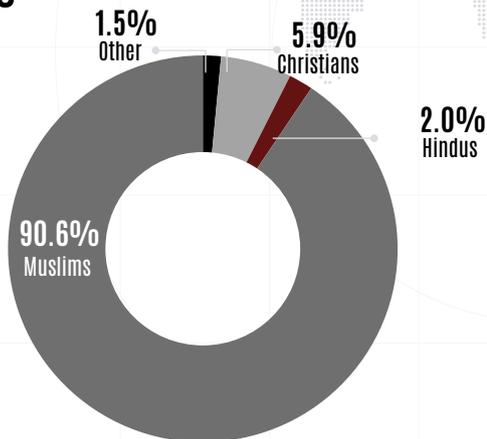




SAUDI ARABIA

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Salman bin Abdulaziz Al Saud, who has been king of Saudi Arabia since 2015, is both head of state and head of government. Under the 1992 Basic Law of Governance,¹ the King, who is an absolute ruler, must follow Shari'a (Islamic law). The Kingdom's "constitution is Almighty God's Book, The Holy Qur'an, and the Sunna (Traditions) of the Prophet (PBUH)."

Under the late King Abdullah (2005-2015), the country experienced a gradual modernisation.² With about 17 percent of the world's known oil reserves,³ the country is one of the wealthiest in the region and a leading political and religious power in the Arab world.

In recent years, demands for political reform have increased along with calls for social change, such as the right of women to drive and some possibilities for freedom of expression. In 2016, the Saudi government adopted ambitious plans for economic reform – Vision 2030 and the National Transformation Program 2020 – to reduce dependence on oil revenues.⁴

An unofficial census by the Apostolic Vicariate of Northern Arabia estimates that Saudi Arabia's Catholics number 1.5 million,⁵ mainly foreign workers from India and the Philippines. Some reports indicate a growing number of Saudis identifying as atheists⁶ or Christians.⁷ But, as a result of harsh social and legal consequences for leaving Islam, they keep quiet about their conversion.⁸ The Kingdom does not have official diplomatic ties with the Holy See.⁹

Saudi Arabia is the birthplace of Islam and home to its two holiest cities – Makkah and Madinah – with the Saudi king serving as the official Custodian of the Two Holy Mosques. While the law is based on the Hanbali school of Islamic jurisprudence, the interpretations of Muhammad ibn Abd al-Wahhab, upon whose teachings Wahhabism is based, are also highly influential. The country follows a strict interpretation of Sunni Islam, including restrictions on women and harsh penalties for a range of crimes, including capital punishment (beheading) for minors. A Royal Order is supposed to have been issued to prohibit the death penalty for underage offenders, but as of November 2020 it was not yet officially promulgated. Saudi citizens must be Muslims. Non-Muslims must convert to Islam to be eligible for naturalisation. Children born to Muslim fathers are deemed to be Muslim. It is prohibited to publicly

promote non-official Islamic teachings.¹⁰

Religious freedom is neither recognised nor protected. Conversion from Islam to another religion is considered apostasy, which is legally punishable by death, as is blasphemy against Islam. More recently, Saudi courts have tended to be lenient, imposing lengthy prison sentences and lashings for blasphemy instead of the death penalty.¹¹

Importing and distributing non-Islamic religious materials and proselytising are illegal for both Saudi nationals and foreigners.¹² Non-Muslim places of worship and the public expression of non-Muslim creeds are prohibited. Failure to comply can mean discrimination, harassment and detention. Non-citizens may be deported. Despite government statements that non-Muslims who are not converts from Islam can practise their religion privately, the lack of clear rules has left non-Muslims at the mercy of local police. Some groups of Christian expatriates have been able to discreetly worship on a regular basis without provoking action by the government's religious police, the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), also known as the mutawa.¹³

Religious instruction based on the official interpretation of Islam is mandatory in state schools. Private schools cannot teach separate curricula, and are required to offer both Saudi and non-Saudi Muslim pupils an Islamic studies programme. Non-Muslim students in private schools receive mandatory classes on Islamic civilisation.¹⁴ Other religions or civilisations can be taught at private international schools.¹⁵

Defendants must be treated equally in accordance with Shari'a. Of the four Sunni schools of jurisprudence, the Hanbali school is the basis for interpreting Islamic law. There is no comprehensive written penal code. Rulings and sentences vary widely from case to case. In civil cases, Christian and Jewish men can receive 50 percent of the compensation a Muslim man would receive. And for other non-Muslims, this gap may go up to one sixteenth the amount a Muslim man would receive. In some cases, the evidence presented by Muslims carries greater weight than that of non-Muslims, and the evidence of Muslim women is worth half that of Muslim men in certain cases.¹⁶

The 2017 counterterrorism law criminalises "anyone who challenges, either directly or indirectly, the religion or justice of the King or Crown Prince." "The promotion of atheistic ideologies in any form," "any attempt to cast doubt on the fundamentals of Islam," publications that "contradict

the provisions of Islamic law," non-Islamic public worship, public display of non-Islamic religious symbols, conversion by a Muslim to another religion, and proselytising by a non-Muslim are also criminalised.¹⁷

Despite government policy against non-Muslim burial in the Kingdom, at least one public, non-Islamic cemetery exists.¹⁸ In November 2020 it was the target of an attack claimed by Islamic State group during a ceremony attended by many diplomats (see below). Non-Muslim clerics are not allowed in the country.

Human rights standards are observed "in light of the provisions of Shar'ia". Saudi Arabia is not a party to the International Covenant on Civil and Political Rights.¹⁹ This means that human rights are not really protected. During the period under review, there were frequent reports of restrictions on free speech. No laws or regulations ban discrimination in employment and occupation based on religion as well as other grounds (race, sex, gender identity).²⁰

The semi-autonomous mutawa (religious police) monitors public behaviour, reporting to the regular police to enforce a strict Wahhabi interpretation of Islamic norms. Since 2016, its officers have to carry official identification papers, and their powers have been significantly limited by royal decree. Both Muslims and non-Muslims have reported less harassment and fewer raids as a result.

The Ministry of Islamic Affairs has intensified its efforts against extremist Islamic preaching through video surveillance of mosques and close monitoring of Facebook and Twitter.²¹

Since 2004, Saudi Arabia has been designated by the United States Commission on International Religious Freedom (USCIRF) as a "Country of Particular Concern" (CPC).

INCIDENTS AND DEVELOPMENTS

Zuhair Hussein Bu Saleh was detained in July 2018 to serve a two-month prison sentence and 60 lashes for practising congregational prayers at his house due to the lack of Shi'a mosques in the country's Eastern Province.²²

In September 2018, the public prosecutor declared that online satire that "disrupts public order" will be punished with up to five years in prison.²³

In November 2018, a delegation American of Evangelical Christians visited Saudi Arabia and met with Saudi Ara-

bia's Crown Prince Mohammed bin Salman.²⁴

Although the government has received many Jewish and Christian religious leaders, most non-Muslim clergy are not allowed to enter the country on a regular basis in order to conduct religious services. In December 2019, Coptic Orthodox Metropolitan Anba Markos paid a three-week pastoral visit to Riyadh upon invitation by Crown Prince Mohammed Bin Salman. During this visit, the first official Coptic Mass was held in Riyadh on 1st December 2018.²⁵

According to the US Department of State's 2019 Report on international Religious Freedom, regulations were issued in January 2019 criminalising "calling for atheist thought in any form or calling into question the fundamentals of the Islamic religion".²⁶

In January 2019, security forces stormed Umm al-Hamam, a village in the predominantly Shi'a governorate of Qatif, in eastern Saudi Arabia. Clashes, mortar attacks and shooting left five people dead and an unspecified number of injured.²⁷

Islamic scholar and former dean at the Islamic University in Madinah, Sheikh Ahmed al-Amari, died on 20th January 2019 after suffering a brain haemorrhage while in detention. The London-based ALQST human rights group declared that he was tortured and injected with a poisonous substance which eventually caused the brain haemorrhage and subsequent death.²⁸

Amari, who, according to activists, was held in solitary confinement, was believed to be close to influential religious scholar Safar Al-Hawali, who was arrested in July 2018 after publishing a book in which he criticised the Saudi royal family and called for violence.²⁹ In his 3,000-page book titled *Muslims and Western Civilization*, Al-Hawali – who had already been arrested in 1994 – incites hate towards other religions and calls for jihad to be a main focus in daily education. He slammed the Saudi government for investing money in the entertainment sector while neglecting preparations for jihad. He also called for "martyrdom operations" (suicide attacks) in order to "intimidate the enemy" and "display the courage of Muslims." He wrote: "Jihadists should be honoured, not imprisoned, and if they do something wrong, they should be corrected."³⁰

Although the religious police's role and range of action have been dramatically reduced, comedian Yaser Bakr was briefly detained in February 2019 for making a joke about the religious police in a public stand-up comedy

show. Later he had to apologise on Twitter.³¹

According to the US Department of State's 2019 Report on International Religious Freedom, anti-Semitic material, including *The Protocols of the Elders of Zion* and *Mein Kampf* could be found at the annual Jeddah International Book Fair.³² Similar material could be found at the annual Riyadh International Book Fair held in March 2019.³³

In April 2019, the Ministry of Interior (MOI) announced the execution of 37 people, of whom at least 33 were from the Shi'a community, for "terrorism crimes". The sentence was carried out without prior notice.³⁴ According to various human rights organisations, their trials violated international fair trial standards and confessions were obtained under torture. Based on a MOI statement, the Saudi Press Agency (SPA) specified that one of the convicts was crucified – in Saudi Arabia, this means that the body of the executed person was strung up and exposed to dissuade others.³⁵ The UN High Commissioner for Human Rights and other human rights organisations condemned the executions, especially since some of the executed were minors at the time of their sentencing.³⁶

In May 2019, Muslim World League's (MWL) Secretary General Mohammed Al-Issa signed a memorandum with Global Jewish Advocacy's CEO David Harris, committing the two institutions to further Muslim-Jewish understanding. He also offered his condolences for the April 2019 terrorist attack on a synagogue in California.³⁷ During his trip in the United States, Al-Issa visited several religious centres.

In May 2019, the MWL organised a four-day international conference on "Values of moderation in the texts of the Qur'an and Sunnah". The "Charter of Makkah"³⁸ was adopted by 1,200 high-ranking Muslim leaders from 139 countries, representing 27 Islamic sects and communities. King Salman stressed encouraging "concepts of tolerance and moderation, while strengthening the culture of consensus and reconciliation."³⁹

Several prominent figures who had criticised concerts and entertainment activities sponsored by the government's General Entertainment Authority (GEA) were arrested on charges of interfering in the internal affairs of the Kingdom. One of them, scholar Sheikh Omar al-Muqbil, was arrested in September 2019 for saying that GEA's sponsored music concerts constituted a threat to the kingdom's culture and were "erasing the original identity of society."⁴⁰

In September 2019, officials declared that violations of “public decency,” including wearing immodest clothing and publicly displaying affection, would be penalised.⁴¹

In November 2019, a video describing feminism, homosexuality, and atheism as extremist ideas was released on the Twitter account of the Presidency of State Security; it stated that “all forms of extremism and perversion are unacceptable.” Takfir – the practice of declaring as unbelievers those who follow other schools of Islam or even Muslims who do not think the same way – was also described as an unacceptable behaviour. The post was later deleted and the security agency said in a statement posted by the official press agency that the video contained “many mistakes”.⁴²

In December 2019, more than 200 people were arrested for violating “public decency,” including wearing immodest clothing, and “harassment”.⁴³

Raif Badawi, a Saudi blogger who created the Free Saudi Liberals Forum,⁴⁴ has been in prison since 2012. He is accused of flouting Islamic values, violating Shari’a, committing blasphemy, and mocking religious symbols on the Internet. For these offences, he was sentenced to seven years, later increased in his appeal trial to a 10-year prison term and a thousand lashes.⁴⁵ In 2015, he received 50 lashes. Eventually he was spared the remaining 950 by the abolition of flogging.⁴⁶

In September 2019, the USCIRF issued a statement condemning Saudi authorities for denying Badawi much needed medicine. Eventually, Badawi decided to go on a hunger strike to protest.⁴⁷

In December 2019, both Badawi and his lawyer Waleed Abu al-Khair went on a hunger strike to protest his solitary confinement.⁴⁸ Waleed Abu al-Khair, who founded the Monitor of Human Rights in Saudi Arabia, was detained in 2014 and sentenced to 15 years in prison for “participating in, calling for, and inciting breaking allegiance with the ruler” and “describing the Saudi regime – unjustly – as a police state.”⁴⁹

In April, August, October and December 2019, Sheikh Saleh bin Humaid, adviser to the Royal Court and member of the Council of Senior Scholars, prayed to God at the Grand Mosque in Makkah to “destroy the usurping occupying Zionist Jews.”⁵⁰

In January 2020, MWL Secretary General Mohammed al-Issa and a delegation of Muslim leaders visited Aus-

chwitz concentration camp. On the eve of the 75th anniversary of the camp’s liberation, Al-Issa declared that it was “both a sacred duty and a profound honor”.⁵¹

A September 2020 report by Ali Al-Ahmed, founder and director of the Institute for Gulf Affairs, found that Saudi textbooks still contained derogatory and violent passages against Jews, Christians and non-Wahhabi Muslims, this despite several statements by Saudi officials that they had been edited and purged of such content.⁵² Al-Ahmed noted that although the phrase “Christians and Jews” has been replaced in one passage of a textbook with “the enemies of Islam,” others clearly placed Christians and Jews in the enemies’ camp.

The Institute for Monitoring Peace and Cultural Tolerance in School Education (MPACT-se) also noted that, although some changes to school curricula have been made, Saudi pupils, from kindergarten to high school, were still taught in 2019 to keep westerners at a distance, to consider Jews as “monkeys” and “assassins” determined on harming Muslim holy places, and to punish gays by death. While women are depicted as entrepreneurial and encouraged to be so, IMPACT-se Chief Executive Officer Marcus Sheff said that they are advised not to befriend “westerners they would do business with.”⁵³

In September 2020, Abdulrahman al-Sudais, imam of the Grand Mosque of Makkah, delivered a sermon calling for dialogue and kindness to non-Muslims, specifically referring to Jews. Interpreted by some as a possible signal of coming Saudi normalisation with Israel, it caused a stir on social media.⁵⁴

On 21st October 2020, the United Nations Human Rights Commission noted that the Royal Order of April 2020 excluded juvenile offenders from the death penalty in Saudi Arabia. However, the fact that the decree has not been published yet leaves some uncertainty as to its content and application.⁵⁵ This decision, if implemented, may affect, among other things, the fate of three Shi’a detainees: Ali al-Nimr (nephew of Nimr al-Nimr, a Shi’a cleric executed by the government in 2016), Dawoud al-Marhoon (both 17 at the time of the alleged offences) and Abdullah Zaher (15 at the time of the alleged offences). The government has disputed that claim, arguing that the courts use the hijri calendar. Lunar years being shorter than solar ones, age computation differs.⁵⁶

On 11th November 2020, an attack with explosives oc-

occurred during a World War I remembrance ceremony, held at Saudi Arabia's only non-Muslim cemetery. A couple of days later, the Islamic State claimed responsibility for the terrorist attack against several "consuls of crusading countries" present at the time. The main target was the French consul general because of the publication in France of cartoons depicting the Prophet Muhammad.⁵⁷

Legal foreign residents are required to carry a residence permit (iqama) which contains religious designation. Although this usually is either "Muslim" or "non-Muslim", some recently issued residence cards carried the designation "Christian."⁵⁸

Like many other countries, Saudi Arabia took strong measures in order to slow down the spread of COVID-19. At the beginning of March 2020, the Umrah pilgrimage to Makkah was temporarily suspended, as were prayers in mosques later that month. A few days before the beginning of Ramadan, curfew restrictions were amended in cities where there was no 24-hour curfew. Although some prayers were allowed in the Two Holy Mosques of Makkah and Madinah, they were restricted to employees.⁵⁹

In June 2020, mosques were allowed to reopen,⁶⁰ while lessons and lectures in mosques could resume after prayers but with certain restrictions.⁶¹

On 1st November 2020, some 10,000 foreign pilgrims were allowed to perform the Umrah pilgrimage to Makkah after a seven-month hiatus.⁶²

PROSPECTS RELIGIOUS FOR FREEDOM

All but one state-authorized form of religion (Islam) is allowed in Saudi Arabia for both Muslims and non-Muslims. Except for some important historic meetings with leaders of other religions, and the signing of joint declarations and international charters promoting peace and tolerance, the above-mentioned incidents show that the country has so far failed to make any significant changes in the field of freedom of religion in everyday life.

Despite some encouraging signs of openness, Saudi Arabia is still responsible for "systematic, ongoing and egregious violations of religious freedom"⁶³ and remains a country of great concern with respect to religious freedom and human rights. Numerous human rights activists and advocates of reforms have been arrested, imprisoned and, in some cases, tortured.

Although there are certain signs of modernisation in the country, it is clear from the contradictory messages sent out by the country's strong man, Crown Prince Mohammed bin Salman, that reform will only happen at the government's initiative. Women activists fighting for women's rights have been detained and tortured, even after the rights they were demanding were granted.

Any kind of opposition – be it conservative or liberal – is strongly silenced. The government continues to crack down on dissent and imprison individuals accused of apostasy and blasphemy, of violating Islamic values and moral standards, insulting Islam, engaging in black magic and sorcery.

Furthermore, internationally, Saudi Arabia has pursued a realist approach; for example, in spite of the leading role it plays in the Sunni Muslim world, it decided not to offer any support to the persecuted Uyghur Muslims of China, valuing more its relationship with that country than the rights of fellow Muslims.⁶⁴

Ultimately, fundamental human rights and freedom of conscience, thought and religion are not protected in Saudi Arabia.

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