

# SAUDI ARABIA

## TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

### KEY FINDINGS

During the past year, in line with the Saudi government's Vision 2030 efforts to economically and culturally transform the country, religious freedom conditions in Saudi Arabia improved in certain areas, including a significant decrease in power of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV), a continued government commitment to textbook and curricula reform, and increased efforts to counter extremist ideology at home and abroad. Nevertheless, the government continues to privilege its own interpretation of Sunni Islam over all other interpretations and prohibits any non-Muslim public places of worship in the country. Saudi courts continue to prosecute and imprison individuals for dissent, apostasy, and blasphemy, and a law classifying blasphemy and the promotion of atheism as terrorism has been used to target human rights defenders, among others. While there were improved conditions

for public worship among Shi'a Muslims in the Eastern Province, the community continued to face discrimination based on its religious affiliation, and authorities sporadically interrogate, arrest, and imprison dissident Shi'a clerics and activists. Despite progress in some areas, the government continues to restrict a broad range of human rights, especially women's participation in society, including through the legal guardianship system. Based on continuing severe violations of religious freedom, USCIRF again finds in 2017 that Saudi Arabia merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). Although the State Department has designated Saudi Arabia as a CPC repeatedly since 2004, most recently in October 2016, an indefinite waiver has been in place since 2006 on taking an otherwise legislatively mandated action as a result of the CPC designation.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Saudi Arabia as a CPC under IRFA;
- Fully engage the Saudi government to take concrete action toward completing reforms confirmed in July 2006 in U.S.-Saudi bilateral discussions; provide a detailed report on progress and lack of progress on each of the areas of concern; and consider, over the course of a year, whether issuing an indefinite waiver furthers the purposes of IRFA;
- Consider inaugurating a new U.S.-Saudi bilateral strategic dialogue, which would include human rights and religious freedom among the areas of discussion;
- At the highest levels, press for and work to secure the release of Raif Badawi, his counsel Waleed Abu al-Khair, and other prisoners of conscience, and press the Saudi government to end state prosecution of individuals charged with apostasy, blasphemy, and sorcery;
- Undertake and make public an annual assessment of the relevant Ministry of Education religious textbooks to determine if passages that teach religious intolerance have been removed;
- Press the Saudi government to denounce publicly the continued use around the world of older versions of Saudi textbooks and other materials that promote hatred and intolerance, and to make every attempt to retrieve, or buy back, previously distributed materials that contain intolerance;
- Encourage the Saudi government to respect the diverse interpretations and practices of Islam, especially in its propagation of the faith abroad;
- Press the Saudi government to continue to address incitement to violence and discrimination against disfavored Muslims and non-Muslims, including by prosecuting government-funded clerics who incite violence against Muslim minority communities or members of non-Muslim religious minority communities;
- Press the Saudi government to pass and fully implement an antidiscrimination law protecting the equal rights of all Saudi citizens and expatriate residents;
- Press the Saudi government to remove the classification of advocating atheism and blasphemy as terrorist acts in its 2014 counterterrorism law;
- Include Saudi religious leaders, in addition to government officials, educators, and judges, in mutual exchanges and U.S. visitor programs that promote cultural exchange, religious tolerance, and interfaith dialogue; and
- Encourage the Saudi government to take further steps toward phasing out the guardianship system, in line with its acceptance of relevant recommendations from the 2009 and 2013 Universal Periodic Review (UPR) at the UN Human Rights Council; and
- Work with the Saudi government to codify the right of non-Muslims to private religious practice, and permit foreign clergy to enter the country openly to carry out worship services and to bring religious materials for such services.



## BACKGROUND

Saudi Arabia is officially an Islamic state whose legal system is based primarily on the Hanbali school of Sunni Islamic jurisprudence. The Saudi Arabian constitution comprises the Qur'an and the Sunna (traditions of the Prophet). The population is approximately 30 million, including nearly 10 million expatriate workers of various faiths. Among these expatriate workers, there are at least two million non-Muslims, including Buddhists, Christians, practitioners of folk religions, and the religiously unaffiliated. Approximately 85–90 percent of citizens are Sunni Muslim and 10–15 percent are Shi'a Muslim, including Ismailis, Zaydis, and others.

In April 2016, the Saudi government rolled out Vision 2030 and the National Transformation Program 2020, ambitious economic reform plans that seek to reduce the country's dependence on oil revenues. The Ministry of Islamic Affairs is responsible to ensure that Vision 2030 is compliant with Shari'ah law. If fully implemented, these plans to diversify the Saudi economy include goals that could lead to greater respect for human rights and religious freedom in the Kingdom.

Nevertheless, the government persists in restricting most forms of public religious expression inconsistent with its particular interpretation of Sunni Islam. Saudi officials base these restrictions on their interpretation of *hadith* (sayings of the Prophet Muhammad), stating that such a stance is what is expected of them as the country that hosts the two holiest mosques in Islam, in Mecca and Medina. Such policies violate the rights of other Sunni Muslims who follow varying schools of thought, Shi'a Muslims, and both Muslim and non-Muslim expatriate workers. The government still has not codified the protection of private religious practice for non-Muslim

expatriate workers in the country, which would foster a greater sense of security. Furthermore, the Saudi legal system limits the religious freedom and human rights of women, whose public and private lives are shaped by the imposition of official religious interpretations.

In February 2017, a USCIRF delegation travelled to Saudi Arabia to assess religious freedom conditions and met with a range of Saudi government officials as well as the government-appointed Human Rights Commission, the King Abdullah Center for National Dialogue, the Tatweer Company for Educational Services, the Muslim World League, the Organization of Islamic Cooperation, the International Islamic Relief Organization, U.S. Embassy and consular staff, and members of civil society, including religious leaders, women's rights activists, lawyers, journalists, and human rights defenders.

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Positive Developments

USCIRF has recognized some improvements in recent years, most notably the decrease in the public presence of the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV). This body, colloquially known

as the religious police, officially enforces public morality and restricts disfavored public religious manifestations and practice by both Saudis and non-Saudis. In April 2016, a royal decree prohibited the CPVPV from questioning, arresting, or requesting identification from individuals. This decree also required CPVPV members to show identification while on duty, and specified educational, religious, and legal prerequisites for membership. As a result, both non-Muslim expatriate workers and Shi'a communities report less harassment in public. USCIRF continues to call for the full dissolution of the CPVPV.

Saudi Arabia has also taken additional steps to counter violent extremism in the Kingdom. After a surge of terrorist attacks in 2015, including against Shi'a worshippers, the number of attacks dropped significantly in 2016, reflecting a rigorous government campaign against domestic terrorism. During the past year, the government worked to challenge the religious and ideological messages of terrorist groups through the newly formed Ideological Warfare Center and Digital Extremism Observatory. The center's stated goal is to confront extremist ideologies and promote a moderate, welcoming understanding of Islam. The observatory focuses on monitoring the online presence of terrorist groups, especially on social media. In addition, the Saudi government continued to dismiss clerics and teachers who espouse intolerant or extremist views, although some preachers continue to use intolerant rhetoric about non-Sunni Muslims in Friday sermons. The Saudi government claims to have retrained over 20,000 imams.

Other positive developments include additional revisions to remove intolerant passages from textbooks and curricula (see section below on Improvements in Saudi Textbooks) and initiatives promoting women's participation in the economic, legal, and political spheres. Saudi officials also confirmed that in 2016 the judiciary had completed the first stage of codifying the penal code and is working to ensure it is consistent with international human rights standards. In addition, in recent years the Saudi government has promoted a culture of dialogue and understanding, both inside the Kingdom through the work of the King Abdulaziz Center for National Dialogue and in international fora through the Vienna-based King Abdullah bin Abdulaziz Center for Interreligious and Intercultural Dialogue.

## Restrictions and Attacks on Shi'a Muslims

Arrests and detentions of Shi'a Muslim dissidents continued, despite government assertions that Shi'a Muslims are not targeted because of their religion or belief. Officials also claim Shi'a Muslims do not encounter religious discrimination, despite credible allegations to the contrary.

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For many years, the government has detained and imprisoned Shi'a Muslims for participating in demonstrations or publicly calling for reform, holding small religious gatherings in private homes without permits, organizing religious events or celebrating religious holidays in certain parts of the country, and reading religious materials in private homes or *huseiniyas* (prayer halls). Saudi officials often cite as pretext for these restrictions security concerns related to alleged ties to Iran and, this year, intermittent attacks by Shi'a youth on security officials. However, community representatives assert that very few Shi'a Muslims in Saudi Arabia are sympathetic to Iran. While conditions for public religious expression have improved in Qatif (which is predominantly Shi'a) and Najran (which is predominantly Ismaili), Shi'a religious expression in mixed areas and any Shi'a gatherings perceived to have political aims continue to face severe challenges. The Shi'a community also experiences discrimination in education, employment, the military, political representation, and the judiciary.

In recent years, Shi'a dissidents and reformers have received lengthy prison terms or death sentences for their activities. One Shi'a cleric, a vocal and inflammatory critic of the government, Sheikh Nimr al-Nimr, was executed in January 2016 after being convicted by a Specialized Criminal Court of "inciting sectarian strife," disobeying the government, and supporting rioting that resulted in the death of two policemen. Following the execution of al-Nimr and the July 2016 arrest of his associate, Sheikh Mohammed Hasan al-Habib, for

“creating dissent,” most Shi’a activists have retreated from civil society activities, including demonstrations and protests.

The number of attacks targeting Shi’a places of worship in the Eastern Province decreased significantly when compared to the previous year. In January 2016, a suicide bombing and gun attack on a Shi’a mosque in al-Ahsa resulted in four deaths and at least 18 injured, while in July 2016 two bombers targeted a Shi’a mosque in al-Qatif. In both cases, Saudi officials and religious leaders condemned the attacks, calling for national unity without emphasizing the uniquely sectarian nature of attacks in majority-Shi’a Muslim areas. During the reporting period, hundreds of individuals were arrested in connection to the various attacks. According to official Saudi estimates, more than 2,800 people were arrested on terrorism charges between early 2015 and July 2016. Human rights groups inside and outside the Kingdom have suggested Saudi government rhetoric is not sufficient to prevent future attacks and that reform to existing policies is needed.

### Non-Muslim Expatriate Workers

Although the Saudi government bans the public practice of non-Muslim faiths, the government has stated repeatedly that non-Muslims may practice their religion privately without harassment. This policy has not been codified, and government officials show little interest in pursuing codification. In recent years, members of the CPVPV have raided private non-Muslim religious gatherings and arrested and/or deported participants, especially when the gatherings were loud or involved large numbers of people or symbols visible from outside the building. However, there were fewer raids in 2016 than in recent years. Nevertheless, non-Muslims seeking to practice their religion privately operate in a climate of fear, especially outside of compounds populated largely by foreign workers. During its visit in February 2017, USCIRF found that many non-Muslim religious communities restrict their services and other activities in order to avoid undue notice by their neighbors or authorities.

### Apostasy, Blasphemy, and Sorcery Charges

The Saudi government continues to use criminal charges of apostasy and blasphemy to suppress debate

and silence dissidents. Promoters of political and human rights reforms and members of marginalized expatriate communities typically have been the targets of such charges.

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Saudi blogger Raif Badawi remained in prison during the reporting period. In June 2015, the Saudi Supreme Court upheld his sentence of 10 years in prison, 1,000 lashes, and a fine of one million Saudi riyal (SR) (\$266,000 USD) for, among other charges, insulting Islam and religious authorities. The sentence called for Badawi to be lashed 50 times a week for 20 consecutive weeks. Immediately after the first set of 50 lashes was carried out in January 2016, numerous human rights groups and several governmental entities, including USCIRF, condemned the implementation of the sentence. Badawi has not received additional floggings, due in part to international outrage and in part to a medical doctor’s finding that he could not physically endure more lashings, although according to Badawi’s family the lashings could resume at any time.

Also still imprisoned was Saudi poet and artist Ashraf Fayadh, who in November 2015 was sentenced to death for apostasy for allegedly questioning religion and spreading atheist thought in his poetry. In February 2016, an appeals court quashed the death sentence and issued a new verdict of eight years in prison and 800 lashes to be administered on 16 occasions; at the end of the reporting period, the lashes had not been administered. According to his lawyer, Fayadh also must renounce his poetry in Saudi state media.

In January 2017, an unnamed Yemeni man living in Saudi Arabia reportedly was charged with apostasy and sentenced to 21 years in prison for insulting Islam on his Facebook page. He was spared the death penalty after renouncing his views in court. The same month, Indian migrant worker Shankar Ponnamm reportedly was sentenced to four months in prison and a fine of 5,000 SR (USD \$1,333) for offending Islamic sentiments by sharing

a picture on Facebook of the Hindu god Shiva sitting atop the Kaaba; he had been arrested in November 2016.

Arrests and prosecutions for witchcraft and sorcery—a crime punishable by death—continued during the reporting period, often within the context of disputes over custody or labor relations. The CPVPV has special units throughout the country to combat sorcery and witchcraft.

### 2014 Law Classifies Blasphemy, Advocating Atheism as Acts of Terrorism

Saudi Arabia's 2014 counterterrorism law, the Penal Law for Crimes of Terrorism and its Financing, and a series of subsequent royal decrees create a legal framework that criminalizes as terrorism virtually all forms of peaceful dissent and free expression, including criticizing the government's interpretation of Islam or advocating atheism. Under the law, which went into effect in 2014, a conviction could result in a prison term ranging from three to 20 years. According to the law, terrorism includes "calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based." Since the law went into effect, some human rights defenders and reformers have been charged and convicted for such offenses. Terrorism-related crimes are tried in the Specialized Criminal Court, a non-Shari'ah body created in 2008.

In July 2014, Waleed Abu al-Khair, legal counsel to blogger Raif Badawi, became the first human rights defender to be sentenced under the antiterrorism law, receiving 15 years in jail on various spurious charges related to his advocacy. In January 2015, his sentence was upheld. In March 2016, journalist Alaa Brinji was convicted under the antiterrorism law of "insulting the rulers" and "ridiculing Islamic religious figures," based in large part on his tweets in support of women's rights and prisoners of conscience. In July 2016, his sentence was extended from five years in prison to seven.

### Improvements in Saudi Textbooks, Yet Continued Concern about Intolerant Materials Abroad

For more than 15 years, the Saudi government has been addressing intolerant content in official school textbooks. In February 2017, Saudi officials stated that the final stage of revisions to high school text-

books was underway, with revisions to grade 11 and 12 texts yet to be completed. During its visit, USCIRF obtained some textbooks currently in use and found some intolerant content remained in high school texts, though at a much-reduced level. Remaining intolerant content includes derogatory language about non-Sunni Muslims, approval of jihad as "fighting" to spread one's religion, and characterization of Jews as "monkeys." Over the years, USCIRF has found that the Saudi government has made slow but steady progress in revisions to lower-grade textbooks in particular, with each subsequent edition appearing to include fewer intolerant passages than previous ones. Despite progress on textbooks, some interlocutors expressed concern that teachers may continue to teach intolerance. During the past year, the Ministry of Education continued to promote teacher training, including through a new program launched in May 2016 that supports Saudi teachers' professional development. Through this program, some 1,000 teachers have gone to Europe and North America to learn through classroom immersion. Domestically, the King Abdullah Center for National Dialogue continued to train Islamic Studies teachers. Furthermore, according to Saudi officials, teachers who do not follow the newly developed curricula are dismissed.

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In recent years, a Saudi royal decree banned financing outside Saudi Arabia of religious schools, mosques, hate literature, and other activities that support religious intolerance and violence toward non-Muslims and nonconforming Muslims. In September 2016, the government also put into place new strictures on travel for *da'wa*, or proselytizing, bringing the foreign travel and preaching of clerics more firmly under the control of the Ministries of Islamic Affairs and Interior. Nevertheless, some literature, older versions of textbooks, and other intolerant



materials reportedly remain in distribution in some countries despite the Saudi government's policy of attempting to retrieve previously distributed materials that teach hatred toward other religions and, in some cases, promote violence. For example, some of the older books justified violence against apostates, sorcerers, and homosexuals, and labeled Jews and Christians "enemies of the believers"; another high school textbook presented the "Protocols of the Elders of Zion"—a notorious forgery designed to promote hostility toward Jews—as an authentic document. Concerns also remain about privately funded satellite television stations in the Kingdom that continue to espouse sectarian hatred and intolerance.

### Women's Rights and Religious Freedom

The Saudi government's adoption of a legal system that combines local

tribal customs with 18th century Islamic jurisprudence adversely affects the human rights of women in Saudi Arabia, including their freedoms of speech, movement, association, and religion. Women's rights are constrained in particular by the legal guardian-

ship system applied regardless of religious affiliation, which is based on the government's interpretation of a Qur'anic verse describing men as "protectors and maintainers of women." Under the system, Saudi women must have permission from a male guardian to obtain a passport, marry, or travel abroad, as well as sometimes to access healthcare. The Saudi government agreed in 2009 and 2013 after its United Nations Universal Period Reviews to phase out the widespread system, but has taken only preliminary steps toward doing so. In 2013, however, Saudi female attorneys were permitted to practice law for the first time, increasing women's ability to advocate their rights. In July 2016, the Shura Council and Ministry of Justice announced preparation of new legislation that would codify personal status laws, a project supported by many first-generation female Saudi attorneys.

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Personal status law is governed by courts implementing the dominant Hanbali school of Islamic jurisprudence or, for Shi'a Muslims, Ja'fari jurisprudence. However, Shi'a courts are geographically limited to the Qatif and Ahsa governorates. Saudi courts' interpretation of Shari'ah law results in rulings that women are legal minors and their testimony is worth half of men's, that men may divorce their wives without cause or cost, and that child marriage still is permitted. In 2013, the Saudi government criminalized domestic violence, but women can still legally be convicted and sentenced by a court on charges of "disobedience."

Saudi officials describe the guardianship system as primarily cultural—rather than religious or legal—in nature, and maintain that guardians who abuse their authority may have their rights revoked by a judge.

However, judges, who are trained in Islamic jurispru-

dence and issue rulings in state-sponsored Shari'ah courts, continue to enforce rulings supporting the system, including in the face of alleged abuse, and the financial, logistical, and personal barriers to women seeking redress are considerable. Nevertheless, an increasing number of lawyers are

making information publicly available to assist women to better understand and advocate their rights.

### U.S. POLICY

Despite a series of challenges in recent years, U.S.-Saudi relations remain close. Between 2010 and 2016, the Obama Administration notified Congress of more than \$115 billion in proposed arms sales to the Kingdom. In December 2016, the United States announced new limitations on military support for the Saudi-led campaign in Yemen; despite this, U.S. intelligence sharing, arms sales, and refueling of coalition aircraft continue. Since 2014, Saudi forces also have participated in some coalition strikes on the Islamic State of Iraq and Syria (ISIS) targets in Syria. For years, the U.S. government's reliance on the Saudi government for cooperation on counterterrorism, regional security, and energy supplies

has limited its willingness to press the Saudi government to improve its poor human rights and religious freedom record. This trend continued in the last months of the Obama Administration, during which the president briefly addressed the Saudi human rights record in an April 2016 closed-door session with King Salman. In September 2016, a challenge to the relationship emerged with the passage of the Justice Against Sponsors of Terrorism Act, which allows the families of 9/11 victims to sue the attackers' countries of origin.

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Nevertheless, Saudi officials have stated that they are optimistic about U.S.-Saudi relations under the new Trump Administration. During his January 2017 confirmation hearing, Secretary of State Rex Tillerson questioned whether designating Saudi Arabia a human rights violator would be an effective method of promoting change. In early 2017, Trump Administration officials had several interactions with their Saudi counterparts, including a conversation between President Donald J. Trump and King Salman that reportedly focused on strengthening economic, security, and military ties but did not include human rights or religious freedom concerns.

According to the State Department's most recent report on international religious freedom in Saudi Arabia, U.S. policy seeks to press the Saudi government "to respect religious freedom, eliminate discriminatory enforcement of laws against religious minorities, and promote respect and tolerance for minority religious practices and beliefs." The U.S. government continues to include Saudi officials in exchange and U.S. visitor programs that promote religious tolerance and interfaith dialogue. In 2016, Saudi officials stated that there were more than 61,000 Saudi students in the United States

as part of a Saudi government scholarship program, despite recent tightening of eligibility requirements in response to Saudi budget shortfalls.

In September 2004, consistent with USCIRF's recommendation, the State Department designated Saudi Arabia as a CPC for the first time. In 2005, a temporary waiver was put in place, in lieu of otherwise legislatively mandated action as a result of the CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and "to further the purposes of IRFA." In July 2006, the waiver was left in place indefinitely when the State Department announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies the Saudi government "is pursuing and will continue to pursue for the purpose of promoting greater freedom for religious practice and increased tolerance for religious groups." In reviewing implementation of these policies 10 years since that announcement, USCIRF found that progress had been achieved in several areas, but that other areas require significant work. Some of the measures Saudi Arabia confirmed as state policies but has not yet completed include the following:

- Halt the dissemination of intolerant literature and extremist ideology within Saudi Arabia and around the world.
- Revise and update textbooks to remove remaining intolerant references that disparage Muslims or non-Muslims or that promote hatred toward other religions or religious groups, a process the Saudi government expected to complete by July 2008.
- Guarantee and protect the right to private worship for all, including non-Muslims who gather in homes for religious practice, and the right to possess and use personal religious materials.
- Bring the Kingdom's rules and regulations into compliance with international human rights standards.

The State Department re-designated Saudi Arabia as a CPC in February and October 2016 but kept in place a waiver of any sanctions citing the "important national interest of the United States," pursuant to section 407 of IRFA.

### **Additional Statement of Vice Chair James J. Zogby**

While I agree that Saudi Arabia should remain a CPC and with the recommendations at the end of this chapter, I am pleased that we toned down our call to remove the waiver—a provision I believe we were wrong to introduce two years ago.

There are significant changes underway in Saudi Arabia that we should be encouraging and we can best do this by remaining open to engagement with Saudi officials.

During our recent visit to the country, I was struck by the far-reaching changes that are occurring there. For example, the entire educational curriculum is being revamped emphasizing: problem-solving over learning by rote; changes in how math, science and technology are taught; mandated inclusion for children with disabilities; and a sense of civic responsibility. The fact that 200,000 Saudi youth are now studying abroad will inevitably have a profound impact on the future of change in Saudi Arabia.

From discussions with Saudi officials, dissidents, and individuals engaged in civil society, we heard questions being asked with a frequency and urgency not heard before. For example, it is of enormous consequence when religious leaders and officials say that they are struggling with separating out what is custom from what is religion. This is a discussion that should be encouraged, but we can only be partners in this process if we remain open to constructive engagement. This year's report makes it clear that we are.