humanrelations/humanrights/>; Jamaat organisation: <http://www.jamaat.org/islam/HumanRightsPolitical.html>; etc.

## 2. PRESIDENT GAYOOM'S CONCERNS AND POSITION ON THE HUMAN RIGHTS SITUATION IN THE MALDIVES<sup>43</sup>

The President's website provides a valuable source of information about President Gayoom's position and concerns:

### 2.1 Maintaining Independence

The website<sup>44</sup> explains one of the key issues related to international relations as the 'protection and security of small states'.<sup>45</sup> President Gayoom has been aware of the vulnerability of the Maldives from the very beginning. He was deeply affected by studying in Egypt during the Suez crisis in 1956 and observing for himself the British tanks in Egyptian territory. The young Gayoom believed that these events had parallels with what was happening in his own country:<sup>46</sup> The Maldives, having been independent throughout known history,<sup>47</sup> was since 1887 a British Protectorate and political history in Maldives had become increasingly influenced by the British military presence in the islands.<sup>48</sup> In the same year as the Suez crisis, the British signed an agreement with the Maldivian government that allowed Britain to re-use the airfield in Gan, in the southern Addu Atoll. To Gayoom, who was greatly influenced not only by the principles of 'non-alignment' that were discussed worldwide during that time, but also by Egypt's President Nasser who had become one of the leaders of the principle of anti-colonial neutralist policy, this agreement sounded contrary to the principles of the movements for independence.<sup>49</sup> According to his own brother Abdullah Hameed and his

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<sup>43</sup> Although not always specified in the text the term 'Human Rights' in this chapter refers to Articles 18 and 19 of the UN Human Rights Declaration

<sup>44</sup> <http://www.presidencymaldives.gov.mv>

<sup>45</sup> <http://www.presidencymaldives.gov.mv/v3/pages/body.phtml?ID=21&Table=Head2&PTID=6> International Relations

<sup>46</sup> (Royston 1998:48)

<sup>47</sup> except for the brief period of 15 years of Portuguese occupation from 1558 to 1573

<sup>48</sup> U.S. Department of the Army; Handbook: <http://countrystudies.us/maldives/1.htm>

<sup>49</sup> (Royston 1998:49)

Egyptian friend Dr. Ghani, Gayoom was very interested in what happened in the Maldives politically.

Maumoon used to send many articles to his brother, Abdullah, in the Maldives expressing his political point of view on country affairs, urging his government to exert efforts in reaching independence and making social reforms...<sup>50</sup>

On 26 July 1965, the Maldives became fully independent, but for President Gayoom the cause remains the same today. In his view, it is vital to keep defending and securing the independent status of the Maldives. During his presidency President Gayoom has put much effort into securing the independent status of small states and through that has gained international recognition. The Maldives took the matter of the protection and security of small states to the UN General Assembly which, recognising that small states may be particularly vulnerable to external threats and acts of interference in their internal affairs, adopted in 1989 Resolution 44/51. The issue has also been debated within the Commonwealth and the meetings of the Organisation of Islamic Conference at the insistence of the Maldives.<sup>51</sup> The Maldives also supports both multilateral and bilateral efforts on arms control and disarmament and accords a high priority to establishing and developing relations with international and regional organisations. The Maldives is a member of the UN, the Organisation of Islamic Conference (OIC), the Commonwealth and the Non-Aligned Movement (as well as numerous other international organisations). It is also a founding member of the South Asian Association for Regional Co-operation.<sup>52</sup>

President Gayoom is convinced that in order to maintain political independence, the people of the Maldives have to be united and, therefore, his other major concern right from the beginning was the creation, maintenance and defence of national identity. In President Gayoom's biography one of his friends explains the situation in the Maldives in 1978 (when President Gayoom was elected as president) in the following words:

We were quite mixed up as a country, not sure whether to go the way of the West, with a Western culture, or to opt for a moderate path. The president, being a Muslim scholar, wanted a moderate and modern Islamic society.<sup>53</sup>

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<sup>50</sup> (Royston 1998:49)

<sup>51</sup> <http://www.presidencymaldives.gov.mv/v3/pages/body.phtml?ID=21&Table=Head2&PTID=6>

<sup>52</sup> Ibid.

<sup>53</sup> (Royston 1998:116)

Another commentator explains: "Although the Maldives was 100% Muslim, people knew so little about Islam then. He explained to people how to follow Islam."<sup>54</sup> President Gayoom identified Islam as an important trait of Maldivian national identity. His biography recounts: "The president made sure a lot of attention was given to Islam, as part of nationalism. It was a revival of the Islamic spirit in the Maldives."<sup>55</sup> Within a few months of taking office however, the president was already concerned about religious extremism and he sent a letter to the imams warning them of its dangers.<sup>56</sup> Nevertheless, he did not seem to realise that his efforts to revitalise Islam by, among other means, sending Maldivian students to Islamic schools abroad, conflicted with his vision of a moderate and modern Islamic society in the Maldives and created a situation of ever-growing tensions.<sup>57</sup> At present the Wahhabi fundamentalist movement in the Maldives is stronger than ever before and accuses the government of not being 'Islamic' enough.

Whilst working on creating a national identity, President Gayoom also recognised the importance of language and therefore established the Council for Research on Maldivian Language and Literature and the Council for Research on Maldivian History and Culture in 1979. However, because these institutions have to serve President Gayoom's aim to establish a *Muslim* national identity, the outcome of their research is highly biased and subject to censorship. Evidence pointing to aspects of non-Islamic cultural Maldivian identity has been categorically dismissed and even banned from the Maldivian public.<sup>58</sup>

The previous president, Nasir, had started to develop tourism. President Gayoom continued this effort, but he recognised the danger it could pose to Maldivian national identity. He was apprehensive about the possible importation of anti-

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<sup>54</sup> (Royston 1998:116); "he" refers to President Gayoom in this passage

<sup>55</sup> Muhamed Hussain quoted in (Royston 1998:117)

<sup>56</sup> (Royston 1998:117)

<sup>57</sup> Romero-Friaz X. & Naazneen A. in an open letter recently expressed their concern over the growing tension between fundamentalists and the Maldivian government and traced it back to President Gayoom's policy of encouraging and sending students to "Islamic hotbeds" abroad: Romero-Friaz X. & Naazneen A. "The Maldives: From Charybdis to Scylla?" in *maldivesroyalfamily*:

[http://www.maldivesroyalfamily.com/maldives\\_romero\\_open\\_letter.shtml](http://www.maldivesroyalfamily.com/maldives_romero_open_letter.shtml)

<sup>58</sup> See Moosa's article in *Dhivehi Observer*, "Maldives converted to Islam on 10th May 1153; Who did it and what is his real name?" on 10th May 2005:

<http://www.dhivehiobserver.com/editorial/Islam-Maldives-conversion10051153.htm>

or *Maldives Royal Family's* editorial "How steadfast are Maldivians in Islam?" from 22 April 2005: [http://www.maldivesroyalfamily.com/editorial\\_maldives\\_islamic\\_steadfastness.shtml](http://www.maldivesroyalfamily.com/editorial_maldives_islamic_steadfastness.shtml)

Islamic values. His biographer explains how he reacted to tourism and the intercultural encounters that come with modern society:

The preservation of our culture, our own Islamic customs, our very way of life, was under some risk," Maumoon reflects. "This was so especially with the advent of tourism and the influx of foreigners. Maldivians too were going out and being exposed to other cultures, other religions. I thought it was very important to preserve the religious and cultural unity of the country."

Without a strong identity of their own, it would have been difficult for Maldivians to resist the influences encountered within the country or on their travels abroad.

"Since all Maldivians are born Muslims, the roots were there," says Maumoon commenting on the steps he took. "Islam became a compulsory subject in all schools with an emphasis on the teaching of the Holy Quran."

This was important because, for Muslims, the nationality is Islam, all being one. However, the Muslims of the Maldives are also Maldivians. It was to restore a sense of being Maldivian, for Maldivians to retain their cultural independence, that Maumoon took stock of what was happening in his country.<sup>59</sup>

Recently President Gayoom's efforts to strengthen the spirit of Islam were praised by Dr. Neanaa, the renowned Egyptian Qari. He said that the success of President Gayoom's efforts to strengthen the spirit of Islam in the Maldives was evident in the country and that the Islamic Centre, the Institute of Islamic Studies, Arabiyya School, the Centre for the Holy Quran, and various mosques in the country were prime examples of such output. He further pointed out that the success of the President's work was apparent through events like seminars on Islam, the assemblies for the recitation of the Holy Qu'ran, and the commemoration of Ramazan in the country.<sup>60</sup>

President Gayoom tried to minimize the cultural influence of tourism by dedicating some islands exclusively to tourism. Most tourists therefore live completely separately from the local people on other islands and only meet Maldivians (except for the ones who work in the resorts) when they visit the capital Male or the airport. Nevertheless, when one compares the Maldives with neighbouring Sri Lanka and India, it is clear that by choosing to develop tourism and make it the strongest business sector in the Maldives, President Gayoom has accelerated the speed and rate of globalisation and modernisation in the Maldives. In only two

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<sup>59</sup> (Royston 1998:136)

<sup>60</sup> <http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=1659&CurLoc=0>



decades Maldivian society has lost its rural fishing village character and has become a high-tech, urban society with a post-modern youth culture that has more similarities with secular Europe than with any of the neighbouring Asian countries. This change, going hand in hand with a deliberate progressive creation of a Muslim national identity, becomes more and more a paradox.<sup>61</sup>

## 2.2 Foreign Occupation or Interference

The Maldivian National Day is celebrated in remembrance of the time in 1573 when Muhammad Thakurfaan drove the Portuguese out of the islands. Most Maldivians believe that the Portuguese used to convert islanders by force. Every school child learns this story of foreign Christian occupation. It is used to illustrate the danger of foreign influence and the importance of maintaining unity and national independence:

After the capture of Male' the Portuguese had deputed their officials to the four corners of Maldives to subjugate the citizenry to their rule. Terrorisation of Maldivian citizens became rampant with murder of devout Muslims, looting of goods and abuse of women. For fifteen years Maldives was under despotic rule when Mohamed Thakurfaanu from Utheemu Island rose up to confront and free the country from the colonisers.<sup>62</sup>

Even today, President Gayoom regularly warns the public of foreign Christian elements or missionaries that try to undermine the independence and unity of the Maldives. President Gayoom declares that these activities are a security threat for the nation.<sup>63</sup> In 1998, after the expulsion of about 20 foreigners who were suspected of trying to propagate Christianity in the Maldives, he reportedly announced in a speech that he had cleansed the Maldives from 'modern day Portuguese'.

From 1887 to 1965, the Maldives was an internally self-governing British protectorate. In 1956 Britain and the Maldives signed an agreement that allowed

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<sup>61</sup> Following article describes the tension of promoting alcohol consumption for tourists in a Muslim country: "Gayoom, Islam and Carlsberg Beer" in *Dhivehi Observer*:  
<http://www.dhivehiobserver.com/editorial/GayoomIslamandCarlsbergBeer0305053.htm>

<sup>62</sup> (Nuzuha 2001:13)

<sup>63</sup> Examples: 23 May 2002, *Address to the nation at the Islamic Centre on the noble occasion of the anniversary of the birth of the Holy Prophet*:  
<http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=1046&CurLoc=0>  
10 February 2001, *Address to the people in Muli*:  
<http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=365&CurLoc=0>

the British to use the southern island Gan in Addu Atoll. During the British presence there, the local people started a revolt against the government in Male. The Maldivian government believed that “the British fanned the flames of discontent.”<sup>64</sup> On 26 July 1965, the Maldives gained independence and the British government finally left the facilities in Gan in 1976.

On 3 November 1988, Luthufi, a Maldivian businessman who had a farm in Sri Lanka, tried to overthrow the government with the help of hired foreign forces.

About eighty armed Tamil mercenaries landed on Male before dawn aboard speedboats from a freighter. Disguised as visitors, a similar number had already infiltrated Male earlier. Although the mercenaries quickly gained the nearby airport Hulele, they failed to capture President Gayoom, who fled from house to house and asked for military intervention from India, the United States, and Britain. Indian Prime Minister Rajiv Gandhi immediately dispatched 1,600 troops by air to restore order in Male. Less than twelve hours later, Indian paratroopers arrived on Hulele, causing some of the mercenaries to flee toward Sri Lanka in their freighter. Those unable to reach the ship in time were quickly rounded up. Nineteen people reportedly died in the fighting, and several taken hostage also died. Three days later an Indian frigate captured the mercenaries on their freighter near the Sri Lankan coast.<sup>65</sup>

President Gayoom took this event very seriously:

The impact on the Maldives, and on Maumoon and Nasreena, was such that barely a day passes without them thinking or speaking about what everyone calls “the third of November”.<sup>66</sup>

This event, together with the above-mentioned memories, reinforces President Gayoom's commitment for national identity and unity right up to the present. This can be seen clearly in a summary of his speech in 2003 on Victory Day, which is celebrated every year to remember the events of 3 November 1988:

The President stressed that, given the favourable circumstances of the country, the people must always remain alert against any external influence or interference that could threaten the independence, the sovereignty and the identity of the nation. He also emphasised the importance of the firm resolve to safeguard national unity and identity.<sup>67</sup>

Although President Gayoom has looked for international help and believes in the principles of the UN he also knows that he cannot fully rely on international help in case of trouble. While addressing the Ninth Session of the Islamic Summit

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<sup>64</sup> (Royston 1998:57)

<sup>65</sup> “Maldives-History” in *Countrystudies*: <http://countrystudies.us/maldives/1.htm>

<sup>66</sup> (Royston 1998:204); Nasreena is President Gayoom's wife

<sup>67</sup> <http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=1918&CurLoc=0>

Conference in 2000 he spoke about the moral double-standards of the 'great powers':

Referring to the inaction of the international community to assist the Palestinians in alleviating their suffering, the President said that while the UN and the great powers found the will to impose the Palestine partition plan in 1948, today there was a surprising reluctance on the part of these parties to condemn what is wrong and to assert what is right. The President said that for every Muslim the continued occupation of our holy sites, in contravention to resolutions of the UN Security Council, is both an insult and an injury.<sup>68</sup>

Because of these double-standards in western politics President Gayoom frequently stresses the importance of unity among the 'Islamic Ummah'.<sup>69</sup> Disunity is perceived as a major threat to this 'umma'<sup>70</sup>. In a paper presented to the Conference 'This is Islam', organized by the Academy of Islamic Research of the Al-Azhar University in April 2002, the President highlighted that the other threat that the 'umma' was facing was "the false media and political campaign being waged against Islam by the forces of evil and by those who seek to lead people astray."<sup>71</sup> 'Those who seek to lead people astray' are the other perceived major threat to Maldivian independence and national unity and identity.

