



ADF INTERNATIONAL

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MALDIVES

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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report addresses the state of freedom of religion or belief and freedom of expression in the Maldives, highlighting existing restrictions and government policies that contravene its obligations under international human rights law.

(a) Background

3. According to the latest government census, in 2022 the Maldives had a population of 515,132, comprising approximately 74% Maldivian citizens and 26% resident foreigners, primarily temporary expatriate workers.¹
4. The Maldivian Constitution mandates Islam as the state religion, effectively classifying all citizens as Muslim.² However, sources estimate that around 98.4% of the population adhere to Islam, with minority groups, including inter alia, Christians, Buddhists, Hindus, Jews, each comprising less than 1%.³

(b) Freedom of Religion or Belief

Legal Framework

5. Article 10 of the Constitution of the Republic of the Maldives establishes Islam as “the basis of all the laws and prohibits legislation contrary to any tenet of Islam”.⁴
6. Article 9 of the Constitution precludes non-Muslims from obtaining Maldivian citizenship.⁵ Moreover, Article 16 allows rights and freedoms to be limited to the extent necessary to protect the tenets of Islam.⁶
7. Article 67 of the Constitution affirms that the exercise and enjoyment of fundamental rights and freedoms is inseparable from the performance of responsibilities and duties, among which is the responsibility of every citizen “to preserve and protect the State religion of Islam, culture, language and heritage of the country”.⁷
8. Article 19 allows citizens to “engage in any conduct or activity that is not expressly prohibited by Islamic Shari’ah or by law”,⁸ while Article 142 requires judges to consider Islamic Shari’ah when deciding matters on which the constitution or the law is silent.⁹

¹ Maldives Bureau of Statistics, *Maldives Population and Housing Census 2022* (9 July 2023), available at <https://census.gov.mv/2022/census-results-summary/>.

² Rozal Islamic Strategic Studies Centre, *Maldives a 99.41 percent Muslim country, claims RISSC report* (2022) available at <https://rissc.io/maldives-a-9941-percent-muslim-country-claims-rissc-report/>.

³ Pew Research Center, *Religious Composition by Country, 2010-2050* (last visited 9 Dec. 2024), available at <https://www.pewresearch.org/religion/feature/religious-composition-by-country-2010-2050/>.

⁴ *Constitution of the Republic of Maldives* (2008) (Functional English Translation done by Ms. Dheena Hussain at the request of the Ministry of Legal Reform, Information and Arts) at Art. 10, available at <https://presidency.gov.mv/pages/index/15>.

⁵ *Id.* at Art. 9(d).

⁶ *Id.* at Art. 16(c)(6).

⁷ *Id.* at Art. 67(g).

⁸ *Id.* at Art. 19.

⁹ *Id.* at Art. 142.

9. Article 17 entitles everyone to rights and freedoms without discrimination of any kind, including, inter alia, based on “other status”.¹⁰
10. In addition to the abovementioned constitutional provisions, the Religious Unity Act (Act No. 6/94) establishes regulations aimed at, inter alia, maintaining religious harmony and unity, solving conflicts that arise from disagreements among Islamic scholars, raising religious awareness among the public, and advising the Ministry of Islamic Affairs (MIA).¹¹ The MIA is considered the ultimate authority to propagate Islam and dictate its principles in the Maldives. They do this via official “fatwas” (or religious rulings).¹²
11. A board established under the Act is tasked with assisting the MIA on matters of policy, giving advice on whether or not to revoke (preaching) licenses, appealing to authorities to take legal action against “any person whose actions are deemed to be threatening the religious unity of the Maldivian people”, and recommending any amendments to Maldivian laws, regulations, and policies “in order to protect religious unity of the Maldivian people”.¹³

