

# POLICY BRIEF



## Saudi Arabia

Severe restrictions to freedom of religion or belief

**Founded in 1932, the Kingdom of Saudi Arabia turned from a tribal economy into one of the richest and most developed countries in the region due to the large exportation of its extensive oil reserves.<sup>1</sup> Its strategic geopolitical location and economic power made Saudi Arabia a key stakeholder in the Middle East. The house of Saud – from which the country takes its name – has been the ruling force in the country since its foundation, and considers itself to be the keeper of Islamic values and “the core of Arab and Islamic worlds”.<sup>2</sup>**

Saudi Arabia is an Islamic state: its official religion Wahabi Islam, and its Constitution the Quran and Sunnah (a body of traditional social, legal customs and practices in Islam.)<sup>3</sup> Any public manifestation of other religions is not allowed in the Kingdom. About 8% of the population practices Shia Islam, and a small minority, mostly expatriates, practices Christianity, Hinduism and Buddhism.<sup>4</sup> Shia Muslims suffer from significant limitations to their right to freedom of religion or belief, such as severe restrictions in building Shia mosques, prohibition of Shia call to prayer in certain areas, and

<sup>1</sup> “Saudi Arabia : Country Dossier”, World Watch Research, February 2020. Available at: <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Saudi-Arabia-WWL-2020-Country-Dossier-February-update.pdf> (password: freedom).

<sup>2</sup> “Saudi Vision 2030 document”, pp. 16. Available at : [https://vision2030.gov.sa/sites/default/files/report/Saudi\\_Vision2030\\_EN\\_2017.pdf](https://vision2030.gov.sa/sites/default/files/report/Saudi_Vision2030_EN_2017.pdf).

<sup>3</sup> “Saudi Arabia Basic Law of Governance”, March 1992, Art. 1. Available at: <https://www.saudiembassy.net/basic-law-governance>.

<sup>4</sup> “Saudi Arabia : Country Dossier”, *Ibid.*, pp. 9-10.

discrimination in employment and education.<sup>5</sup> Saudi Arabia has a poor human rights record, with freedom of religion or belief, among other rights, severely restricted in a manner that is not compatible with international human rights standards.

## Freedom to have or adopt one's religion

The Sharia is interpreted according to the Hanbali jurisprudence, which prescribes death sentence for apostasy (abandoning Islam). It follows that Muslims in Saudi Arabia do not enjoy their inherent right to change their religion. A number of Saudi citizens identify themselves as atheists, Christians or following other religions different from Islam, and are forced to hide their identity and live their faith or non-faith in secret to avoid the dire consequences of leaving Islam.<sup>6</sup> These do not only include prosecution and likelihood of death sentence, but also rejection, stigma and violence from family and community members. There are no available statistics of the total number of Saudi converts from Islam due to the risk individuals face in revealing they abandoned Islam.

## Muslims in Saudi Arabia do not enjoy their inherent right to change their religion

According to international human rights standards, freedom to have or adopt a religion or belief – the so-called *forum internum* (internal aspect) of the right to

freedom of religion – is an absolute right and cannot be subject to any limitations in any circumstance. Considering apostasy as a criminal offense, with death sentence as a punishment, coerces individuals who wish to change their religion to either refrain from doing so, or hide what is an essential part of their identity and live in fear of being discovered.

## Advocacy of religious hatred

Saudi religious scholars and clerics often use language that discriminates against or demonizes religious minorities who do not conform to their views. They often use social media, television and the internet to disseminate incendiary speech against Shia, Christians, Jews and others, for instance defining them as heretics, untrustworthy, or worthy to be destroyed.<sup>7</sup> In recent years, the Saudi Government has attempted to crack down on religious scholars and clerics using incendiary speech against religious minorities by monitoring their speeches and soliciting complaints from the public. However, no legal mechanism criminalizing advocacy of religious hatred and violence is in place yet, and incendiary speech is still a serious issue affecting minority faith adherents.<sup>8</sup>

Intolerant content against religious minorities has been included in textbooks used in Saudi schools for years, perpetuating the idea that those who follow a religion other than Wahabi Islam – such as Christians and Jews – are infidels and should be condemned

<sup>5</sup> "United States Commission on International Religious Freedom: 2020 Annual Report", USCIRF, April 2020, pp. 36. Available at: [https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report\\_Final\\_42920.pdf](https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf).