The Maldivian Anti-Missionary Website *factmaldives*<sup>72</sup> writes about a conspiracy of fundamentalist Christians in the West trying to infiltrate Maldivian society and to destroy its distinctive Islamic identity. Writing about the 'Joshua Project'<sup>73</sup> they point out:

What is objectionable in this fundamentalist campaign is not its desire to gain adherents, but ... its determination to totally alienate their converts from all their traditions and all 'non-believers'.<sup>74</sup>

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<sup>68</sup> <http://www.presidentymaldives.gov.mv/v3/pages/News.php3?NewsID=193&CurLoc=0>  
> News

<sup>69</sup> As an example see the President's speech on 6 September 2002 in Cape Town in *presidentymaldives*:

<http://www.presidentymaldives.gov.mv/v3/pages/News.php3?NewsID=1196&CurLoc=0>

<sup>70</sup> The term 'Islamic Ummah' describes the 'whole' of the Muslim community worldwide.

<sup>71</sup> <http://www.presidentymaldives.gov.mv/v3/pages/News.php3?NewsID=976&CurLoc=0>

<sup>72</sup> Christian missionaries need to be aware of how carefully their material is studied and analyzed by people outside their own community. The use of aggressive and imperialistic language is not only a disgrace to Christian teaching but can also trigger powerful reaction or defence movements such as radical religious or national fundamentalism.

<sup>73</sup> Dr. Chawkat Moucary recently pointed out, that the name "Joshua Project" is very significant and unfortunate. Given the historical role that Joshua played in conquering 'the Promised Land', Muslims can understandably become suspicious about Christian missionaries' endeavours.

<sup>74</sup> *Factmaldives* quoting Indra Devendra, giving a presentation at the South Asian Dialogue/Society for International Development in Kathmandu, Nepal between 17-20 November 2003: <http://www.factmaldives.com/>

President Gayoom's conviction (that the common belief in Islam by all Maldivians is the foundation for Maldivian unity and therefore inner security) results in such 'projects' being taken very seriously, particularly because according to *factmaldives* "the Maldives was given a very high ranking as a country for church-planting as one where there were no indigenous adherents of Christianity."<sup>75</sup> *factmaldives* concludes that "the Joshua Project is primarily anti-Islamic"<sup>76</sup> and a threat to Maldivian national identity.

According to *factmaldives* the missionary work came to a sudden halt when it was exposed by a child who reported the activities to the relevant authorities.<sup>77</sup> This led to the events in 1998 when twelve Maldivians were put into detention and about 20 foreigners expelled which provoked criticism from the outside world. According to *factmaldives* the groups that were most vocal in their criticism were the Evangelical Alliance of Sri Lanka, the Evangelical Fellowship of Asia and the Christian Consultation of Sri Lanka. The protest by different Christian organisations and embassies was finally invalidated by "recognition of the fact that there are no indigenous Christians in the Maldives and therefore no legitimate case for evangelical work."<sup>78</sup> However, President Gayoom stays alert, because according to *factmaldives* it seems that the missionary work in the Maldives is continuing under the Joshua Project. FEBA radio has re-launched its Christian Dhivehi broadcasts to the Maldives and according to 'Voice of Martyrs' the Scriptures are in the process of being translated into Dhivehi.<sup>79</sup> On the other hand, it is not only forces from outside that seemingly try to disrupt the religious and political unity in the Maldives. By using Islam to create a Maldivian identity President Gayoom has not only violated the Qur'anic law 'that there is no coercion in religion'<sup>80</sup> but also sparked Islamic fundamentalism. His rhetoric of cultural and religious infiltration from outside has prompted a strong, religious reaction of contra-secularisation. President Gayoom therefore also has to be aware of disloyal elements from within Maldivian society.

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<sup>75</sup> "Joshua Project of AD 2000 and Beyond-the call" in *factmaldives*:  
<http://factmaldives.com/news/080904-the-call.htm>

<sup>76</sup> *ibid.*

<sup>77</sup> "Joshua Project of AD 2000 and Beyond-missionary funds" in *factmaldives*:  
<http://factmaldives.com/news/080904-missionary.htm>

<sup>78</sup> "Joshua Project of AD 2000 and Beyond-all eyes towards the Maldives" in *factmaldives*:  
<http://factmaldives.com/news/080904-all-eyes-2-wards.htm>

<sup>79</sup> *ibid.*

<sup>80</sup> Ahmed and Karim, "The Prohibition of Nationalism in Islam" in *geocities*:  
<http://www.geocities.com/Heartland/Fields/2704/article29.html>

## 2.3 Religious Extremism<sup>81</sup> & Opposition from within the Maldives

In his address to the members of the Ninth Session of the Islamic Summit Conference in 2000 President Gayoom warned of religious extremism that disunites the Islamic Ummah.<sup>82</sup> Such elements are also increasingly recognised within Maldivian society. According to President Gayoom, the recent growth of the fundamentalist movement causes great danger for Maldives' cohesive and homogeneous society.<sup>83</sup> Being aware of the potential danger of such movements, President Gayoom tries to prevent them from becoming too influential. In an interview given to the Indian newspaper *The Hindu* he recently said the following about the fundamentalists in the Maldives:

They do not have a critical mass, but I think this is a potential threat we have to be very careful about. These could infiltrate into the country gradually and all of a sudden you are faced with a situation when you see that there are a lot of these people around and they become violent. Before that happens, you have to nip it in the bud; you have to control the situation.<sup>84</sup>

According to one of the principals of a school in Male, President Gayoom has instructed all teachers and disciplinarians to watch out for religious fundamentalist elements in schools and to report any suspicious behaviour. In order to safeguard unity along with security and independence, the Maldivian government introduced an act of parliament to protect religious unity among its citizens. This law requires all religious teachers and preachers to obtain written permission from the president prior to starting their work: in other words any religious teaching must be authorised by the president. The act further forbids any activity that is intended "to split, disrupt, jeopardize or disunite the social and religious order and harmony dominant among Maldivian Citizens."<sup>85</sup> In his inaugural address at the start of his sixth term in office in November 2003 President Gayoom once more affirmed that:

The Maldives is a 100 percent Muslim nation. It is imperative, for national harmony and security, to strengthen the religious unity of the people and to maintain a national consensus on matters of religion. I shall continue to

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<sup>81</sup> President Gayoom's expression

<sup>82</sup> <http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=193&CurLoc=0>

<sup>83</sup> Examples: 2/12/02, on the occasion of Ramadan the President cautioned people about websites that deliberately spread misinformation about religion:

<http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=1348&CurLoc=0>  
17/08/2004: Talking to the Secretary General of the Commonwealth, President Gayoom accuses fundamentalist elements of trying to derail the reform process.

<http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=2440&CurLoc=0>

<sup>84</sup> "The Maldives ready for change, says Gayoom" in *The Hindu* on 5/9/2004:

<http://www.thehindu.com/2004/09/05/stories/2004090501771400.htm>

<sup>85</sup> *Religious Unity law*: [http://www.maldiveslaw.org/Acts\\_of\\_parliament.htm](http://www.maldiveslaw.org/Acts_of_parliament.htm)

attach a very high priority to this endeavour in the term of office that I begin today as well.<sup>86</sup>

In the government's vision for 2020 maintaining religious unity is given great importance:

Vision 2020 holds that with the blessing of the Almighty, Maldivians will remain steadfast adherents of the noble tenets and principles of Islam in word, deed and belief. Maldivians will remain a cohesive and homogeneous community, united in faith and speaking one language.<sup>87</sup>

Religious fundamentalists are not the only group in the Maldives that present a problem for President Gayoom. Recently there has been a wave of open political criticism in and outside the country, which is a new phenomenon in the country.

In 2001 forty-two Maldivians tried to form a party called the 'Maldivian Democratic Party'. According to President Gayoom the Maldives does not provide laws for a multi-party system, hence he could not allow this party to operate. In 2003 after unrest in one of the Maldivian prisons and demonstrations in Male, some of these party members, together with others, decided to reform the party in exile. On 10 November 2003 the 'Maldivian Democratic Party' (MDP) started its work in neighbouring Sri Lanka and in the UK. Some of its members created a website under the name *Dhivehi Observer*, and very openly began to accuse President Gayoom of various human rights violations, nepotism, corruption, reducing the parliament to a rubberstamp body, ballot rigging and total mismanagement.<sup>88</sup> The MDP's aim is to find allies all over the world in order to put international pressure on President Gayoom. It seems that their work has been fruitful. Amnesty International, Reporters without borders, the US, the EU, the Commonwealth and many other organisations have started to take more interest in the political situation in the Maldives. This in turn prompted President Gayoom to announce political reforms in June 2004.

Nevertheless even after this announcement, political demonstrations in Male continued, which President Gayoom sees as proof that the people involved are

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<sup>86</sup> <http://www.presidencymaldives.gov.mv/v3/pages/body.phtml?ID=93&Table=Head3&PTID=2>

<sup>87</sup> <http://www.presidencymaldives.gov.mv/v3/pages/body.phtml?ID=69&Table=Head3&PTID=10>

<sup>88</sup> *Maldives information guide* prepared by MDP general council in May 2004: <http://www.dhivehiobserver.com/reports/secretdictatorshipinfo.htm>

actually not in favour of reform but against it. According to him, their only aim is to destabilise the country and to create unrest.<sup>89</sup>

In his speech at the 'People's Majlis'<sup>90</sup> to brief members on the circumstances surrounding the so called 'Anti-Reform Mob Violence in Male' on 12<sup>th</sup> and 13<sup>th</sup> August 2004, President Gayoom made an explicit link (not for the first time) between the opposition movement and Christian missionaries. After the meeting to commemorate the 112<sup>th</sup> anniversary of the National Security Service (NSS) in April 2004, the *Dhivehi Observer* reported that they received following information from a high-ranking NSS<sup>91</sup> officer who had been attending the meeting:

President Gayoom declares that those who are opposing his government, calling for democratic reform and trying to bring it to disrepute are funded and brainwashed by Christian missionaries from around the world. He went on to state that the activities of reformists were not only illegal, but sacrilegious (un-Islamic). He then instructed the high ranking staff of National Security Service (NSS) that they must hunt down those in the Maldives who are participating and supporting these illegal, immoral and sacrilegious activities.<sup>92</sup>

Likewise *factmaldives* accuses the MDP of accepting money from Christian missionary organisations:

An unholy alliance has been formed. The group known as MDP seems to fit the bill of the missionaries. While missionary groups stand to gain to evangelize every single Maldivian by hook or by crook, the other groups stand to gain financially. There is very blatant links between the current MDP group and Christian evangelical work.<sup>93</sup>

According to President Gayoom there is much at stake. By portraying this allegedly 'unholy alliance' of political opportunists and evangelical Christians as one of the biggest threats the Maldives has ever faced, he has found an effective way of weakening the reform movement. Anxious to keep its credibility, the MDP has not only openly denied all these accusations but also increased efforts to overtly support President Gayoom's picture of the Maldivian Muslim identity.<sup>94</sup>

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<sup>89</sup> In an interview to the Indian newspaper *The Hindu*, President Gayoom explained that there were different groups trying to derail the reform process: the religious fundamentalist group, people with personal agendas and a third group which he describes as "a group of criminals". "The Maldives ready for change, says Gayoom" in *The Hindu* on 5/9/2004: <http://www.thehindu.com/2004/09/05/stories/2004090501771400.htm>

<sup>90</sup> Local government

<sup>91</sup> National Security Service

<sup>92</sup> Mohamed M. 29/4/2004 in *Dhivehi Observer*: <http://www.e-maldives.com/news/reformunislamic.html>

<sup>93</sup> "Missionary funds" in *factmaldives* <http://factmaldives.com/news/080904-missionary.htm> (mistakes theirs)

<sup>94</sup> see as example: Hasan "Gayoom says Opponents' Motive to Facilitate Christian Missionary Work" in *Minivan News*: <http://www.minivannews.com/news/news.php?id=519>

Nevertheless, the recent wave of accusations of human rights violations are seen by President Gayoom as a major threat to Maldivian economy and stability.

## **2.4 President Gayoom's Response to Accusations of Human Rights' Violations**

In several interviews President Gayoom assured the wider world that these accusations were baseless.<sup>95</sup> Moreover he repeatedly said that the accusations were part of a smear campaign by Maldivian dissidents abroad.<sup>96</sup> In an interview given to 'Reuters' in October 2004, President Gayoom argued that critics should check their facts before accusing his regime of systematic torture. According to him, organisations like Amnesty International have taken reports at face-value without corroborating or verifying the facts. He re-iterated that there were no political prisoners in the Maldives and that all prisoners were in jail because they had committed a criminal offence. "There are certain limits within which you are free to express your views," President Gayoom further explained.<sup>97</sup> The individual freedoms granted in the new Maldivian constitution initiated by President Gayoom are limited to being 'in accordance with the law' which is difficult to substantiate.<sup>98</sup> *factmaldives* describes the tension between governance and freedom in the following way:

From time immemorial, Politics has had to address two basic questions: governance and freedom. Unfortunately, the two tend in opposite directions. A strong culture of governance means that deference to authority is high. On the other hand, where there is a strong culture of freedom, deference to authority is either absent or minimal. The task is to find the right balance between the two, so that the interest of every individual is advanced in a manner that is not detrimental to that of the rest of the society.<sup>99</sup>

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<sup>95</sup> "The Maldives ready for change, says Gayoom" in *The Hindu* on 5/9/2004:

<http://www.thehindu.com/2004/09/05/stories/2004090501771400.htm>

or "the government's response to Amnesty International's 2004 report" in *Maldivesinfo*

<http://www.maldivesinfo.gov.mv>

<sup>96</sup> Example: Speaking at the "Tourism Evening 2004": <http://factmaldives.com/news080904-president-speaking-tour.htm>

<sup>97</sup> *Alertnet*: <http://www.alertnet.org/thenews/newsdesk/COL22070.htm>

<sup>98</sup> Example: President Gayoom describes the protest on 12<sup>th</sup> and 13<sup>th</sup> August as "not a legitimate exercise of the right of assembly":

[http://www.presidencymaldives.gov.mv/download/26AUG\\_SPEECH\\_ENG2.pdf](http://www.presidencymaldives.gov.mv/download/26AUG_SPEECH_ENG2.pdf)

<sup>99</sup> "Key Elements of the President's Political Reform Programme" in *factmaldives* on 25 September 2004: <http://factmaldives.com/news/080904-key-elements.htm>



This tension led to some restrictions on individual rights such as some censorship of the media. In an address to a local newspaper in January 2001, President Gayoom pointed out that journalists in the Maldives had to be careful with regard to religion, culture, traditions and values and reminded them that "the journalism sector also needs to contribute to the political and national unity existing among the Maldivian people."<sup>100</sup>

After closing down the two private newspapers *Sangu* and *Hukuru* in 1990 the government responded to the criticism of foreign journalists by issuing the following statement of the Maldivian High Commission in Sri Lanka:

Freedom of expression and press is allowed to the widest possible extent within the context of Islamic law the legal framework of the country. The Government welcomes criticism of its policies and actions within the law, but cannot allow anyone to go beyond the provision of the law.<sup>101</sup>

President Gayoom, stressing that it has always been his intention to make Maldives a modern and moderate state, affirms that the political reform programme in June 2004 was not a response to outside pressure but something that he had been working on for quite some time. In September of that year he assured readers of the Indian newspaper *The Hindu* that he has been making changes throughout his 25 years in power and would continue to do so.<sup>102</sup>

Speaking at the 'Tourism Evening 2004' President Gayoom reaffirmed that "the government would work towards ensuring the welfare of the people and maintaining the global reputation of the Maldives."<sup>103</sup> He continued by saying that the results of these efforts were being seen and expressed satisfaction that both the European Commission and the European Council had taken a more positive stand on this matter.<sup>104</sup> The above-mentioned announcement of political reforms has given President Gayoom worldwide recognition. The British Prime Minister Blair reportedly sent a letter to President Gayoom in October 2004 in which he praised President Gayoom for his commitment to the reform process.<sup>105</sup> It seems that

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<sup>100</sup> <http://www.presidencymaldives.gov.mv/v3/pages/News.php3?NewsID=298&CurLoc=0>

<sup>101</sup> (Royston 1998:213)

<sup>102</sup> "The Maldives ready for change, says Gayoom" in *The Hindu* on 5/9/2004: <http://www.thehindu.com/2004/09/05/stories/2004090501771400.htm>

<sup>103</sup> "President says he regrets smear campaign by Maldivian dissidents abroad" in *factmaldives* on 06 October 2004: <http://www.factmaldives.com/news/080904-president-speaking-tour.htm>

<sup>104</sup> *ibid.*

<sup>105</sup> <http://www.presidencymaldives.gov.mv/v3/pages/Newsphp3?NewsID=2546>

President Gayoom's efforts to maintain the global reputation of the Maldives and thereby secure the Maldivian tourism industry have been successful.

Nevertheless, as the arbitrary arrests and torture of political opponents continue<sup>106</sup>, the question remains as to whether the proposed reforms are not only empty in substance but mainly a means to silence the international community. The Maldives is not alone in such an approach. Kurzman points to the fact that there is a big gap between talks about human rights and the real situation in many Muslim countries.<sup>107</sup> This statement should not be limited to Muslim countries. Furthermore the source of this problem does not solely lie with regimes that violate human rights but equally with every nation that chooses to ignore such situations and thereby limits the potential of talks on human rights. Ramadan identifies the hypocrisy of this situation:

Behind the beautiful speeches based on human rights and democracy, the great powers support regimes whose least concern is to be representative. Democracy, here, supports dictatorial terror there. Dictators, conscious of their role as protectors of Western interests that they are made to play, do not have to abide to the rules.<sup>108</sup>

However, as Kurzman acknowledges "the gap between rights talk and rights realities does not announce itself."<sup>109</sup> In the past protests against religious human rights violations in the Maldives were reportedly invalidated by "recognition of the fact that there are no indigenous Christians in the Maldives."<sup>110</sup> The following case-studies dismiss this argument.

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<sup>106</sup> *Amnesty International* "Report 2005 – Summary":

<http://web.amnesty.org/report2005/mdv-summary-eng>

<sup>107</sup> Kurzman, "The globalization of rights in Islamic discourse" in *Islam encountering Globalization* (Mohammadi, A. (ed.) 2002:138-139)

He claims that "Islamic countries are less democratic and rights-respecting than other countries" and continues that even if he did not wish to ascribe this statistical regularity to some essentialized feature of the religion, the lag was "too clear to dismiss as Orientalist propaganda." - (His terminology)

<sup>108</sup> (Ramadan 2001:121)

<sup>109</sup> Kurzman, "The globalization of rights in Islamic discourse" in *Islam encountering Globalization* (Mohammadi, A. (ed.) 2002:139) – (His terminology)

<sup>110</sup> "Joshua Project of AD 2000 and Beyond-all eyes toward the Maldives" in *factmaldives*: <http://factmaldives.com/news'080904-all-eyes-2-wards.htm>

### **3. EVIDENCE OF HUMAN RIGHTS VIOLATIONS IN THE MALDIVES**

#### **3.1 Introduction**

Articles 18 and 19 of the UDHR are formulated as follows:

Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through media regardless of frontiers.

In order to answer the question of whether there are legitimate limits for the implementation of these articles in the Maldives, it is important to find out whether there is evidence of Maldivians who experience under the present law and political situation violations of these rights. During a six months period the author was able to collect 22 case-studies which offer first-hand evidence of such violations. The main focus of this part of the research was to find 'fresh' evidence of human rights violations. Five Maldivians gave first-hand personal evidence that they are suffering because they are Christians. There is further evidence of at least one other Maldivian who according to her/his aunt suffers for being Christian and of three others who are believed to be Christians, according to close relatives and friends. This evidence has been verified by others too. The research includes several accounts of maltreatment of Maldivians simply because they fail to follow the mainstream Islamic line dictated by President Gayoom. This evidence was given by five Maldivians who witnessed the abuse personally. The punishments for such a crime include arrest, loss of job, forceful shaving of beards, suspension from attending school and similar sanctions.

In addition there is evidence from six teachers that they are not permitted to encourage independent thought in school. Three teachers from Sri Lanka witnessed the expulsion of foreign teachers by the Maldivian government. The expelled teachers have been accused of trying to influence Maldivians with their own religion. The evidence given by three young Maldivians underlines the fact that free thought is discouraged. These three accounts describe the kind of

pressure that is put on Maldivians in order to deny them the right to express opinions freely. Another case-study is of a Sri Lankan visitor to the Maldives who personally witnessed the oppression of Maldivian Christians. Finally there are five personal accounts from foreigners who have been expelled by the Maldivian government for overtly religious reasons. On the whole this research gives clear evidence that Articles 18 and 19 are grossly violated in the Maldives. The following is a summary of the various case-studies.

## 3.2 Evidence of Denial of Freedom of Thought

### 3.2.1. Introduction

The Human Rights Committee in its 'General Comment 22' on 'Article 18' in its forty-eighth session in 1993 defined 'freedom of thought' as follows:

The right to freedom of thought, conscience and religion encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others.<sup>111</sup>

It also stipulates that:

It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right of everyone to hold opinions without interference in article 19.1. In accordance with articles 18.2 and 17, no one can be compelled to reveal his thoughts or adherence to a religion or belief.<sup>112</sup>

Freedom of thought is intrinsic to human nature. Nobody can interfere with someone else's thoughts unless they are translated into action or behaviours. It is here that Maldivians experience restrictions.

### 3.2.2 Evidence from Articles on Websites

In anti-government websites like *Maldivesculture* or *Dhivehiobserver* accusations of violations of the right to freedom of thought are very common. The following articles from *Maldivesculture* illustrate examples of how the freedom of thought is restricted by President Gayoom's regime:

On 9<sup>th</sup> June at a forum to propagate his constitutional reform, Gayoom passionately encouraged the people of Maldives to engage in free and open debate on the topic of reform. The Oriental Academic Centre

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<sup>111</sup> <http://heiwwww.unige.ch/humanrts/gencomm/hrcom22.htm>

<sup>112</sup> *ibid.*

responded to Gayoom's call by organizing a series of debates. The two meetings held so far resulted in an unprecedented level of animated debate among the capacity crowd who attended the meetings.

Today [7<sup>th</sup> June<sup>113</sup> 2004] [the] Ministry of Home Affairs banned future meetings by the organizers on the grounds that they failed to stop some of speakers airing "anti-government" sentiments.<sup>114</sup>

Senior Sri Lankan Criminal Investigation Department police officers are being paid US\$1000 dollars each to spy on Maldivians living in Sri Lanka, say reliable sources. ... All houses where Maldivians live will be under surveillance, phone bills are being examined, householders questioned about their calls, and selected phones are being tapped according to sources.<sup>115</sup>

The system of forcing people to sign confessions that can be used against them, should the need arise in the future, has become common in Maldives. This practice was perfected by Joseph Stalin and then the Stasi and imported into Iraq by Saddam. It was then adopted by Gayyoom and his NSS. These confessions are signed by almost every Maldivian government worker at some time in their lives.<sup>116</sup>

Gayyoom's favourite bodyguard, former STO clerk and now Chief of the NSS Staff Mohamed '22' Zahir, had to confess to alcohol consumption. Mohamed Zahir and two other NSS officers signed confessions and apologised to Ilyas Ibrahim (then Minister of Defence) after drinking in public and insulting the Minister of Construction Umar Zahir. Another NSS officer, Karo Abbas refused to apologise to Ilyas because, Karo said, drinking was a sin and therefore apologies were due to Allah alone. Karo was imprisoned after the 1988 attempted coup despite the fact he was in exile at the time.<sup>117</sup>

### 3.2.3 Evidence from Questionnaires and Interviews

Finding people who were able and willing to fill in a questionnaire was even more difficult than expected. Because of all the dangers involved, only two questionnaires were handed out and eventually filled in. The first respondent, a young lady with limited interest in politics, replied to the question of whether she was ever told that she was not allowed to think freely "Yes. Lot of times; by parents, family, relatives, friends, colleagues – whenever there's a discussion about the religion & if my thoughts ever contradict the religion."<sup>118</sup>

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<sup>113</sup> 'June' was an error in the original text; it should have been 'July'.

<sup>114</sup> "Free speech prompts another presidential dummy-spit" in *Maldivesculture* on 7 July 2004: [http://www.maldivesculture.com/news/meetings\\_ban\\_maldives.htm](http://www.maldivesculture.com/news/meetings_ban_maldives.htm)

<sup>115</sup> "Sri Lanka CID officers paid to spy on Maldivians?" in *Maldivesculture* on 13 October 2003: [http://www.maldivesculture.com/news/maldives\\_sri\\_lanka\\_cid01htm](http://www.maldivesculture.com/news/maldives_sri_lanka_cid01htm)

<sup>116</sup> "Maumoon Gayyoom and Saddam Hussein - the horse's mouth" in *Dhivehi Observer*: [http://www.dhivehiobserver.com/history/saddam\\_maldives\\_links.htm](http://www.dhivehiobserver.com/history/saddam_maldives_links.htm)

<sup>117</sup> *ibid.*

<sup>118</sup> Case-study submitted to Amnesty International

The second person who answered the questionnaire is very interested in politics but not actively involved. A summary of the account follows:<sup>119</sup>

Expressing what one feels, and what one believes ... in the Maldivian context is rather dangerous, especially if it is seen as threatening to the system ... It could also be dangerous in the sense that society does not see eye to eye with what you feel and believe. In the first context ... there could be possible imprisonment, or other hardships like continued harassment by the authorities, or the incapability to access rights that one already has. In the case of the latter, it is more social ... The fear is instilled from an early age. For me, it was my parents and those who were around me who cared for me, and my well-being. I do not believe that this is because they necessarily think independent thought is bad per se, but rather because they do not want me to get into trouble as such ... Many of my friends and some of my family members have been, at some point in time imprisoned, with or without charge, for voicing their opinion ... during the course of my education and my working life in Male', I have been in trouble at various times for questioning what I should apparently be accepting without question.

The culture has developed such that people follow blindly, and even those who dare to speak out loud enough fear their fate, unless of course you belong to a certain group of families or are in a position to pull strings effectively.<sup>120</sup>

This answer is interesting in several respects. Firstly it reveals the different pressures Maldivians experience to conform to the required thinking. The fear of repercussion by the government is very real but it is not the only one. The fear of 'losing face' in society, to be ridiculed or isolated is just as much of a pressure. Having looked at President Gayoom's effort to strengthen national identity and unity, it has become obvious that Maldivians grow up with a strong sense of national identity and belonging. The thought of becoming an alien in one's society is very threatening and creates much insecurity and fear. One person who has lived and worked in the Maldives for several years and still meets Maldivians on a regular basis wrote the following report in answer to my questions:

There is one strong undercurrent that we've observed to be a foundational factor when it comes to spiritual concerns. This powerful influence is fear. Historically, we are told, fear of evil spirits had a shaping influence in their lives. This fear continues, though it is not talked about openly unless you have demonstrated that you are a trustworthy friend who is genuinely interested in what concerns them. Today, however, the fear of being imprisoned and/or "ruined" financially by the government is the dominant fear that our friends face. In addition to this, they are afraid of being betrayed by family or friends and of being outcast from their community. This fear of others has been utilized by the government in their policies of religious control.

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<sup>119</sup> Original case-study is with Amnesty International

<sup>120</sup> Original case-study is with Amnesty International

One of our Maldivian friends was a devout Muslim who spent time in prison and under house arrest because he spoke out about his views which were more orthodox than the government's. He also respected Jesus and was interested in what Jesus taught. One time when I asked him why he hesitated to consider the teachings of Jesus he simply said, "I'm afraid".

We have observed this same fear in many other friends. It becomes obvious when you notice a "sudden freedom to talk" once a friend is in a safe place (such as in a sound proof home, on a resort or "under the cover" of the noise of a boat engine); or when you notice how uncomfortable they become when either religious or political subjects are being talked about in a group of people. <sup>121</sup>

Another case-study is about a teenage Maldivian girl living abroad whose mother prohibits her from associating with Christians, not for religious but mainly for cultural or social reasons. This girl has grown up away from her mother in a Christian home and as a teenager claims to have had a personal experience with God and since then follows Christianity secretly. Her mother does not allow her to practise her belief and forces her to fast during Ramadan. This is the only 'religious' duty her mother performs herself and it is very cultural. The vast majority of Maldivians keep the fast (at least in appearance) even though many of them might not even attempt to practice the other religious duties such as prayer, alms giving and going on hajj. For people who know this girl's mother very well it seems obvious that the main reason for her not allowing her daughter to associate with Christians is the fear of social and political repercussions.

Schools in the Maldives do not encourage students to think critically; in fact, such thinking is banned. A teacher from the Maldives recounts this experience:

I devised a way of incorporating essay instruction along with a few pointers on Creative writing. After starting to teach basic problem solving and demonstrating brain storming several times for each class, I was called into the school office to explain my actions. I was told that my goals were noble but I would have to immediately stop this sort of teaching. I explained that it is only hurting the students by not teaching it. Although the assistant principal agreed it was better for the students to get the instruction, she replied: "it is clear what we can and cannot teach in the schools and we do not teach that here".<sup>122</sup>

Several other case-studies contain similar evidence.<sup>123</sup> Students in the Maldives are not allowed to think critically or to learn about anything other than that which President Gayoom decides. The list of restrictions seems endless. In one case-study a vice-principal from a school in Male reports that the government has issued an

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<sup>121</sup> Original case-study is with Amnesty International

<sup>122</sup> Original case-study is with Amnesty International; modified for security reasons

<sup>123</sup> Original case-studies are with Amnesty International

order that prohibits all Islamic teachers from answering the questions of students on subjects such as the 'head covering for women' or 'the horror of hell'. Both these subjects are declared 'taboos' because President Gayoom fears fundamentalist views on these matters. Another teacher remembers the day when the government ordered that no teaching material was acceptable if it contained any religious un-Islamic bias. He remembers that they had to reject a very good history book because it referred at some point to Christ.<sup>124</sup> Another teacher tells how the Maldivian police was searching for one of his colleagues because he had included teaching about the reformation and the history of the Pope in Rome in his history classes.

In 1998 some eight teenagers were taken to the police and kept in confinement accused of having asked questions about Christianity and of secretly studying the Bible. Their houses were searched for Christian material. No material was found and they all confessed to be Muslim. After a traumatic few days at the police station in Male most of them were sent home upon the request and intervention of their parents and kept under house arrest for several weeks. They were all warned by the police never again to think about anything else than Islam.

The above few examples make it clear that the fear of repercussions or social isolation coupled with the fact that critical thinking is not at all encouraged, make it very hard for Maldivians to enjoy even a minimum of freedom of thought.

### **3.3 Evidence of Denial of Freedom of Conscience**

#### 3.3.1 Evidence from Interviews and Observation

One case-study is about a person who was expelled by the Maldivian Government in 1998. S/he was never told directly by anybody the reason for her/his expulsion, but s/he was forced to sign a document that stated that s/he had 'done something against the Maldivian constitution'. S/he knows that s/he has been expelled together with about twenty foreigners because the government suspected her/him of influencing Maldivians with her/his Christian faith. S/he describes how her/his Maldivian friends experience the denial of freedom of conscience in the following words:

Many Maldivians have expressed to us that they would like to follow Jesus, but they can't because of their government. The problem, however, goes deeper than that. Maldivians have been brainwashed into thinking that

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<sup>124</sup> Original Case-study is with Amnesty International



their cultural identity is tied up with one particular religion. They continue to be lied to about what other religions believe and those that try to pursue other beliefs are actively persecuted or live out their lives in the fear that they will be persecuted ... In a number of cases, our Maldivian friends have been warned by other Maldivians that they should not be friends with us ... When these types of friends or relatives visit, our Maldivian friends, according to their cultural customs and the potential for persecution once they return to the Maldives, must side with these uninformed people. We have lost many friendships due to pressure in this manner ... It's fine for a westerner to say stand up, but when Maldivians stand up against the system, they are quickly cut down.<sup>125</sup>

One Maldivian who is Christian reported that s/he is forced to perform the Islamic ritual prayers in order to make the family believe that s/he believes in Islam. Other Maldivian Christians do not know about her/his belief. They are not able to pray or to read the Bible together. They do not trust each other. They are afraid that if the police questions one of them they would not be able to withhold the fact that the other one also believes in something other than Islam.

Maldivians who believe in Christianity also face another huge dilemma. Christianity teaches its adherents to 'share their faith'. Five case-studies explain under what pressure these people are trying somehow to keep their faith alive. The person in one of the case-studies described all the sufferings and discrimination s/he was experiencing. However when asked what s/he wanted people to pray for, this was the answer: "Pray that one day I will be able to share my faith and beliefs with my family and friends without putting my loved ones under such enormous risk."<sup>126</sup>

In talking to Maldivians it is obvious that people are scared of each other and of the government. This is not limited to people with different religious opinions. It encompasses all aspects of life where one Maldivian's thinking might not conform to the government line. A Maldivian friend once said that as soon as she boards the plane for the Maldives she is overwhelmed by a feeling of fear. She believes that the Maldivian government might one day suddenly decide to put her in prison because she is known to drink alcohol when abroad.<sup>127</sup>

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<sup>125</sup> Original Case-study is with Amnesty International

<sup>126</sup> Original Case-study is with Amnesty International

<sup>127</sup> Original Case-study is with Amnesty International

### 3.3.2 Evidence from Amnesty International Reports

Amnesty International regularly lists a number of prisoners of conscience in its annual reports about the Maldives. In 1999 it mentioned at least 20 prisoners of conscience who were detained on the “suspicion of spreading Christian beliefs”.<sup>128</sup> According to Amnesty International in 2003 perhaps hundreds of people have been imprisoned simply for taking part in a politically motivated protest. It was reported that several children were among the prisoners.<sup>129</sup>

The freedoms of thought and conscience are very closely linked to the freedom of opinion and expression. The International Covenant on Civil and Political Rights elaborated further on article 19. It declared that not only should everyone have the right to hold opinions without interference and the right to freedom of expression but that this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of choice.<sup>130</sup>

It has already been shown that Maldivians are not able to seek and receive information and ideas. The next section gives evidence of the fact that freely imparting information is also denied.

### 3.4 Evidence of Denial of Freedom of Opinion and Expression

Without freedom of thought and conscience it is impossible to have freedom of opinion and expression. The above examples from questionnaires and interviews show the truth of this. Discussion forums in the internet and on Maldivian websites daily address this denial of freedom of opinion and expression. Examples of such articles can easily be found by accessing *Maldivesculture*, *Dhivehiobserver*, *Maldivesroyalfamily* or any other related website mentioned in this paper.

In recent years many of the human rights agencies have criticised the denial of freedom of opinion and expression in their annual reports:

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<sup>128</sup> <http://www.amnesty.org/ailib/aireport/ar99/asa29.htm>

<sup>129</sup> <http://www.amnestyusa.org/countries/maldives/document.do?id=D10B1DE999EFBCD680256E9E005A974F>

<sup>130</sup> [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

### 3.4.1 Evidence from Reports of Human Rights Agencies

In 2004 Amnesty International continued to report that “there are severe restrictions on freedom of the press”.<sup>131</sup> In its introduction to the annual report in 2003 Amnesty International states:

In the past decade, dozens of people – including politicians, journalists and others protesting government policies – have been detained arbitrarily in defiance of their fundamental right to freedom of expression.<sup>132</sup>

A South Asia Human Rights Documentation Centre publication from March 2004 argues that

The government ignores the constitutionally enshrined guarantee of freedom of expression, imposing severe restrictions on media independence through stringent registration requirements and bureaucratic processes.

On 4 March 2003, the Government announced that it had amended the law to make it easier to revoke newspaper and magazine licences. That same day 22 publication licences were cancelled due to a failure to comply with the new law, with no opportunity having been given to comply with the new requirements.<sup>133</sup>

In autumn 2004 ‘Reporters without Borders’ stated that the regime of President Gayoom was one of the world’s most repressive in terms of press freedom.<sup>134</sup>

The U.S. Department of State in its global report on human rights practices in 2003 criticised the Maldivian government for continuing to impose constraints on freedom of the press. It pointed out that radio or television outlets were owned either by the Government or its sympathizers and that current or former ministers owned all three major newspapers. In addition the Maldivian government owned and operated the only television and radio stations. It also mentioned that in January 2002, three men and one woman were arrested for circulating an Internet e-mail magazine, critical of the Government.<sup>135</sup>

### 3.4.2 Evidence from Interviews

Reading the case-studies of this research refutes the argument that these reports are based only on a few ‘tip-offs’ by ‘Maldivian dissidents abroad’ or ‘political opportunists’ writing articles for websites. One case-study contains information about a Maldivian who is currently involved in producing radio broadcasts in

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<sup>131</sup> <http://www.amnestyusa.org/countries/maldives/document.do?id=D10B1DE999EFBCD680256E9E005A974F>

<sup>132</sup> <http://web.amnesty.org/library/print/ENGASA290022003>

<sup>133</sup> “Trouble in Paradise” in *Dhivehi Observer* in March 2003: <http://www.dhivehiobserver.com/articles/troubleinparadise.html>

<sup>134</sup> [http://www.rsf.org/print.php3?id\\_article=11588](http://www.rsf.org/print.php3?id_article=11588)

<sup>135</sup> <http://www.state.gov/g/drl/rls/hrrpt/2003/27948pf.htm>

Dhivehi<sup>136</sup> and also in translation work. This person has been harassed and verbally abused by the Maldivian government. Her/his story illustrates how the Maldivian government tries to intimidate people who dare to voice their opinion. In some instances the Maldivian government has even used false accusations to make foreign governments co-operate in the attempt to put this person behind bars.<sup>137</sup>

### **3.5 Evidence of Denial of Freedom to Change Religion by the Use of Coercion**

#### 3.5.1 Introduction

The Human Rights Committee in its 'General Comment 22' on 'Article 18' elaborated further on the freedom to change one's religion. In point five it states that

The Committee observes that the freedom to "have or to adopt" a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief. Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.<sup>138</sup>

In points 9 and 10 the Human Rights Committee also comments on states that have a state religion. It argues that even under such circumstances the above rights should not be restricted:

The fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers. ...<sup>139</sup>

Considering the comments in point 9 and 10 it seems that Maldivians too should have the right to choose to have or to adopt a religion. Maldivians who have tried to assert this right have paid a high price.

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<sup>136</sup> Dhivehi is the official Maldivian language

<sup>137</sup> Original case-study is with Amnesty International

<sup>138</sup> [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

<sup>139</sup> *ibid.*

### 3.5.2 Evidence from Interviews and Observation

In June 1998 the evening news on TV Maldives announced that the NSS had taken into custody several Maldivians who were suspected of spreading Christianity in the Maldives. At the same time the NSS started to search the houses of expatriate Christian workers. NSS personnel entered the houses without search warrant but demanded to be given 'a free hand'. They confiscated everything they found of interest, for example personal Christian books, music tapes, videos, photos, computer discs and in some houses they even confiscated the computers. They asked for passports to be handed over and ordered those involved to be questioned by the police. The NSS wanted to know about any propagating of Christianity, any discussion with Maldivians about their faith, any involvement in Bible translation and also whether the expatriate workers knew those Maldivians who had been imprisoned. This all happened over several days. In the meantime the news spread that even more people had been imprisoned. Most of them were taken simply because they were known to have had contact with expatriate Christians. After about a week about 20 expatriate workers, known to be practising Christians, were expelled from the Maldives. None of them has ever been charged with anything but every one of them had to sign a document before leaving. The document stated that the person concerned had 'done something against the constitution'.

At least 18 Maldivians were kept in custody for several days. Among them were at least seven teenagers. Twelve Maldivians were kept on Dhonidoo prison island for several months. For the first few days (for some people weeks) they were kept outside on a chair. Each one was seated separately under a tree with nobody to talk to and nothing to do. They were all terribly scared. They were only allowed to get up from the chair when they were called for questioning or when they had to go to the toilet. Even at night they were kept outside. Maldivians are all scared of the dark. To stand, sit or lie under a tree after dark is considered to be very dangerous because of the common belief that the jinnis (spirits) are active in the trees at night.

The prisoners were questioned on and off about their relationship to Christian foreigners and whether they had ever participated in Bible studies. As a matter of fact some of these prisoners had confessed faith in Christian beliefs at some point. They had always known about the danger of it but hoped that no one would ever reveal the secret. After a few days in prison most of them were not able to stand

firm and started to give information. This information in turn was used to make the other prisoners understand that they had been betrayed by their friends and that there was no way they would be able to hide anything. They were all told how badly they had behaved and that this was a very shameful thing to do. They were told that their expatriate Christian friends had been sent by some foreign forces to destroy the unity and independence of the Maldives. They were made to believe that they were the victims of a great conspiracy against the Maldives. All except one recanted their Christian faith. The only person who maintained her conviction was kept in solitary confinement and tortured. The other prisoners knew about this and that was another reason for doing everything necessary to escape from prison. The only way to escape a life-imprisonment seemed to be to convince the NSS that everybody had returned to Islam. They all began to recite the prayers and listened to the Islamic teacher who especially came to the prison island to teach them.

Some of them were told that, because of international pressure, the NSS had to treat them well. At the same time the officers of the NSS admitted that other prisoners were being tortured. As a matter of fact this was never a secret. The prisoners could hear the cries of those who were beaten by the NSS day and night and sometimes even witnessed some of the abuse. During their time in prison some of the prisoners were made to appear in front of a video camera and forced to declare that they were being treated well. International pressure remained high and so President Gayoom ordered all these prisoners to be released in November of the same year.

Before they were sent home they had to meet officer Zaheer, a high ranking NSS officer and a feared torturer. He told them again what a shameful and foolish crime they had committed and he warned them to never again contact any of the expatriate Christians they had known. He told them: "This time we let you go, but if something like this ever happens again, we won't be able to pardon you again." The prisoners understood that if they ever again engaged in any Christian activity they would either be put into prison or be killed. Even now they still feel scared and very much shamed. Even after six years they experience regular verbal abuse on the streets. People call them names or tell them to their face that they should have been killed for their shameful act! They feel that they are under surveillance by the NSS and, as a matter of fact, some of their houses are checked out and some believe their phones are tapped. They feel very vulnerable.

In 1998 many religious human rights agencies reported on these events.<sup>140</sup> But since then no agency has been able to produce fresh evidence of Maldivians who have been denied freedom of religion. Having considered the political situation in the Maldives so far it seems obvious why it is so hard to gather evidence. The risk in revealing such violations is simply too great for the people concerned. In spite of this, the current research was able to amass evidence<sup>141</sup> from as many as nine Maldivian nationals, whose right to change religion was grossly violated. This seems to indicate that not all Maldivians are Muslims and that there are Maldivians whose religious rights are grossly violated. None of these nine informants was ready to get her/his case-study published, but the case-studies have been forwarded to Amnesty International. Amnesty International is not going to publish<sup>142</sup> them but they provide evidence of the situation in the Maldives. The following is a selection of the evidence received. The examples are given in such a way that it should not be possible to identify the informants.

### 3.5.3 Evidence from Recent Interviews and Observation

Maldivian Christians do not want other Maldivians to know what they believe. A Sri Lankan who met some of these people in Maldives in 2004 gave the following report:

To see the size of the believers' apartments was an eye-opener for me. The apartments are so small and so over-populated that it is impossible for anyone to enjoy privacy. Although the believers trusted me and wanted to talk to me they only dared to whisper. They were afraid that somebody else would hear them and report them ... While in Male I tried to access several Christian web-pages. Most of these sites were blocked. I also realised that the booths were done in a way that it was impossible to watch something in privacy ... In casual conversation I was asked twice where I was working. When the people heard that I was working for a church they backed off on each occasion. They seemed to be scared to continue the conversation and quickly changed the subject. I felt that they were scared to associate with me after this.<sup>143</sup>

Maldivians outside the Maldives do not feel much more secure. They are afraid to be known to associate with Christians. They are afraid of losing their reputation or jobs,<sup>144</sup> or even of being put into prison. Several Maldivians reported that they had

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<sup>140</sup> Amnesty International's Annual Report 1999, EASL (Evangelical Alliance Sri Lanka), CSW (Christian Solidarity Worldwide), Alleanze Cattolica, etc

<sup>141</sup> within a period of six months

<sup>142</sup> for security reasons

<sup>143</sup> slightly edited for security reasons from one of the Case-studies

<sup>144</sup> evidence taken from one of the Case-studies

been warned by the Maldivian government that, because of having some foreign friends, they had been black listed for associating with Christians.<sup>145</sup>

Maldivians who do not believe in anything and do not practise Islam do not seem to encounter political problems, whether abroad or at home. Although Islam teaches that Muslims should practise all 'five pillars',<sup>146</sup> it is only not practising 'the fast' that is normally punished in the Maldives. It is quite safe for any Maldivian not to practise any of the other four duties.

Something that is considered very dangerous is to be in possession of non-Islamic religious literature. If this literature is written in Dhivehi it makes it an even more serious crime. Quite a number of people have been sent to prison for keeping Christian Dhivehi literature.<sup>147</sup> Therefore people who do have such literature go out of their way to keep it very well hidden and do not show it to any other Maldivian. For Maldivian Christians abroad, going to church is a very risky endeavour. They are always afraid that someone in the congregation might recognise that they are Maldivians and report them to the Maldivian authorities. There is evidence that in the past the Maldivian government has requested the Sri Lankan government to deport a Maldivian because s/he had become a member of a Sri Lankan church. Sri Lanka's government responded to this request and sent the person back to Male. There s/he was kept under house-arrest.<sup>148</sup>

If Maldivians do go to church, they have to keep a very low profile and are not able to participate fully in the life of the church. They try to ensure that no Maldivian can find out where they are going to by varying their routes, using different transport facilities or going at different times. They are never able to really relax at church. They are also not able to bring a Bible with them. The fear of being seen with a Bible by some other Maldivian is too high. The fact that it is too dangerous for Maldivians to associate with their Christian friends, not even feeling able to greet them on the street, makes it impossible for them to enjoy real community and fellowship, even while living abroad.

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<sup>145</sup> evidence from several Case-studies

<sup>146</sup> The 'Five Pillars' of Islam are the foundation of Muslim life: Faith or belief in the Oneness of God and the finality of the prophethood of Muhammad; The daily prayers; Almsgiving; Fasting; and the pilgrimage to Makkah for those who are able.

<sup>147</sup> Evidence from several Case-studies

<sup>148</sup> Original Case-study is with Amnesty International



## 3.6 Evidence of Denial of Freedom to Manifest Religion in Public or Private

### 3.6.1 Introduction

The Human Rights Committee in its 'General Comment 22' on 'Article 18' decreed that

The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group. In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.<sup>149</sup>

### 3.6.2 Evidence from Interviews

It should by now be clear from the evidence assembled for this research that it is not possible for any Maldivian to manifest any belief other than Islam be it in private or in public. The findings of this research will now show that it is not only followers of non-Islamic beliefs who are denied the right to manifest their religion but also any Maldivian who wants to follow Islam in any way other than that which has the approval of President Gayoom. It is common knowledge in the Maldives that people are arrested for voicing different religious opinions. One of the case-studies gives an example of a man who, while speaking in the mosque, dared to give an interpretation of a Qur'an passage different from the official Presidential one. The man was imprisoned for this crime. One informant reported that about three years ago fundamentalist Maldivians were taken by the NSS and their beards were forcibly shaved off. This person further testified to the fact that Maldivian teachers have lost their job simply because of the way they dressed. President Gayoom decided that if the form of dressing seems to suggest that the person is influenced by Wahhabi Islam<sup>150</sup>, then that person is considered to be dangerous and not eligible to work as a teacher. S/he also told the story of a

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<sup>149</sup> [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

<sup>150</sup> Followers of the Wahhabi sect of Islam are labelled as fundamentalists and often associated with religious fanaticism.

student who was arrested shortly before her final exams, because she had covered her face on the street:

One or two years ago a student was arrested on the street for covering her face (she was not wearing uniform at that time). By the time her final exam paper started she was still in police custody. Somebody of her school called the police and asked for permission for this girl to come and to sit for her exam. But the police refused to send her. They said that she had said, that nobody would be able to stop her from covering her face because it was written in the Qur'an. The police interpreted this as disobedience towards the government and therefore they were not willing to send her for the exam. Although this girl's parents had paid the exam fees this girl lost her chance to do it.<sup>151</sup>

Further evidence can be found in two other case-studies. In addition, many expatriate workers in the Maldives have run into trouble because they were accused of manifesting their belief in public. A number of case-studies give evidence of this. Mr. Fernando's story<sup>152</sup> gives an example of the way expatriate workers are treated in the Maldives. Mr. Fernando, a Sri Lankan national, who has been working in a private school in Male for more than 25 years reports how he has been questioned by the police for wearing a cross on a chain under his shirt. His house was searched one night after midnight by the NSS. In Mr. Fernando's bedroom the NSS found some personal items like his Bible, a devotional guide, two rosaries and some Christmas cards. The NSS confiscated all of this. Finally Mr. Fernando was expelled from the Maldives without any charges. In 2004 Mr. Fernando needed a police clearance from the Maldivian NSS because he was applying for a visa to go to the US. The Maldivian NSS refused to give him the clearance.<sup>153</sup>

The Human Rights Committee in its 'General Comment 22' on 'Article 18' further points out that "the freedom from coercion to have or to adopt a religion or belief and the liberty of parents and guardians to ensure religious and moral education cannot be restricted."<sup>154</sup> Again this freedom is denied in the Maldives. Several Maldivian Christians clearly testified to the fact that they cannot teach their children about their beliefs. One Maldivian said s/he would love to share her/his religious experience with other Maldivians and especially with her/his family, but that s/he felt that s/he had to wait until doing so will no longer endanger them and isolate them in their society. One respondent wrote the following:

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<sup>151</sup> Original Case-Study is with Amnesty International

<sup>152</sup> Mr. Fernando is happy to get his story published.

<sup>153</sup> A copy of the reply for his request from Male's Police Headquarters together with the original Case-study is with Amnesty International.

<sup>154</sup> [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

I know that my child is questioned at school. The teachers ask the children at school, "Who is Jesus? Who is Mohammed?" And the children have to answer. But they ask my child more intensely than they ask the other children. They sometimes ask my child what I am teaching about religion. I am afraid and I am very careful about what I teach my child.<sup>155</sup>

Maldivian websites that are critical of President Gayoom's regime have also published articles addressing the issue of discrimination of Maldivians whose religious views do not follow the official line laid down by President Gayoom.<sup>156</sup> Because the above evidence seems sufficiently convincing these articles are not quoted here. The evidence offered here suggests that the articles on these websites are reality-based rather than having been invented by political opportunists.

### 3.7 Conclusion

The evidence above leaves no doubt that there are systematic violations in the Maldives of the rights granted in Articles 18 & 19 of the UDHR. The evidence of violations concerning Article 19 is not new. The specific, first-hand evidence of the all encompassing extent of violations concerning Article 18 is so far as is known, unique. Taking into consideration the difficult circumstances, the great risk the informants had to take,<sup>157</sup> and the short time period within which this evidence was collected, it would seem that the presented evidence is only 'the tip of the iceberg'. The full extent of human rights violations in the Maldives can therefore only be estimated, but violations are certainly rampant and widespread. The promised political reform suggests that President Gayoom is certainly aware of this fact, but this does not seem to affect his conviction that the Maldives has the right to remain 100% Muslim.<sup>158</sup>

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<sup>155</sup> Original Case-study is with Amnesty International

<sup>156</sup> an example of such articles: Minivan Maruteyo, "Please, save us from Dictator Gayyoom!!!" in *Dhivehi Observer* on 12 September 2004:  
[http://www.dhivehiobserver.com/articles/please\\_save\\_us.htm](http://www.dhivehiobserver.com/articles/please_save_us.htm)

<sup>157</sup> That risk limited the amount of evidence able to be presented above. Much information collected was sent to Amnesty International but not included in this presentation because it would have been too easy to track down the individual informant.

<sup>158</sup> On 8<sup>th</sup> November 2004 President Gayoom affirmed that Maldives "not only wishes but also has the right to stay 100% Muslim":  
<http://www.presidencymaldives2.gov.mv/v3/pages/News.php3?NewsID=2608>

## 4. CRITIQUE OF PRESIDENT GAYOOM'S POSITION

### 4.1 Is the Maldives' Identity 100% Muslim?

The evidence that supports the claim that the Maldives is not 100% Muslim is contained in a summary of Romero's work, which is an extraordinary source of Maldivian 'uncensored history'. Other research papers and books about Maldivian culture and history are very few in number and they are not available to the public.<sup>159</sup> Romero spent 12 years in the Maldives and completely immersed himself into the Maldivian culture. He examined all the previous writings and elaborated on them through intense research. His work has been acknowledged by other scholars<sup>160</sup> as very well researched.<sup>161</sup> Following is Romero's summary:

Originally Maldivians followed the Dravidian Mother-Goddess worship and its rituals. The country underwent a conversion to Buddhism about 2000 years ago which brought about an unprecedented flourishing of the Maldivian culture, including the language which by then had developed its own script. Almost all significant Maldivian archaeological remains and cultural accomplishments are from that period. But about 800 years ago the country was converted to the Muslim religion and little of the cultural achievements of the Maldivian classical age survived. Since the conversion, the ancient Mother-Goddess cult managed to live on in the local folklore, which is marked by the fear of ancient female spirits, epidemics, and monsters coming from the sea. As centuries went by, Islam, the official religion of Maldivians, became intertwined with the local traditions. However the role of this religion in Maldivian society has changed significantly and irreversibly since the beginning of the 1980's.<sup>162</sup>

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<sup>159</sup> According to O'Shea and Wahab, after the 400 year old account of a forced stay in the capital island Male, written by shipwrecked Frenchman Pyrard de Laval, only two major books about the Maldives have appeared in English in the last hundred years. H.C.P. Bell and W.L. de Silva's book 'the Maldivian Islands' was published in 1940. The book became an expensive collector's item. Clarence Maloney's book 'People of the Maldivian Islands' was written in 1970. There are only a few copies of this book available worldwide. This information is taken from: O'Shea and Wahab, "Book Review: The Maldivian Islanders – a study of the popular culture of an ancient ocean kingdom by Xavier Romero Frias" in *Maldivianculture*: [http://www.maldivianculture.com/maldives\\_review.html](http://www.maldivianculture.com/maldives_review.html)

<sup>160</sup> *ibid.*

<sup>161</sup> The following articles are interesting to read, but do not give any additional insight to Romero's work:

"Maldivian – History" in *Countrystudies*: <http://countrystudies.us/maldives/1.htm>

"Maldivian History" in *themaldives*:

[http://www.themaldives.com/Maldivian/Maldivian\\_history.htm](http://www.themaldives.com/Maldivian/Maldivian_history.htm)

"History" in *Maldivianculture*: <http://www.maldivianculture.com/histor02.html>

*A brief history of women in the Maldives – from matriarchy to an Islamic State*

<http://www.saunalathi.fi/penelope/Feminism/Maldivian.html>

*Maldivian Story* (Maldivian Story Copyright: Republic of Maldives: 1999)

Prof. Mikkelsen E *Archaeological Excavations of a Monastery at Kaashidhoo – Cowrie shells and their Buddhist context in the Maldives*

(Male: National Centre for Linguistic and Historical Research: 2000)

<sup>162</sup> <http://www.maldivian-ethnography.com/>

#### 4.1.2 The Arabisation of the Maldives

According to Romero, Maldivians have always shown great respect for people who were perceived as 'holy men'. Thus, when confronted with Sayyids from Arabia, all islanders automatically saw them as superior. According to Romero

this collective lack of self-esteem has led them to believe that any unknown traveller or adventurer impersonating the role of an Arab religious figure was better fit to rule them than even the best of their own people.<sup>163</sup>

Thus, when a Moroccan traveller called Ibn Batuta arrived in the Maldives in the 14<sup>th</sup> century, he was immediately given the post of chief judge. Ibn Batuta naturally was not familiar with Maldivian culture and therefore started to change the law according to his Arab knowledge. One aspect of life that he tried to change was the relaxed attitude of Maldivians towards the daily prayers. It was the custom to send only a few men on each island to the mosque to perform the prayers. People found it too difficult to interrupt their daily work to pray and so it was left to the elderly, and, therefore, apparently more godly and wise men to perform this duty.

Another problem for Ibn Batuta was the dress of Maldivian ladies who were still topless at this time. Ibn Batuta tried to convince them that they should dress properly according to the ways of Arab women. After Ibn Batuta left, many more 'Sayyids' visited the Maldives. Many were given very high posts simply because they spoke Arabic or because they claimed to be direct descendants of the Prophet. Each was given a free hand to change ancient Maldivian customs according to his wishes. Maldivian culture lost its identity and became more and more Arabic.

When President Gayoom came to power this process was accelerated. He opened hundreds of mosques and Islamic schools all over the Maldives. The Arab religious schools were first opened in the capital Male in 1983. Romero illustrates how these schools set a pattern of cultural and political indoctrination for schools all across the Maldives.

In those schools the first thing a Maldivian child is taught is that his father is a fool because he can't understand the Qur'an as he does not know Arabic, the second that his grandfather was a lunatic because he held on to many folk beliefs that were unislamic, the third that his mother is shameless because she does not cover her hair, the fourth that his grandmother was a whore because her form of dress revealed too much of her body, the fifth that all the old Maldivian books and stories are lies, and the sixth that Divehi

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<sup>163</sup> (Romero-Frias 2003:277)

courtesy is rude because Maldivian Islanders do not go around saying all the time 'Assalam alaykum' as polite Arabs do.<sup>164</sup>

It is easy to understand that this approach further alienated the students from their own Dhivehi culture and led to them admiring the Arabic culture. Romero observed that in past years

Maldivian identity has steadily lost its color and vitality. Local dances, song, festivals and ceremonies that were deemed un-Islamic have been weeded out and repressed with almost sadistic ruthlessness."<sup>165</sup>

The Arabisation of the Maldives also influenced the Dhivehi script.<sup>166</sup> Romero argues:

The abandonment of the 'Divehi Akuru' [the traditional] alphabet and the introduction of the Tana form of writing was a decisive step towards a greater Arabization of Divehi culture.<sup>167</sup>

President Gayoom, being simultaneously the head of state and the religious leader of the Maldives, realized from the beginning that making Islam the centre of Maldivian identity would strengthen his position. Since 1979 he has made it a custom to invite Arab preachers to the Maldives. These preachers often teach a very fundamentalist hard line type of Islam. President Gayoom also sends many students abroad to receive Islamic training. When these students come home many have completely changed their previous life-styles and have become like Arab Muslims. According to Romero "These uprooted Arab impersonators put much effort into weeding out the last remnants of true Maldivian national identity."<sup>168</sup>

Romero believes that

presently in Maldives there is a secret hostility to excessive Arabization, but it is leading nowhere. ... Moreover, there seems to be nowhere else to go in the other direction, for the ancestral Divehi culture is effectively lost.<sup>169</sup>

This line of argument leads to the conclusion that Islam in the form endorsed by the Maldivian Government is not an indigenous part of Maldivian culture. In fact it seems that before President Gayoom started to 'define Maldivian identity', Islam had not been seen as a vital cultural trait of 'Maldivianess'. Although the president

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<sup>164</sup> Romero paraphrasing Vivekananda, a well-known Indian reformist who denounced British education in the schools of the Raj for giving Indian a false perspective of their own culture in (Romero-Frias 2003:290)

<sup>165</sup> *ibid.*, page 291

<sup>166</sup> The present alphabet is based mostly on Arabic numerals and diacritical signs and more importantly, is written from right to left like Arabic.

<sup>167</sup> (Romero-Frias 2003:291)

<sup>168</sup> *ibid.*, page 292

<sup>169</sup> *ibid.*, page 293

strongly denies this, Romero's research has shown that it is possible to be 'culturally' Maldivian without being Muslim. However, having lost most of their identity apart from Islam, young people in particular feel uneasy, restless and do not know where they belong. They are not only influenced by the forcefully dominant Arab- Islamic culture but also by western media and Hindi culture<sup>170</sup>. In October 2004 'Zaroasters' expressed his distress in an article published in the *Dhivehi Observer*:

Gayyoom robs Maldivians of their religion ... It is clear that Maldivians have become more twisted in their religious outlook in the time they have spent under Gayyoom's regime. And there now is a clear danger that huge sections of society might 'flip' into an Islamic fundamentalist society. All the phenomena which have been the root causes of past and present fundamentalist societies are now present among the Maldivian community; a deep and painful sense of alienation from the 'rulers' (a.k.a. Gayyoom's dictatorial regime), political and economic uncertainty, a disintegration of traditional social values, looming poverty and hardship ... The only 'spiritual opportunity' of any promise to the Maldivian community at the moment can be the end to Gayyoom and his family's regime. So that Maldivians can once again connect to their roots of the past and feel comfortable in their own skin, knowing that they have a unique and personalized spirituality without the disturbing middle-eastern elements of extremist religion and the strict interpretation of Islam that Gayyoom and his Arab-educated cronies have tried to impose on and manipulate the Maldivian people with.<sup>171</sup>

#### 4.1.3 Conclusion

The cultural uneasiness felt by many Maldivians confirms Romero's findings, which leads to the conclusion that President Gayoom's claim to grant the Maldives the right to maintain its 100% Islamic identity is not based on cultural evidence. Moreover President Gayoom, identifying Islam with Arabic culture, has further enhanced the loss of real Maldivian identity. 'Human Rights Watch' argues in an article related to Iran that

Tradition is not an objective set of ideas and institutions and practices to be retrieved at will, but is reconceptualised and reformulated depending on the goals of political actors ... Authenticity is not an objective standard but is also, like 'tradition', a matter of definition and choice.<sup>172</sup>

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<sup>170</sup> A recent article in the *Dhivehi Observer* points out that under President Gayoom not only has the Arabic influence on Maldives increased but also that he has propagated a 'Hindi culture' from neighbouring India: Adam Ch, "Mullahs and Jaya Hind -The need to phase out Pseudo-Arab oppression and over-zealous propagation of Hindi Culture in Maldives" in the *Dhivehi Observer*, October 2004:

<http://www.dhivehiobserver.com/articles/mullasandjayahind.htm>

<sup>171</sup> Zaroasters, "Gayyoom robs Maldivians of their religion" in the *Dhivehi Observer*:  
[http://www.dhivehiobserver.com/articles/gayye\\_robs\\_maldivians\\_of\\_religion.htm](http://www.dhivehiobserver.com/articles/gayye_robs_maldivians_of_religion.htm)

<sup>172</sup> *Human Rights Watch* quoted in (Dalacoura 2003:204)

In the case of the Maldives, President Gayoom clearly exercised choice in the heritage to which he wanted to appeal, choosing that which seemed most fitting to consolidate his autocratic rule and moreover grant him the respect and support of his influential friends at the Al-Azhar University in Egypt.<sup>173</sup>

## 4.2 Does Islam Support the UDHR?

President Gayoom defines the Maldives as a '100% Islamic State'. This is the basis of his claim for cultural relativism. However, there are several problems with this argumentation as will now be explained.

### 4.2.1. The Islamic State

It is often argued that Islam propagates an Islamic state which implements Shari'ah<sup>174</sup> as the law of the state. However, an Islamic state would have to include the whole of the Muslim community worldwide. Many scholars agree<sup>175</sup> that "there is neither a historical precedent of an Islamic state to be followed, nor is such a state practically viable today."<sup>176</sup> An-Na'im explains that "the notion of an Islamic state is a contradiction in terms."<sup>177</sup> He bases this statement on the fact that there is – and always has been – a great diversity of opinion among Muslim scholars; any enactment of Shari'ah as 'state-law' would have to select some opinions over others and by doing this, would thereby deny believers their intrinsic

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<sup>173</sup> This is shown clearly in the inconsistent way Shari'ah is used in the Maldives. In November 2004 'Dylan' published an article in the *Dhivehi Observer* about the question of 'Reclaiming Communicative Power in the Public Spheres and Civil Society in Maldives'. He argued that:

Religion takes a secondary role to a particular form of socio-political organization. Application of 'Shari'ah', even as it is currently understood, is by no means uniform and consistent. This is especially prominent in the subsystem of public law, which is characterized by an amalgam of, at times contradictory and largely nominal, principles drawn from Shari'ah and English common law.

[http://www.dhivehiobserver.com/docs/Discourse\\_Theoretical\\_Approach.pdf](http://www.dhivehiobserver.com/docs/Discourse_Theoretical_Approach.pdf)

<sup>174</sup> Shari'ah is the Islamic law, which is mainly based on the Qur'an.

<sup>175</sup> Examples: Khalidi "Religion and Citizenship in Islam" in *Religion and Citizenship in Europe and the Arab World* (Nielsen (ed.), 1992: 25-30)

El Fadl A., "The human rights Commitment in Modern Islam" in *human rights and Responsibilities in the world religions* (Runzo, Martin, Sharma (ed.), 2003:301-364) pp.314 – 316

Ebadi, *S Islam and Human Rights*: [http://www.asiasource.org/asip/shirin\\_ebadi.cfm](http://www.asiasource.org/asip/shirin_ebadi.cfm)

<sup>176</sup> An Na'im "The Synergy and Interdependence of Human Rights, Religion and Secularism" in *Human Rights and Responsibilities in the world religions*, (Runzo, Martin, Sharma (ed.)2003: 27-49) page 48; see also: Ahmed and Karim, "The Prohibition of Nationalism in Islam" in *geocities*:

<http://www.geocities.com/Heartland/Fields/2704/article29.html>

<sup>177</sup> An Na'im "The Synergy and Interdependence of Human Rights, Religion and Secularism" in *human rights and Responsibilities in the world religions*, (Runzo, Martin, Sharma (ed.)2003: 27-49) page 48



freedom of choice among equally legitimate competing opinions; this is not consistent with Islamic teaching. In another article he explains that although Shari'ah always had a role in the life of Muslim individuals and communities, this was always on a voluntary basis, rather than through coercive enforcement by the organs of the state.<sup>178</sup> President Gayoom's dual role as religious leader and 'head of state'<sup>179</sup> is particularly controversial within contemporary Islam. This right was reserved for the Prophet and the context of his time.

#### 4.2.2. Muslim Human Rights Documents

The 'Universal Islamic Declaration of Human Rights' (UIDHR)<sup>180</sup>, the 'Cairo Declaration' and the 'Arab Charter of Human Rights' are a reaction to the perceived 'western dictation' of human rights laws. Mohammadi explains that the emphasis on common western denominators, which are exclusive of the cultural realities and existential conditions of developing countries in general (and of Islamic governments in particular) cause tremendous anxiety, resentment and cultural paranoia.<sup>181</sup> Modern Muslim scholars like Ramadan state that "human rights are based on rational norm, human autonomy and the rejection of any absolute,"<sup>182</sup> and he contrasts this to Islam which is centred on God.<sup>183</sup> Some Muslims see the UDHR as a western tool to subjugate the whole world and are afraid of having to abide to a new secular global culture and of losing their own distinctive culture and identity. This feeling is endorsed by the double-standards of western powers in respect to human rights. The treatment of Muslims in U.S. led prison camps and the American approach in dealing with Saddam Hussein endorse the impression that human rights are twisted and biased by the 'great western powers' at the expense of poorer people – often Muslims.<sup>184</sup> Ramadan points out that even humanitarian aid is used in proportion to strategic interests:

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<sup>178</sup> An-Na'im, "Political Islam in National Politics and International Relations" in *The Desecularization of the World – Resurgent Religion and World Politics* (Berger P.L. (ed.), 1999:103 – 121), page 117

<sup>179</sup> See Appendix 'Powers of President Gayoom', pp. 70 ff

<sup>180</sup> It is not clear how the two terms 'universal' and 'Islamic' relate to each other. Is the declaration only relevant for the universality of *all Muslims* or is 'universal' encompassing all human beings and 'Islamic' only defines the ethical source of the Declaration?

<sup>181</sup> Mohammadi A. "Human rights in the context of Islam" in *Islam Encountering Globalization*, (Mohammadi (ed.) 2003: 111-130), page 113

<sup>182</sup> (Ramadan 2001:99)

<sup>183</sup> *ibid.*, page 90

<sup>184</sup> Most Muslims live in the southern hemisphere in conditions, which are often dramatic. In effect, 85% of the 1.5 billion faithful are poor, and 60% are illiterate. Information taken from (Ramadan 2001:319)

The share of votes of the industrialised countries in the World Bank Group (the World Bank and IDA) represents 60%; the decisions concerning the project to be achieved are linked to the interests of the economic policies of the superpowers."<sup>185</sup>

Woodiwiss also believes that human rights are currently more useful to the rich and powerful than to the poor and powerless.<sup>186</sup> All this has created mistrust and even hatred among the people in poorer nations. Religion has become one of the means of responding to this situation. Monshipouri points out that not only Islamic fundamentalists but also Islamic modernists view religious resistance to secularization as legitimate, questioning the rationalist arrogance and moral superiority associated with western experience.<sup>187</sup> Modernization has not led to a decline of religion; rather, it has spawned powerful movements of counter-secularization. This is the context in which these three documents need to be looked at.

All three documents guarantee freedom of religion,<sup>188</sup> but restricted by the following terms: "no restrictions may be imposed on the exercise of such freedoms except as provided for by law."<sup>189</sup> The term 'law' refers to Shari'ah law. Dalacoura points out that this is a major source of difficulties for the compatibility of these documents with the concept of human rights. Mayer argues that the Shari'ah criterion is left so uncertain that nobody knows its limits.<sup>190</sup> Because the traditional interpretation of Shari'ah does not grant the right to change or abandon ones religion, or grant equal rights to Muslims and non-Muslims or men and women, affirming human rights 'according to the Law' (Shari'ah) means that Islamic rights are not compatible with the UDHR. Dalacoura comes to a similar conclusion.<sup>191</sup> Mayer agrees and adds that the Islamic human rights schemes are mostly evasive on the question of protection for freedom of religion. She argues that

The failure of a single one of these Islamic human rights schemes to take a position against the application of the Shari'a death penalty for apostasy means that they have neglected to confront and resolve the main issue.<sup>192</sup>

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<sup>185</sup> (Ramadan 2001:273); IDA = International Development Association

<sup>186</sup> (Woodiwiss 2003:105)

<sup>187</sup> Monshipouri M. "Islam and human rights in the age of globalization" in *Islam Encountering Globalization* (Mohammadi (ed.) 2003: 91-110), page 102

<sup>188</sup> UIDHR Articles 12-14; Cairo Declaration Articles 10, 18a, 22a; Arab Charter Articles 30, 32

<sup>189</sup> Draft Arab Charter on Human Rights, Article 30a: <http://www.pogar.org/themes/reforms/documents/dacharter.pdf>

<sup>190</sup> (Mayer 1995:78)

<sup>191</sup> (Dalacoura 2003:50-51)

<sup>192</sup> (Mayer 1995:160)

#### 4.2.3 Freedom of Religion: Apostasy, Blasphemy and the Problem of Proselytism

Although the Qur'an stipulates that "there is no compulsion in religion"<sup>193</sup>, freedom in religious thought is a problem for most Islamic scholars. During the discussion surrounding Article 18 of the UDHR the difficulty, according to Saudi Arabian representative al- Barudi, was that the right to change one's religion, at least for Muslims, was not recognized in Islamic law. Most Islamic countries agreed with him.<sup>194</sup>

Having looked at the UDHR, the Cairo Declaration of Human Rights and the newly-adopted Draft Arab Charter on Human Rights<sup>195</sup> it is clear that the problem of freedom of religion has still not been solved by the Muslim community. None of these Islamic documents<sup>196</sup> mentions the right to change or abandon one's religion. The problems of apostasy and blasphemy remain unresolved for most Muslims. Closely linked to this is the problem of proselytism. While Muslim nations interpret religious freedom as the right to follow Shari'ah and therefore deny the right to change religion, other religions see it as their right to be able to proselytize among Muslims. An-Na'im argues that proselytization is a difficult issue because it is never "a free market of religious ideas". He believes that it is unlikely to be successful except when the proselytizers are supported by extra-religious material advantages over the target group.<sup>197</sup> He also points out that "individual decisions to convert, even if one assumes them to be well-informed and freely made, tend to undermine and erode communal identity and institutions."<sup>198</sup> This fear is common not only in the Maldives but also in other parts of the world, especially in the neighbouring countries of India and Sri Lanka. Lerner warns that a "downward or deteriorating trend in the recognition of both rights – to proselytize and to change one's religion – has characterized international instruments."<sup>199</sup> He wonders whether this fact symbolises a change in attitude of the international

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<sup>193</sup> Surat Al-Baqarah: verse 256

<sup>194</sup> (Little, Kelsay, Sachedina (ed) 1988:36);

The great commentator Baydawi (c.1291): "Whosoever turns back from his belief, openly or secretly, take him and kill him wheresoever you find him, like any other infidel. Separate yourself from him altogether. Do not accept intercession in his regard. (extracted from: <http://www.secularislam.org/humanrights/compatible/htm>

<sup>195</sup> Text adopted by the Arab Standing Committee for human rights 5-14 January 2004

<sup>196</sup> Strictly speaking the 'Arab Charter on Human Rights' is an Arab, not Islamic, document.

<sup>197</sup> An-Na'im A. "Competing Claims to Religious Freedom and Communal Self-Determination in Africa" in *Proselytization and Communal Self-Determination in Africa*, (An-Na'im (ed.) 1993:1-28) page 6

<sup>198</sup> *ibid.*, page 13

<sup>199</sup> In his opinion: "The UDHR is far-reaching in both respects; the 1966 Covenants had to use milder language; the 1981 Declaration was in danger of not being adopted if a compromise had not been reached." (Lerner 2000:118)

community in this respect or whether this is evidence of a growing split of opinion that can no longer be readily resolved.<sup>200</sup> However, within the scope of this paper the question has to be limited to finding out whether there is a way to resolve the issue within the Islamic context. Is there an accepted interpretation of the Shari'ah that would support the right to change religion and enable Muslim states like the Maldives to fully implement Article 18?

#### 4.2.4 The Interpretation of Shari'ah

Mohammed Arkoun <sup>201</sup> explains that there is a need for a new exegesis of the Qur'an as a historic document with a specific historical background.

An-Na'im explains that general principles of justice, equality and freedom without discrimination can be found in the Qur'an, especially at the early stages of revelation in Mecca. However, there are specific rules within the Qur'an (established during the later period of the Medina State) that clearly discriminate against women and non-Muslims. An-Na'im supports the late Sudanese Muslim reformer Taha's suggestion that the concept of abrogating earlier revelations in favour of new ones should be reversed. He argues that the later revelations in Medina were intended to solve the problems of that particular time and place and that the earlier revelations should be understood as the universal rules.<sup>202</sup> However, the discussion about human rights in Islam cannot be confined to the interpretation of the Qur'an only, because Shari'ah is based on a combination of sources.<sup>203</sup>

Muslim thinkers have different opinions about the interpretation of Shari'ah:

One, of the religion as a sacred, unchanging, eternally determined body of rules. The other, of Islam as capable of development and transformation through time without this incurring a violation of its essential 'spirit'.<sup>204</sup>

Kurzman quotes several Muslim scholars<sup>205</sup> who have independently come up with the same sort of position. He calls this position the 'interpreted Shari'ah': "the

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<sup>200</sup> (Lerner, 2000:118)

<sup>201</sup> (Arkoun 2002)

<sup>202</sup> An-Na'im, "Qur'an, Shari'ah and Human Rights: foundations, Deficiencies and Prospects" in *The Ethics of World Religions and human rights* (concilium 1990/2) (Küng, Moltmann (ed.) 1990:62)

<sup>203</sup> The sources of Shari'ah are the Qur'an, the hadith (the sayings and conduct of the Prophet) and the fatwas (the rulings of Islamic scholars).

<sup>204</sup> (Dalacoura 2003:63)

<sup>205</sup> Hassan Hanafi from Egypt, Amina Wadud'Mushin from USA, Abdullahi An-Na'im from Sudan, Rusmir Mahmutehaji from Bosnia, Nurcholish Madjid from Indonesia and Ali Asghar Engineer from India

position that all interpretation of Islamic sources is humanly interpreted, and therefore fallible."<sup>206</sup> Kurzman's list is not exhaustive. There are many more Islamic scholars who argue for a new interpretation of Shari'ah. An-Na'im maintains that Shari'ah must be reconciled with the realities of modern multi-religious nation-states. He believes that in the same way the early Muslims have exercised their right and responsibility to interpret the divine sources of Islam in the light of their own historical context, it is the right and responsibility of contemporary Muslims to do the same.<sup>207</sup> An-Na'im admits that if the historical formulation of Shari'ah, which is based on the understanding of the sources of Islam in the seventh to the ninth century, is to be applied today, it would violate the human rights of especially women and non-Muslims. According to An-Na'im, this is not in line with the Spirit of Islam. He explains that

In general, Shari'ah was concerned with guaranteeing certain minimum rights for women rather than achieving equality. In terms of that limited objective, the position of women under Shari'ah was superior to their position under other legal systems.<sup>208</sup>

If God intervened in a specific historic context according to eternal principles, the aim must be to find the 'raison d'être' for a rule and the interpretation must be in line with the totality of Qur'anic revelation. Shirin Ebadi, Iranian lawyer and human rights activist who won the 2003 Nobel Peace Prize, argues that

Muslims who are aware maintain that the general essence and prevailing spirit of Islamic laws have to be fully understood and that laws should be regulated and drafted in accordance with that general spirit and also based on wisdom and intellect, which is regarded as a source of legislation in Islamic Shar'ia. The words of God must be interpreted based on intellect and intellect is based on the knowledge of humankind. Clearly, an interpretation that came about 500 years ago, based on religion, is different from an interpretation that will come today.<sup>209</sup>

El Fadl identifies a paradox in that there is a pronounced tension between the obligation to live by God's law and the fact that this law is manifested only through subjective interpretive decisions. He believes that the dilemma is resolved somewhat in Islamic teaching by distinguishing between Shari'ah and fiqh.<sup>210</sup> El-

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<sup>206</sup> Kurzman.Ch. "The globalization of rights in Islamic discourse" in *Islam Encountering Globalization*, (Mohammadi (ed.) 2003: 131-153), page 133

<sup>207</sup> An-Na'im, "Qur'an, Shari'ah and Human Rights: foundations, Deficiencies and Prospects" in *The Ethics of World Religions and human rights* (concilium, 1990/2) (Küng, Moltmann (ed.) 1990:), page 68

<sup>208</sup> *ibid.*, page 62

<sup>209</sup> Ebadi S *Islam and Human Rights*: [http://www.asiasource.org/asip/shirin\\_ebadi.cfm](http://www.asiasource.org/asip/shirin_ebadi.cfm)

<sup>210</sup> According to him, Shari'ah is the divine ideal. Fiqh is the human attempt to understand and apply the ideal. Thus Shari'ah is eternal and flawless, fiqh is not.

Fadl continues to explain that morality is divine, but law and legislations are mundane.<sup>211</sup> Next he argues that justice is a 'core divine and moral value': "in my view, justice and whatever is necessary to achieve justice is the divine law and is what represents the supremacy and sovereignty of the Divine."<sup>212</sup> In addition he sees 'mercy' as a divine principle. He defines it as "a state in which the individual is able to be just with himself or herself and with others."<sup>213</sup> He argues that God wants human beings to engage in a collective enterprise of goodness, in which they pursue the fulfilment of justice through mercy.<sup>214</sup> The principles of justice and mercy become the primary divine charge. Thus Muslims have no choice but to take seriously each contribution to a vision of goodness (even if it comes from non-Muslims), and to ask which of the visions comes closer to fulfilling God's will. Muslims need to be willing to persuade and to be persuaded in their search of the best ways to live up to God's standard. El-Fadl admits that although this position is based on Islamic grounds and informed by the Islamic traditions of the past it is unfortunately not the dominant approach to the subject.<sup>215</sup> However he concludes his article with the hope that "perhaps it becomes all too obvious that a commitment in favor of human rights is a commitment in favor of God's creation, and ultimately, it is a commitment in favor of God."<sup>216</sup>

#### 4.2.5 Conclusion

There are modern Muslim scholars who argue for a new interpretation of Shari'ah which is compatible with human rights. In other words they believe that the UDHR is compatible with the innate spirit of Islam. This gives rise to hope that the human rights issue, including the problems of religious freedom and equality of all human beings, can be resolved within the Islamic context. Hence, it should be possible to implement Articles 18 and 19 of the UDHR in the Maldives without violating the teachings of Islam.

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El Fadl A. "The human rights Commitment in Modern Islam" in *human rights and Responsibilities in the world religions* (Runzo, Martin, Sharma (ed.), 2003:301-364) pp.322 - 323

<sup>211</sup> Ibid., page 327

<sup>212</sup> Ibid., page 330

<sup>213</sup> El Fadl A. "The human rights Commitment in Modern Islam" in *human rights and Responsibilities in the world religions* (Runzo, Martin, Sharma (ed.), 2003:301-364), page 330

<sup>214</sup> Ibid., page 331

<sup>215</sup> Ibid., page 336

<sup>216</sup> Ibid., page 340

## **5. CONCLUSION AND RECOMMENDATIONS**

### **- A PERSONAL PERSPECTIVE**

Having looked at the evidence of human rights violations and considered the critique of President Gayoom's position, the question of the legitimacy of the Maldivian claim of cultural relativism in respect to human rights is now able to be addressed.

#### **5.1 Are there Legitimate Limits for the Implementation of Articles 18 and 19 of the UDHR in the Maldives?**

The evidence of the existence of non-Muslim Maldivians, together with Romero's findings, clearly show that President Gayoom's claim is based neither on cultural, nor on contemporary, social reality. Moreover, the autocratic style of President Gayoom's rule and his control over religion as well as state is highly controversial within Islamic teaching, and by stressing only those parts of the religion that seem to fit his agenda, he ignores the 'general spirit' of Islam that calls for justice and mercy, safeguards human rights and prohibits coercion in the case of religion. Hence, there are no legitimate limits for the implementation of Articles 18 and 19 of the UDHR in the Maldives. The Maldivian claim of cultural relativism is therefore not justifiable.

#### **5.2 Discussion about the Validity of a Global Ethic**

In May 2005 the Asian Centre for Human Rights (ACHR) wrote in a letter addressed to President Gayoom,

kindly allow ACHR to reiterate that there are no cultural, political, social or religious specificities, which justify deprivation of rights and freedoms recognized under international law.<sup>217</sup>

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<sup>217</sup> <http://www.dhivehiobserver.com/docs/Asian-Human-Rights-CommissionLetterMay2005onMaldives.pdf>, retrieved on 12 June 2005

This discussion seeks to establish the same claim, namely that cultural relativism in relation to human rights is not only controversial in the specific context of the Maldives, but in general. The UDHR is truly universal because it is based on a global ethic, which is intrinsic to all human beings.

The advance of information technology and globalisation has changed the consciousness of humanity. People have suddenly become aware that what happens on one side of this globe can affect people on the other side.<sup>218</sup> This, together with the post-enlightenment understanding that all statements about reality are historical, conditional and therefore partial, has made people realise that international, inter-cultural and inter-religious dialogue is not only a possibility but has become a vital necessity. In order to survive, humanity has to come to a global agreement about 'how to live on this planet'. Such an agreement is only possible if there is a basic ethic that is intrinsic to every human being (a global ethic). Professor Hans Küng has been in the forefront of a working towards a global ethic. He advocates that common ethics needs to be grounded in religion because he believes that only religion can give a reason for the absoluteness and universality of ethical obligations.<sup>219</sup> In his words "Only the bond to an infinite offers freedom in the face of all that is finite."<sup>220</sup> He has developed the idea that the religions of the world can make a contribution to the peace of humankind by reflecting on those elements of an ethic which they already have in common. His search for a global ethic is based on the conviction that there can be:

No peace among the nations without peace among the religions.  
No peace among the religions without dialogue between the religions.  
No dialogue between the religions without investigation of the foundations of the religions.<sup>221</sup>

In 1993 the Parliament of the World's Religions signed the Declaration of a Global Ethic. According to Küng's Global Ethic Foundation "with this declaration, for the first time representatives of all the religions reached agreement on principles for a global ethic and committed themselves to four irrevocable directives."<sup>222</sup>

The four directives were:

Commitment to a culture of non-violence and respect for life  
Commitment to a culture of solidarity and a just economic order

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<sup>218</sup> Examples: Global warming as a result of environmental pollution by some; international drug trafficking, international terrorism as a result of regional conflicts, the existence of nuclear weapons etc

<sup>219</sup> (Küng 1991:51)

<sup>220</sup> *ibid.*, page 53

<sup>221</sup> [http://www.weltethos.org/dat\\_eng/index1\\_e.htm](http://www.weltethos.org/dat_eng/index1_e.htm)

<sup>222</sup> Global Ethic Foundation: [http://www.weltethos.org/dat\\_eng/index1\\_e.htm](http://www.weltethos.org/dat_eng/index1_e.htm)



Commitment to a culture of tolerance and a life of truthfulness and  
Commitment to a culture of equal rights and partnership between men  
and women. <sup>223</sup>

Since then the quest for a global ethic has continued. In October 1996, 'The Institute for Global Ethics' conducted a Global Values Survey at the State of the World Forum's annual meeting in San Francisco.<sup>224</sup> It identified some core moral values that seemed to be cross-cultural and universal, the most important being 'truth, compassion, responsibility, freedom, reference for life, fairness, self-respect and preservation of nature'. <sup>225</sup> In 1997 the InterAction council, realising that rights and responsibilities need to be given equal importance, proposed a draft for a Universal Declaration of Human Responsibilities. This Declaration was meant to complement the UDHR. In 2001 the Executive Summary of the UN General Assembly listed its set of universal values: Freedom; Equity and Solidarity; Tolerance; Non-Violence; Respect for Nature; and Shared Responsibility.<sup>226</sup> In 2003 Kofi Annan gave a lecture in Germany with the title 'Do we still have Universal Values?' Admitting that the UDHR is still not universally implemented, Annan reaffirmed the validity of the global values of 'peace, freedom, social progress, equal rights and human dignity'.<sup>227</sup> Moreover he stressed that

Universal values are also more acutely needed, in this age of globalisation, than ever before. Every society needs to be bound together by common values, so that its members know what to expect of each other, and have some shared principles by which to manage their differences without resorting to violence. That is true of local communities and of national communities. Today, as globalisation brings us all closer together, and our lives are affected almost instantly by things that people say and do on the

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<sup>223</sup> *ibid.*

<sup>224</sup> The 272 participants were well educated, cosmopolitan, accomplished, and thoughtful. They represented 40 countries and more than 50 different faith communities, had an average age of 51 years, and were 57 percent male. More than half had some graduate education. On a scale from "not at all religious" to "strongly religious," they leaned toward the latter (2.8 on a scale of 4). By occupation, 36 percent were in education/research or in the non-profit-volunteer sectors, while 32 percent were in business, finance, or consulting. <http://www.Globalethics.org/gvs./summary>

<sup>225</sup> The Forum came up with following hypotheses: There is a small set of core moral values that is cross-cultural and universal; One value, Fairness, does differentiate respondents from one another; Individuals holding the same core values may use different moral principles to resolve their dilemmas; Single individuals may engage a variety of resolution principles as they move from dilemma to dilemma; The Golden Rule is far more widely used than the categorical imperative; These respondents are willing to put their values into practice across a broad range of moral boundaries; The most powerful source of authority for knowing right from wrong is personal experience; Television is generally unsuitable for providing moral instruction. They then argued that the need, now, was for further global values research to test these hypotheses.

<http://www.Globalethics.org/gvs./summary>

<sup>226</sup> <http://www.un.org/millennium/sg/report/summ.htm>

<sup>227</sup> Annan, K. 3 *Weltethos* Rede in Tübingen 2003: <http://www.weltethos.org/index.htm>

far side of the world, we also feel the need to live as a global community. And we can do so only if we have global values to bind us together.<sup>228</sup>

People from all over the world with different religious, social and cultural backgrounds affirm that there is a global ethic innate in every society and religion and that the UDHR is an expression of the values of this global ethic. Annan explains:

It must also be wrong to abandon the idea that certain values are universal just because some human beings do not appear to accept them. Indeed, I would argue that it is precisely the existence of such aberrations that obliges us to assert and uphold common values. We need to be able to say that certain actions and beliefs are not just contrary to our own particular morality, but should be rejected by all humanity.<sup>229</sup>

One of the biggest problems today is not the lack of international agreement on common, global values and regulations but the apparent lack of their implementation. This is especially true when it comes to religious rights. Lerner's warning of a downward or deteriorating trend in the recognition of both rights (to proselytize and to change one's religion) that characterizes international instruments<sup>230</sup> is serious. Acknowledging the universality of the UDHR excludes the possibility of legitimate limitations to its implementation, be it in the Maldives or anywhere else. My recommendation and personal opinion is that human rights violations need to be exposed and opposed and that this should be done in partnership between the international community and local governments. The UDHR is a summary of basic rights that each individual deserves to enjoy, whether they live in the Maldives or elsewhere.

### **5.3 Recommendation for Political Reformers in the Maldives**

The proposed political reforms from June 2004 have been welcomed worldwide. Amnesty International affirms that some steps towards the implementation of these reforms have already been taken but still calls on the government "to ensure that human rights are put at the heart of the reform processes."<sup>231</sup> The arbitrary arrest and torture of peaceful political protestors in August 2004 caused

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<sup>228</sup> *ibid.*

<sup>229</sup> Annan, K. 3 *Weltethos* Rede in Tübingen 2003: <http://www.weltethos.org/index.htm>

<sup>230</sup> (Lerner 2000:118)

<sup>231</sup> Amnesty International, *Amnesty International Report on the Visit to Maldives*: <http://www.dhivehiobserver.com/specialreports/AmnestyInternationalVisittoMaldives2005.htm>

serious concerns about the sincerity of the political will for reform. Amnesty International and other organisations have offered help in developing and implementing reforms that will safeguard human rights. Recently BBC Radio 4<sup>232</sup> asked the question whether 'tsunami relief funds' should be conditional on a demand for political reform. I am not sure whether this is the right way forward, especially because the people in need are not those that can implement reforms. Moreover the question of religious freedom has not been addressed at all. My concern is that the Maldivian Democratic Party (MDP), being afraid of accusations by religious hardliners, is willing to compromise efforts for the implementation of *all* human rights.<sup>233</sup> I hope that the people concerned will realise that this is against the 'innate Spirit' of their Islamic belief. My hope and recommendation for all the people involved in the reform process in the Maldives is that despite the difficulties, they take the issue of human rights including Articles 18 & 19 seriously and work on a solution based on a global ethic.

#### **5.4 Implications for Christian Missions**

During the course of my research I have been asked by some of my Christian friends whether the issue of human rights has any relevance in Christian missions. Believing that Christianity shares together with other religions the 'innate Spirit' of justice and mercy, I cannot see how the issue of human rights could not be of missiological relevance. Furthermore recognition of the fact, that the concern for justice and mercy is shared by Muslims and Christians alike, opens new perspectives of co-operation and dialogue rather than confrontation and defence. I recommend the following areas of co-operation:

- common struggle for global economic and social justice
- common struggle against secularism<sup>234</sup>
- common struggle against unethical religious practises and coercion

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<sup>232</sup> Pettifer J. "Maldives reform hope after tsunami" in *BBC Radio 4's Crossing Continents*: [http://news.bbc.co.uk/2/hi/programmes/crossing\\_continents/4248085.stm](http://news.bbc.co.uk/2/hi/programmes/crossing_continents/4248085.stm)

<sup>233</sup> In an Interview with *Dhivehi Observer* on 24 July 2004 Dr. Waheed, a senior member of MDP, affirmed that he was prepared to work for the implementation of *all* human rights: Moosa A.S.I. "Dr. Waheed is prepared to lead the people of Maldives" in *Dhivehi Observer*: <http://www.dhivehioserver.com/interviews/drwaheedmaldives.htm>

However, the

<sup>234</sup> Secularism in the sense of an ideology that 'excludes God in one's life'; not in the sense of political secularism

Joining together to oppose 'common enemies'<sup>235</sup> and working together towards common goals does not imply the denial of any existing differences, but rather an acceptance that God created diversity.<sup>236</sup> I believe that rather than focussing on differences and conflict, working together will not only be a source of mutual enrichment, but finally also help both Muslims and Christians to reach their common purpose, namely to glorify God.

## 5.5 Plea to Human Rights Agencies

The World Evangelical Alliance voices in its annual report 2005 its great concern about the alarming trend worldwide to linking nationalism to a particular religion. It claims: "clearly if one religion is linked with national identity, religious minorities are excluded. This is a major source of Christian persecution and an enemy of religious freedom."<sup>237</sup>

Why did Amnesty International's annual report 2005 not even mention that they have received evidence about religious human rights violations in the Maldives?<sup>238</sup> It seems that the question of religious freedom has become such a 'thorny issue' that it is increasingly being treated as taboo subject. While using political might to enforce religious conformity or to promote a certain ideology (e.g. secularism<sup>239</sup> in France) continues to be an increasing trend around the world, I join the World Evangelical Alliance in its plea to the UN to respect the right for religious freedom, to continue to appoint a special rapporteur for religious rights and to ensure that s/he is funded sufficiently to fulfil the mandate of the office.<sup>240</sup>

The motivation behind doing this research and writing this paper was the hope that it could be of some help for organisations involved in working towards the implementation of the full UDHR in the Maldives. I therefore dedicate this paper to all my Maldivian friends who by entrusting me with their reports have taken a great risk, hoping and praying that this would be a small step towards freedom and liberty in the Maldives.

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<sup>235</sup> expression used by Musk: (Musk, 2003:267)

<sup>236</sup> (Ramadan 2001:187)

<sup>237</sup> World Evangelical Alliance: *Geneva Report 2005*:  
[http://www.worldevangelical.org/rlc\\_genevareport05.html](http://www.worldevangelical.org/rlc_genevareport05.html)

<sup>238</sup> Having received all 22 case-studies of this research.

<sup>239</sup> In the same sense as on page 58

<sup>240</sup> World Evangelical Alliance: *Geneva Report 2005*:  
[http://www.worldevangelical.org/rlc\\_genevareport05.html](http://www.worldevangelical.org/rlc_genevareport05.html)