Situations Affecting Freedom of Religion or Belief

12. Despite constitutional provisions on equality and non-discrimination, religious minorities, including Muslim minority sects, face systemic restrictions.
13. According to reports from Open Doors, pressure on religious minorities is very marked as, within the country’s close-knit communities, any deviation from Islamic values is easily spotted and reported to the authorities or Muslim leaders, so those who leave Islam, including Christians, must keep their faith secret. Those who are discovered to have left Islam may be stripped of their citizenship (which could render them stateless), isolated from society, and lose their state benefits.¹⁴
14. This restrictive environment impacts both covert local non-Muslims and foreigners who live in the country. While expatriates enjoy relatively greater freedom, their religious gatherings are subject to strict governmental monitoring and oversight.¹⁵
15. In 2023, Maldivian authorities arrested Angappan Kaliyappan, an Indian national from Tamil Nadu residing on Himmaffushi Island under a construction visa, accusing him of nine counts of propagating the Christian faith to Maldivian citizens. Although Mr. Kaliyappan faced accusations, he was neither formally charged nor sentenced, as the public prosecutor’s office declined to proceed with prosecution. Instead, on 7 August 2023, Maldivian authorities released him from detention and deported him.¹⁶ A US

¹⁰ *Id.* at Art. 17(a).

¹¹ Religious Unity Act (Act No. 6/94) (Adopted on 3 July 1994), original Dhivehi translation available at https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=106002. Unofficial English Translation (last visited 18 Dec. 2024), available at <https://minivannewsarchive.com/society/new-religious-unity-regulations-english-6877>.

¹² *Id.* at Art. 5(b).

¹³ *Id.* at Art. 12 (a)-(e).

¹⁴ Open Doors International, *Maldives: Persecution Dynamics* (November 2024), available at https://www.opendoors.org/persecution/reports/Maldives-Full_Country_Dossier-ODI-2025.pdf, 8-12.

¹⁵ *Id.*, 8.

¹⁶ Information on file with author.

national was also arrested by the police in Thulusdhoo but was released shortly thereafter.¹⁷

16. Other religious minorities, including Shi'a Muslims, Hindus, and Buddhists, also experience significant restrictions. These communities lack official recognition, and their religious freedom is substantially limited, as Sunni Islam remains the only officially recognized religion in the country.¹⁸
17. The rise of hardline extremist and terrorist groups in the Maldives presents a growing concern. Between 2014 and 2018, approximately 250 Maldivian men and women joined the Islamic State in Syria, the highest per capita recruitment rate of any country. The reintegration of these individuals and their families has posed significant challenges.¹⁹ Radicalized elements within Maldivian society exhibit extreme intolerance toward individuals holding secular and liberal views, perceiving them as un-Islamic.²⁰
18. In February 2020, an Islamic State affiliate carried out a stabbing attack in Hulhumale, injuring three foreign tourists—two Chinese nationals and one Australian. The victims received medical treatment and survived. A masked assailant speaking Dhivehi accused the Maldivian government of being controlled by infidels and issued threats of further attacks.²¹
19. In June 2022, Islamist protesters attacked yoga practitioners at an event organized by the Indian embassy. The protesters brandished placards denouncing yoga as contrary to the tenets of Islam, stormed the event, assaulted participants, and vandalized property. Police responded with anti-riot measures, deploying tear gas and pepper spray to disperse the crowd and restore order.²²

International Human Rights Law on Freedom of Religion or Belief

20. Laws and practices restricting the freedom of every individual to freely exercise their human right to freedom of religion or belief are in violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees, inter alia, the freedom of religion or belief—whether in public or in private.²³
21. Maldives acceded to the ICCPR on 19 September 2006 with a reservation on Article 18: “The application of the principles set out in Article 18 of the Covenant shall be without prejudice to the Constitution of the Republic of Maldives.” However, numerous States Parties have formally objected to this reservation on the basis of its

¹⁷ *Id.*

¹⁸ Minority Rights Group, *Maldives* (last visited 19 Dec. 2024), available at <https://minorityrights.org/country/maldives/>.

¹⁹ John Kachtik, *Maldives: the legacy of Islamic State*, *The Interpreter* (6 Oct. 2022), available at <https://www.lowyinstitute.org/the-interpreter/maldives-legacy-islamic-state>.

²⁰ Gulbin Sultana, *Attack on Mohamed Nasheed and Challenges Ahead for The Maldives*, Manohar Parrikar Institute for Defence Studies and Analyses (1 Jul. 2021), available at <https://www.idsa.in/publisher/issue-brief/attack-on-mohamed-nasheed-and-challenges-ahead-for-the-maldives/>.

²¹ Ryan Fahey, *Three foreign tourists are stabbed by ISIS-affiliated Islamic extremists in Maldives terror attack*, *Daily Mail* (6 Feb. 2020), available at <https://www.dailymail.co.uk/news/article-7973283/Three-foreign-tourists-stabbed-ISIS-affiliated-Islamic-extremists-Maldives-terror-attack.html>.

²² Mohamed Junayd et. al, *Protesters attack Yoga Day event in Maldives*, *Reuters* (21 Jun. 2022), available at <https://www.reuters.com/world/asia-pacific/protesters-attack-yoga-day-event-maldives-2022-06-21/>.

²³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 171 (ICCPR), art. 18.

incompatibility with the object and purpose of the Covenant pursuant to Article 19 of the Vienna Convention on the Law of Treaties.²⁴

22. Under Article 18.3, restrictions on the freedom to manifest one's religion or belief are only permitted if they are prescribed by law and necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others.²⁵ Appeals to the tenets of Islam or Shari'a law do not qualify as legitimate grounds and risk enabling arbitrary and unjustified limitations on fundamental rights.
23. Moreover, Articles 26 and 27 of the ICCPR prohibit discrimination on any ground, including religion, and enshrine the rights of ethnic, religious, or linguistic minorities, respectively.
24. As observed by the Human Rights Committee, 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".²⁶
25. The abovementioned measures undertaken by the Maldivian government are incompatible with its international obligations insofar as they result in the targeted discrimination or arbitrary interference with the activities of religious minorities.

(c) Freedom of Opinion and Expression

26. Article 27 of the Constitution provides everyone with the right to freedom of thought and to communicate opinions and expression "in a manner that is not contrary to any tenets of Islam".²⁷
27. Article 255 of the Constitution also lists freedom of expression as one of the rights and freedoms that shall not be restricted even upon the declaration of a state of emergency.²⁸
28. The Penal Code of the Republic of the Maldives criminalizes "Criticizing Islam" under Section 617. Under this law, a person commits an offense if they engage in certain activities with "intention to cause disregard for Islam". Penalized activities include engaging in religious oration or criticism of Islam in public or through a public medium; producing, selling, distributing, or offering material criticizing Islam; or attempts to "disrupt the religious unity of the citizens of Maldives, and converse in a manner likely to cause religious segregation amongst people".²⁹ The offense is punishable with a sentence of up to 1-year imprisonment.³⁰

²⁴ UN Treaty Collection, *ICCPR Declarations and Reservations* (April 2025), available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=en.

²⁵ ICCPR, art. 18.3.

²⁶ *General Comment No. 22*, Human Rights Committee (CCPR/C/21/Rev.1/Add.4) (27 Sep. 1993) at para. 9, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F21%2FR ev.1%2FAdd.4&Lang=en.

²⁷ *Constitution of the Republic of Maldives* at Art. 27.

²⁸ *Id.* at Art. 255(b)(3).

²⁹ Law No. 6/2014 Penal Code (of the Republic of the Maldives) (last visited 9 Dec. 2024) at Sec. 617, available at <https://www.law.upenn.edu/live/files/4203-maldives-penal-code-2014>.

³⁰ *Id.* at Section 1002 (Guideline Sentence Table).