<sup>6</sup> *Ibid.*

<sup>7</sup> See, for example, "They are not our brothers: hate speech by Saudi officials", *Human Rights Watch*, September 2017. Available at: <https://www.hrw.org/report/2017/09/26/they-are-not-our-brothers/hate-speech-saudi-officials>.

<sup>8</sup> "Still invisible – the stigmatization of Shi'a and other religious minorities in Saudi Arabia", *Minority Rights Group International*, November 2015, pp. 9. Available at: <https://minorityrights.org/publications/still-invisible-the-stigmatization-of-shia-and-other-religious-minorities-in-saudi-arabia/>.



Photo: Shopping area in Al Hofuf, Saudi Arabia.

or even killed. After 9/11 and because of international pressure, the Saudi Government started reviewing school textbooks and removing intolerant content.<sup>9</sup> A review of Saudi textbooks since 2016 by the Institute for Monitoring Peace and Cultural Education in School Textbooks (IMPACT-se) shows that some progress has been made, for example, references to Christianity as a “perverted religion” have been removed, and terrorism perpetrated by Muslims strongly criticized.<sup>10</sup> However, intolerant content is still present in recent schoolbooks. For example, schoolbooks for the 2017-2018 academic year still encouraged the killing of Jews and “apostates”, and to avoid Christians and Jews unless they convert to Islam.<sup>11</sup> As much as the Saudi Government’s efforts to tackle this serious issue should be welcomed, there is still a long way to go to ensure that students in school are not taught intolerance and hatred towards different religions and groups, as well as educating Saudi citizens on values of religious tolerance.

## Right to manifest one’s religion

Any public expression of religions other than Islam is prohibited in Saudi Arabia, which means that no building can be constructed or rented for non-Muslim religious purposes. Non-Muslim religious gatherings in private homes are subject to monitoring, surveillance and disruption by security officials.<sup>12</sup> The impossibility of having a non-Muslim religious building, such as churches, and the absence of ordained religious leaders, such as priests, create severe hindrances to individuals’ freedom to manifest their religion. For example, Catholics and Orthodox cannot receive the Eucharist if not from an ordained priest, or perform weddings, burials and baptisms. Further severe restrictions for non-Muslims are imposed by prohibiting the import of any non-Muslim religious material translated into Arabic in the country.<sup>13</sup>

## Women’s freedom of religion

Women’s basic rights are severely limited in Saudi Arabia, the most severe limitations linked to the guardianship system imposed on all Saudi women,



Photo: Aerial view of Saudi Arabia

based on the Government’s interpretation of Islamic precepts. According to Saudi Arabia’s legal guardianship system, women are legally considered minors for life, and need a male guardian who has authority to make critical decisions on their behalf.<sup>14</sup> The legal guardianship system restricts women’s freedom of movement, freedom of religion, and denies their equality with men before the law. In August 2019 the Saudi Government amended its law to permit women to travel without their guardian’s permission, obtain passports, register births, marriages and divorces, to be issued official family documents and serve as guardians for minors. Despite these changes, implementation can be slow or non-existent in practice, especially in more conservative areas and families.

## According to Saudi Arabia’s legal guardianship system, women are legally considered minors for life, and need a male guardian who has authority to make critical decisions on their behalf

Moreover, the religious concepts of “parental disobedience” and “absence from home”, under which women can be tracked down and forced to return home, even when fleeing from domestic violence and abuse, are still in force.<sup>15</sup> By imposing the legal guardianship system, the Saudi Government is imposing a strict interpretation of Islamic precepts that might not be in line with the beliefs of some Saudi women. Moreover, women who decide to abandon Islam can face dire consequences and severe abuse if their male guardian disapproves their decision, with little hope of escaping and seeking protection from an abusive situation.

