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MALDIVES: Almost no religious freedom for migrant workers

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Just as Maldivian citizens do not have the right to religious freedom - Sunni Islam in the state-approved form is the only permitted faith - migrant workers too are denied this right. The Maldives prevents the import of non-Muslim books and other religious items, for example by searching foreigners' luggage for "un-Islamic" materials. Migrant workers are banned from practising non-Muslim faiths even privately, while the lack of privacy in which many live makes it almost impossible to worship "unnoticed by locals", as one migrant worker put it to Forum 18 News Service. Some 80,000 migrant workers - mostly Muslims, Buddhists, Christians and Hindus from South Asia - make up about a quarter of the country's population, but are mostly in low-status jobs and find it difficult to challenge human rights violations. The government has not acted on United Nations recommendations to grant migrant workers religious freedom. The International Labour Organisation - which the Maldives has just joined - told Forum 18 that "although freedom of religion may not exist in Maldives, migrant workers can count on ILO protection when it comes to rights at work and working conditions."

Although the Maldives fails to respect the freedom of religion or belief of anyone, a particularly vulnerable group is migrant workers. According to the Government, there are about 80,000 in the country, about half from Bangladesh with most others from India, Sri Lanka, Nepal and Indonesia. While most migrant workers from Bangladesh and Indonesia are Muslim, most workers from other South Asian countries are non-Muslim (Buddhist, Christian, Hindus). Many of these workers do not realise how far their freedom of religion or belief will be denied until they arrive in the Maldives. Sunni Islam - in the state-approved form - is the only permitted faith in the Indian Ocean archipelago.

Muslim foreigners do not generally suffer restrictions on their right to manifest their religion or belief, as long as they practice Islam in the "Maldivian way". The Ministry of Islamic Affairs tightly controls the practice of Islam, for example banning anyone not licensed by the Ministry from preaching (see F18News 18 February 2009 <http://www.forum18.org/Archive.php?article_id=1257>).

Most migrant workers are in low status jobs, such as the construction industry or domestic service, which means that they find it very difficult to challenge human rights violations. Fewer than 10 per cent of these workers are in highly skilled employment, and there are credible reports that human trafficking, deaths and crime rates among these migrants are rising. Often they have been observed by Forum 18 to live in crowded living conditions, to receive an inadequate salary, and to be vulnerable to abuse by employers.

Unskilled South Asian workers are treated as an underclass by many Maldivians. Forum 18 has observed that many are not permitted to sleep anywhere other than on a mat in a corner of the house. In July 2008 the Maldives Transport and Contracting Company, which operates ferries between the capital, Malé, and Hulhumalé, openly stated in the local press that it operates separate queues for locals and Bangladeshis to catch ferries between islands at busy times.

Skilled migrant workers are also liable to be treated differently from local people. On 4 June a group of teachers was walking along a beach when they were attacked by three masked students. The attack left an Indian teacher with a broken hand and in need of emergency surgery. However, no arrests were made until four days after the attack. A source on the Maldives told Forum 18 that the police apparently took no action until after both the school reported the attack and other Indians protested at the apparent inactivity of the police.

Severe censorship of religious material

In enforcing its ban on the practise of any religion apart from the state version of Sunni Islam, the Maldives prevents the import of non-Muslim books and other religious items -for example by searching the luggage of foreigners for "un-Islamic" materials. This and the lack of privacy prevents most non-Muslim migrant workers from practising their faith (see F18News 15 October 2008 <http://www.forum18.org/Archive.php?article_id=1203>).

The ban on anyone - Maldivian, migrant worker or tourist - importing non-Islamic religious items, such as books, CDs, statues or pictures, places a large obstacle in the way of the free exercise of religion or belief. In April 2009, the local newspaper Haveeru reported the confiscation of a statue of the Buddha from a passenger at the airport. The statue was handed over to police for further

investigation. Migrant workers are sometimes also asked to remove even small crosses worn as jewellery. "We are not allowed to carry Bibles or any religious items," a migrant worker told Forum 18 in May. "The reason is because the authorities feel threatened. They try to confiscate any such thing they discover."

The migrant worker told Forum 18 that in 2008 their personal religious CDs were confiscated and destroyed by custom officials. The migrant worker was told that such CDs were forbidden and therefore had to be destroyed. One CD out of fifteen CDs was approved by customs officials, but the worker was told that they could only receive it back if they paid "a few dollars".

This ban on migrant workers bringing in non-Islamic religious material also hinders their freedom to educate their children in their own beliefs. Forum 18 has been told of recent incidents where even educational books on topics thought to be religious by individual officials, such as Greek mythology and CDs for children, have been confiscated.

Even right to religious freedom in private denied

Although - officially - migrant workers are allowed to practice their religion privately in their living quarters, the lack of privacy for most migrant workers renders this "freedom" meaningless - as the government knows. Especially domestic helpers, who live in shared households with their employers, often have no privacy at all to practice their religion.

Migrant workers have told Forum 18 that they are fearful of practising their faith with others, because they are afraid that such meetings might be raided by the police. If migrants meet for worship, in most cases they are very careful not to be noticed by anyone else. This means that they will not sing hymns, play drums, chant or pray aloud - even on their own. Forum 18 has observed that the walls in Maldivian houses are very thin, and worshipping "unnoticed by locals", as one migrant worker put it to Forum 18, is a near impossibility. The majority of non-Muslim migrant workers are too afraid to meet with their fellow believers.

The restrictions on even the private practice of faith render it impossible for most non-Muslim migrant workers to celebrate their religious festivals. Displaying lanterns at the Buddhist festival of Vesak, oil lamps at the festival of Diwali (celebrated by Hindus, Buddhists, Sikhs and Jains), or trees at the Christian festival of Christmas are not tolerated.

In 2002 one Maldivian landlord banned his tenant, a male Hindu Brahmin priest, from displaying postcard-sized images of gods and goddesses in his private room, Forum 18 has been told. When the tenant did not obey this order, he was forced to leave the house.

One migrant worker told Forum 18 that if landlords complain about a religious gathering in rented accommodation to the local authorities at the island office, this can result in the deportation of the tenants. This is a very serious threat to many South Asian migrant workers. Especially for Tamil workers from Sri Lanka who emigrated for political and economic reasons, being deported back to their home country could endanger their lives. It remains unclear though how far the government of the current President Mohamed Nasheed - who took up his post in November 2008 - is continuing this practice.

One tactic the authorities have used is to describe the deportation of migrant workers as being for non-human rights related reasons. In August 2008 a migrant worker, who was targeted for hosting a religious meeting, was deported after being charged with child molestation. The migrant worker's colleagues vehemently deny such allegations.

Furthermore, migrant workers' religious dietary laws are often not respected. Forum 18 has noted that it is common for those whose faith requires them to be vegetarian, such as Hindus, to be forced to choose between eating fish and other seafood or going hungry.

Employment contracts for migrant workers do not generally explicitly restrict freedom of religion or belief. However, conditions such as "not to indulge in anything that would hurt the local community" are understood by migrant workers to whom Forum 18 has spoken to mean that they should not engage in non-Muslim practices.

Social hostility to religious freedom

Forum 18 has also been told of cases of verbal abuse and defamation of non-Muslim migrant workers and their families. One migrant worker told Forum 18 that in and outside school the children of migrant workers are "called names, mocked, teased, insulted, and rubbished about their religion by their classmates". When the children complain about it to their teachers, the teachers reply that "the other children were only telling the truth." Another migrant worker told Forum 18 that "the kids in school regularly ridicule and mock us as we are not Muslims." Commenting on the reasons for this, the worker noted that they "can't blame the children as they do what they are taught. It is instilled in them that they should look down on us, that we are 'the doomed lot', so we are attacked."

While Islam is compulsory for Maldivian children in school, migrant workers are - if they wish - allowed to withdraw their children from such classes.

It is not just South Asian workers and their families who face such discrimination and human rights violations. Western migrant workers of Christian background are often described by Maldivians, including some local politicians, as "colonialists" and

"missionaries" whose aim is to destroy local customs and bring the Maldives under foreign rule.

Maldivians have told Forum 18 that such rhetoric, which was encouraged by the regime of former President Maumoon Abdul Gayoom, remains popular. Gayoom and other local politicians continue to fuel such xenophobia with accusations such as that current President Nasheed is a "tool" or "collaborator" with "western and Christian forces" (see F18News 18 February 2009 <http://www.forum18.org/Archive.php?article_id=1257>).

A recent manifestation of such hostility occurred after the February 2009 announcement by the government that it wanted to recruit teachers and doctors from Britain, Australia, New Zealand and Canada. Many Maldivians reacted badly to this, Minivan News on 22 March quoting a political researcher as saying that European volunteers may have an adverse effect on the culture and religion of the Maldives. He also said that it was "unacceptable to have a Briton as a Quran teacher, even if the person is a Muslim."

Other restrictions on migrants' religious freedom

Migrant workers have told Forum 18 that they think the state monitors letters they write or receive, as well as phone calls, to check for discussion of religious matters.

The Maldives offers no provision for the burial or cremation of non-Muslims, nor any provision in public institutions such as prisons or hospitals for the worship or dietary requirements of non-Muslims (see F18News 18 February 2009 <http://www.forum18.org/Archive.php?article_id=1257>).

Government evades international human rights standards

The lack of improvement in respect of the religious freedom of migrant workers comes despite calls for change by the United Nations (UN) Special Rapporteur on Freedom of Belief Asma Jahangir in 2007 after her visit to the Maldives the previous year (see UN report A/HRC/4/21/Add.3, paras. 46-48 and 68-69).

The Maldives has not signed the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Article 12 of this Convention defends freedom of religion or belief, using the same wording as Article 18 of the International Covenant on Civil and Political Rights (ICCPR), with the exception that it specifies "migrant workers and members of their families" as those who shall be protected. The Maldives continues to break these obligations under the ICCPR (see F18News 18 February 2009 <http://www.forum18.org/Archive.php?article_id=1257>).

In May 2009, the Maldives joined the UN International Labour Organisation (ILO). In an April 2009 parliamentary debate on this, some deputies were reported as expressing concerns that, after becoming a member of ILO, the government would be forced to adopt religious freedom and allow migrant workers to follow their own religion. However, Minister for Human Resources, Hassan Latheef, insisted that ILO membership would not mean that expatriates would be allowed to build temples and churches for worship. The local Haama Daily newspaper quoted him on 22 April as telling Parliament that the Maldives, as a 100 per cent Muslim country, would not allow such buildings.

The ILO was asked by Forum 18 for its comments on Human Resource Minister Latheef's statement to Parliament and on the report of UN Special Rapporteur on Freedom of Belief Asma Jahangir. On 18 June, the ILO responded to Forum 18 in writing that "discrimination on the basis of religion in the workplace is covered by ILO but not the right to practice religion in public etc." It commented that "although freedom of religion may not exist in Maldives, migrant workers can count on ILO protection when it comes to rights at work and working conditions."

The ILO stated that it "is not dealing with freedom of religion, is outside our mandate, but dealing with discrimination of workers based on religion. We feel that this question is best addressed by the UN Office of the High Commissioner for Human Rights."

The ILO also told Forum 18 that "the Maldivian Charter of Rights and Freedoms (...) does not contain the word 'religion' but it is generally known/assumed that the Maldives is 100 per cent Sunni Muslim by default." The Charter comprises articles 16 - 69 of the Maldives Constitution.

While the ILO is correct to state that the word "religion" is not used by that part of the Constitution, the Charter does contain religious references. Examples include Article 16 c, which states that individual freedoms can also be limited "in order to protect and maintain the tenets of Islam". Likewise, freedom of expression is explicitly limited in Article 17 to "a manner that is not contrary to any tenet of Islam" (see F18News 18 February 2009 <http://www.forum18.org/Archive.php?article_id=1257>).

Within the Maldives, the state Human Rights Commission has not defended the religious freedom rights of migrant workers - or defended religious freedom for local citizens. Forum 18 asked the head of the Commission, Ahmed Saleem, in writing on 15 June whether it supported the view of Minister Latheef that the Maldives will not have to respect the freedom of religion or belief of migrant workers on joining the ILO. Forum 18 also asked for the Commission's comments on UN Rapporteur Jahangir's criticism of the denial of religious freedom to migrant workers in her report. However, Forum 18 had received no response from the Commission

by 22 June.

Conclusion

The Maldivian economy, especially the health sector and school system, depends heavily on the foreign workforce, which makes up a quarter of the population. However, it seems that neither the government nor wider society is prepared to accept that migrant workers - let alone local citizens - should have the right to practice their faith freely in line with the country's international human rights commitments. (END)

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

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

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

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