Situations Affecting Freedom of Opinion and Expression

29. The ability of Maldivians, both citizens and non-citizen residents, to express themselves is severely restricted. Human rights groups report that Maldivian authorities have failed to credibly address threats to freedom of expression by failing to undertake essential reforms and instead leaving the justice system vulnerable to undue influence from clerics or social media activists who brand dissenters as “anti-Islamic” and incite violence against them.³¹
30. Reports have also suggested that law enforcement have suppressed investigations, prosecutors and courts fail to indict suspects, and political figures support criminal gangs that propagate extremist ideology.³²
31. In November 2021, Maldives ratified the Fifth Amendment to the Penal Code, which criminalized portraying people as non-believers or as anti-Islamic based on views expressed on religious matters in which religious scholars have conflicting or opposing views.³³ However, Maldivian non-governmental organizations, human rights groups, journalists, bloggers, and others report continued harassment and targeted threats, including “surveillance, harassment, lawsuits, threats of violence, and blasphemy allegations by extremists”.³⁴
32. Non-Muslims are strictly prohibited from sharing their faith with Maldivians, distributing religious literature or holding public worship services.³⁵ Scrutiny of expatriates has intensified following a 2022 decree from the Ministry of Islamic Affairs instructing travel agencies and employers to ensure that foreign workers respect and adhere to Islamic values and laws.³⁶
33. On 29 November 2022, following a police investigation, the Maldivian Criminal Court issued an order in the Dhivehi language to block online websites used to promote non-Islamic religions in Maldives.³⁷
34. In recent years, Maldivians accused of apostasy or blasphemy have faced intimidation, arrest, and prosecution.³⁸ Under Shari’ah law, these offenses are considered *hudud* crimes, which carry the potential for the death penalty.³⁹

³¹ *Maldives: Reforms Fall Short in Curbing Threats to Free Speech*, Human Rights Watch (14 Apr. 2022), available at <https://www.hrw.org/news/2022/04/14/maldives-reforms-fall-short-curbing-threats-free-speech>.

³² *Id.*

³³ *The arrest of 14 people in an Islamic State terror plot in the Maldives bares the pitfalls of waning international attention on terrorism*, European Foundation for South Asian Studies (18 Nov. 2022), available at <https://www.efsas.org/commentaries/the-arrest-of-14-people-in-an-islamic-state-terror-plot-in-the-maldives/>.

³⁴ *Freedom in the World 2024: Maldives*, Freedom House (last visited 6 Jan. 2025), available at <https://freedomhouse.org/country/maldives/freedom-world/2024>.

³⁵ Open Doors International, *Maldives: Persecution Dynamics* (November 2024), available at https://www.opendoors.org/persecution/reports/Maldives-Full_Country_Dossier-ODI-2025.pdf, 17-18.

³⁶ *Id.*, 8.

³⁷ Naizak Mohamed, *Online mediums preaching other religions not block over lack of court order in English*, Sun Siyam Media (31 Jan. 2022), available at <https://english.sun.mv/72233>.

³⁸ See generally Maldives, *End Blasphemy Laws* (10 May 2021), available at <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/maldives/>.

³⁹ *The Freedom of Thought Report: Maldives*, Humanists International (8 Oct. 2020), available at <https://fot.humanists.international/countries/asia-southern-asia/maldives/>.

Additionally, expressions of non-Muslim religious holidays and practices are strictly controlled, even in tourist areas.⁴⁰

35. In 2022, Maldivian religious freedom and human rights activist Mohamed Rusthum Mujuthaba was convicted of blasphemy based on social media content after being subjected to pretrial detention between 10 September 2019 and 12 March 2020. Despite international pressure to drop the charges, Rusthum entered a guilty plea deal and was sentenced that year.⁴¹
36. In January 2020, the government of the Maldives banned the human rights charity Maldivian Democracy Network (MDN) after the country's police commissioner opened a criminal investigation against four of its members, accusing them of blasphemy, with the support of a leading Salafi organization.⁴²
37. On 28 March 2023, the Civil Court of Maldives ruled in favor of the Ministry of Youth, Sports and Community Empowerment upholding the decision to de-register MDN.⁴³ Shahinda Ismail, the Executive Director of MDN, has challenged the de-registration. The ruling of the Civil Court is deeply concerning as it legitimizes the arbitrary ban on civil society organizations, stating that the report published by MDN in 2015 that led in the ban, contained blasphemous content. The UN Human Rights Committee concluded in July 2024 that the Maldives should reinstate the MDN's registration and return seized funds without delay.⁴⁴

International Human Rights Law on Freedom of Opinion and Expression

38. Inseparably linked to Article 18 of the ICCPR is Article 19, which enshrines the right to freedom of opinion and expression.⁴⁵ The freedom to express one's beliefs and opinions is fundamental to the operation and maintenance of an open and free society – even when what is expressed may be unpopular or offensive to some people.
39. In particular, Maldives' blasphemy and apostasy laws do not constitute an acceptable derogation from the right to freedom of expression, as article 19.3 of the ICCPR only allows restrictions on expression where they are necessary "for the respect of the rights and reputations of others" or "for the protection of national security, public order or public health or morals".⁴⁶ Restrictions must serve as a necessary protection of persons, not of religions as such.
40. The former Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, has noted, there is a "positive interrelatedness" between freedom of religion or belief and

⁴⁰ *Maldives police seize Christmas Tree*, The Edition (19 Dec. 2020), available at <https://edition.mv/search/21022>.

⁴¹ *Rusthum admits to disrespecting religion at court, to be sentenced in three days*, Sun Siyam Media (10 Aug. 2022), available at <https://english.sun.mv/76715>.

⁴² Mushfiq Mohamed, *The Dangers of Dog-Whistling to Extremists in the Maldives*, The Diplomat (27 Jun. 2020), available at <https://thediplomat.com/2020/06/the-dangers-of-dog-whistling-to-extremists-in-the-maldives/>.

⁴³ *Civil Court of Maldives Upholds the De-Registration of Maldivian Democracy Network by the Maldivian Government*, Front Line Defenders (12 Apr. 2023), available at <https://www.frontlinedefenders.org/en/case/civil-court-maldives-upholds-de-registration-maldivian-democracy-network-maldivian-government>.

⁴⁴ *Concluding Observations on the second periodic report of Maldives*, Human Rights Committee (25 Jul. 2024) (CCPR/C/MDV/CO/2) at para. 49, available at https://ccprcentre.org/files/media/CCPR_C_MDV_CO_2_59071_E.pdf.

⁴⁵ ICCPR, Art. 19.

⁴⁶ *Id.*

freedom of expression and the two rights “mutually reinforce each other in practice”.⁴⁷ He specifically notes that blasphemy laws may be counterproductive at the national level and may result in the de facto censure of all interreligious and intrareligious dialogue, debate, and criticism, most of which could be constructive, healthy, and needed.⁴⁸

41. Likewise, the Human Rights Committee stated in General Comment No. 34 that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant:

“Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.”⁴⁹

42. The Maldives must reform its laws and ensure their implementation in a manner that fully respects the right to freedom of opinion and expression.

(d) Recommendations

43. In light of the aforementioned, ADF International suggests the following recommendations be made to the Maldives:

- a. Withdraw the reservation to Article 18 of the International Covenant on Civil and Political Rights;
- b. Repeal or amend laws, regulations, policies, or practices that unduly restrict the exercise of freedom of religion or belief and freedom of opinion and expression, including the Religious Unity Act;
- c. Repeal or amend Section 617 of the Penal Code, or, at a minimum, guarantee that the death penalty is never imposed for apostasy or blasphemy;
- d. Ensure that persons belonging to religious minorities have the equal right to profess and practice their religion either individually or in community with others and in public or private;
- e. End the arbitrary deprivation of nationality of persons belonging to religious minorities, especially non-Muslims and converts; and
- f. Ensure thorough investigation and prosecution of acts of violence against persons belonging to vulnerable minority groups.

⁴⁷ Heiner Bielefeldt, *Report of the Special Rapporteur on freedom of religion or belief*, U.N. Human Rights Council (23 Dec. 2015) (A/HRC/31/18) at para. 8.

⁴⁸ *Id.* at para. 59.

⁴⁹ General Comment No. 34, Human Rights Committee (12 Sep. 2011) (CCPR/C/GC/34), available at <http://undocs.org/en/CCPR/C/GC/34>.



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