<sup>9</sup> *Ibid.*

<sup>10</sup> <https://www.longwarjournal.org/archives/2020/03/saudi-textbooks-revised-but-still-incite-hate.php>.

<sup>11</sup> “Special Report: Study Revealed Numerous Passages in Saudi Textbooks Advocating Intolerance and Violence”, USCIRF, May 2018. Available at: [https://www.uscifr.gov/sites/default/files/USCIRF%20Special%20Report%20-%20Saudi%20textbooks%205-16-18\\_0.pdf](https://www.uscifr.gov/sites/default/files/USCIRF%20Special%20Report%20-%20Saudi%20textbooks%205-16-18_0.pdf).

<sup>12</sup> “Saudi Arabia: Country Dossier”, *Ibid.*, pp. 26.

<sup>13</sup> *Ibid.*

<sup>14</sup> See “Boxed in: Women and Saudi Arabia’s Male Guardianship System”, *Human Rights Watch*, July 2016. Available at: <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>.

<sup>15</sup> “Country Update: Saudi Arabia”, *USCIRF*, January 2020. Available at: <https://www.uscifr.gov/sites/default/files/2020%20Saudi%20Arabia%20Country%20Update%21.pdf>.

## Recommendations:

1

**Freedom to adopt or change one's religion or belief** is an integral part of the right to freedom of religion or belief, without which such right would be emptied of any significance:

- The Saudi Government should therefore **cease considering apostasy as a criminal offense** and ensure that freedom of religion or belief, including freedom to change one's religion, is fully respected;
- King Salman bin Abdulaziz should promulgate a royal decree **ordering not to prosecute individuals for their peaceful exercise of the right to freedom of religion or belief**, including freedom to have or adopt a religion or belief; and **condemning any act of discrimination and intolerance** against individuals who decide to change their religion or belief.

2

To **address advocacy of religious hatred** that incites intolerance, discrimination and violence against other faiths:

- King Salman bin Abdulaziz should publicly condemn incendiary speech against minority religions, communicate messages of tolerance and intercommunal unity, and promote the **adoption of a comprehensive strategy to address advocacy of religious hatred**;
- Such comprehensive strategy should include a **legal mechanism to criminalize incitement to religious hatred** that faithfully mirrors guidelines and principles set by the "Rabat Action Plan on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence;"<sup>16</sup>
- Saudi Arabia's strategic allies should encourage the Saudi Government to continue improving language in existing literature such as school textbooks, eliminating intolerant statements, actively withdrawing old textbooks distributed both in Saudi Arabia and abroad; provide teacher training on religious tolerance and religious freedom, and strengthen intercultural understanding as part of the school curriculum for students of all ages;

- Finally, the Saudi Government should promote and set up initiatives that **involve individuals at the local level and educate the wider population** on the value of religious tolerance and inter-religious harmony.

3

To ensure the **full respect of freedom to manifest one's religion or belief** the Saudi Government should **allow the establishment of places of worship** for adherents of other faiths; allow free access to such places of worship; allow places of worship to **carry out their peaceful religious activities** without interference; and allow the sale of bibles in the country.

4

To ensure the **protection and enjoyment of freedom of religion or belief and other fundamental rights by all women** in Saudi Arabia:

- King Salman bin Abdulaziz should continue to break down the legal guardianship system by promulgating a royal decree that **fully dismantles the legal guardianship system for adult women**, guaranteeing that women are considered to have reached full legal capacity at 18 years of age, affirming equal dignity between men and women and condemning any discrimination against women and girls;
- The Saudi Government should codify the dismantlement of such system and **abolish the rights of legal guardians to file complaints of "parental disobedience" and "absence from home"**;
- The Saudi Government should ensure that such changes have real impact on the lives of Saudi women by promoting initiatives at a grassroots level that will **help integrating these legal changes into Saudi's culture**.

Any questions? Please email [advocacy@od.org](mailto:advocacy@od.org)

<sup>16</sup> [https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf).