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SAUDI ARABIA

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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 provides information on the state freedom of religion or belief in the Kingdom of Saudi Arabia. In particular, it surveys its blasphemy and apostasy laws, highlights positive developments concerning Christians and other religious minorities, and outlines the State's human rights obligations in this area. It concludes with actionable recommendations to enhance the human rights situation in the country.

(a) Freedom of Religion or Belief

Background

3. Saudi Arabia has a total population of 35 million people and is home to an estimated 1.2 to 3.5 million Christians.¹ The vast majority of these Christians are migrant workers from Africa and South and East Asia. However, since Islam is the only religion formally recognized, it is difficult to obtain accurate statistics on Saudi citizens who practice Christianity.
4. Saudi Arabia is an absolute monarchy with no elected officials. The Kingdom followed a strict form of Sunni Islam known as Wahhabism, rooted in the original tribal-religious alliance between Muhammad Bin Saud and Muhammad ibn Abd al-Wahhab that led to creation of the nascent Saudi state on the Arabian Peninsula.² Yet, the influence of Wahhabism, Salafism and certain forms of political Islam have been especially challenged in recent years under Mohammed bin Salman, who assumed the role of Crown Prince in 2017.
5. Under Mohammed bin Salman's Vision 2030 plan for modernization, significant reforms have been announced, including greater religious tolerance, relaxation of restrictions for women, and limiting the power of the religious police.³ While these measures have seen fruition in Saudi Arabia within the last several years, concerns and obstacles related to freedom of religion or belief persist.⁴
6. In previous years, leaders in Saudi Arabia exhibited limited tolerance or recognition of religions other than Islam. However, there is now an increasing display of respect and tolerance toward other religions and their leaders.
7. For example, in October 2019, Crown Prince Mohammed bin Salman invited a group twenty-five Evangelical Christians to Jabal al-Lawz in northwest Saudi Arabia to discuss a variety of issues, including the potential construction of a church in Saudi Arabia. While no final plans were made, a spokesperson confirmed that the leadership is considering allowing a church to be built in the diplomatic quarters of Riyadh or Neom,

¹ 'Scholarly Analysis: Christian Responses to Persecution in Saudi Arabia', *University of Notre Dame* (Aug. 2022), <https://ucs.nd.edu/learn/saudi-arabia/> (citing Open Doors USA).

² Hassan Hassan, 'The 'Conscious Uncoupling' of Wahhabism and Saudi Arabia', *New Lines Magazine* (22 Feb. 2022), <https://newlinesmag.com/argument/the-conscious-uncoupling-of-wahhabism-and-saudi-arabia/>.

³ Gabrielle Perez, 'The Saudi Mirage of Religious Freedom', *Providence Magazine* (15 Sept. 2022), <https://providencemag.com/2022/09/the-saudi-mirage-of-religious-freedom/>.

⁴ *Id.*

a futuristic, carbon-neutral megacity.⁵ However, there are hopes among faith leaders that new churches, if any, are built in areas that can be accessed by the majority of Christians apart from the expatriate or tourist community.⁶

8. In 2019, as part of its efforts to diversify the economy and revenue sources, Saudi Arabia also introduced new tourist visas.⁷ Since then, the Kingdom has welcomed Christians from many denominations, including Baptists, Mennonites, and others who call themselves “children of God”, to visit (disputed among scholars) Biblical sites of the Exodus and Mt. Sinai.
9. In 2021, Crown Prince Mohammed bin Salman announced plans to introduce four laws “designed to enhance the efficiency and integrity of the Kingdom’s judicial system”.⁸ These measures would bring codified law, provide greater clarity in the legal framework by controlling the discretionary power of judges, and reduce discrepancies in judicial rulings, including with respect to family and children’s issues.
10. In 2023, following the signing of the Abraham Accords in 2020 and the lifting of a previous ban on non-Muslims entering Medina, delegates from Jewish, Christian, and Muslim backgrounds traveled to the Kingdom to meet with various Koranic scholars, artists, and others helping to advance new ideas and tolerance in the region.⁹ Notably, Jewish visitors were able to plant date palms for the first time in 1,400 years as part of the visit in homage to the ancient Jewish tribes that lived in the region.
11. With respect to non-Muslim holidays, the Kingdom of Saudi Arabia has also relaxed previous limitations on the celebration of other faith-based and secular holidays in recent years, including Christmas, New Year’s, and Halloween.¹⁰ In particular, the loosening of restrictions around the celebration of Christmas is a welcome step forward for the many Christian expatriates who used to celebrate in secret and with fear of persecution.
12. Finally, in the area of education, Saudi Arabia also recently amended school textbooks in accord with Vision 2030, including by removing problematic examples on how Christians, Jews, Shias and Sufis were portrayed.¹¹ While there are still some problematic curricula in sections, the general trend of moderation, openness, and peaceful development continues.
13. Despite improvements in the situation of Christians and religious minorities, the right to freedom of religion or belief is still not fully enjoyed in the country and it remains to be

⁵ Bill Bostock, ‘Inside the evangelical mission to build the first church in Saudi Arabia, the home of Islam where preaching the Bible can land you in jail’, *Insider* (8 Feb. 2021), <https://www.insider.com/us-evangelicals-mission-saudi-arabia-first-church-2021-1>.

⁶ *Id.*

⁷ Vivian Nereim, ‘Saudi Arabia Wants Tourists. It Didn’t Expect Christians.’, *The New York Times* (24 Jun. 2023), <https://www.nytimes.com/2023/06/24/world/middleeast/saudi-arabia-christian-tourists.html>.

⁸ Ismaeel Naar, ‘Saudi Arabia’s New Personal Status Law to Come into Effect in 90 Days: Crown Prince’, *The National News* (8 Mar. 2022), <https://www.thenationalnews.com/gulf-news/saudi-arabia/2022/03/08/saudi-arabias-new-personal-status-law-to-come-into-effect-in-90-days-crown-prince/>.

⁹ Jonathan Sacerdoti, ‘Jews plant date palms in Medina for the first time in 1400 years’, *The JC* (27 Mar. 2023), <https://www.thejc.com/news/israel/israel-is-the-second-most-pro-us-country-in-the-world-says-new-survey-MViCW3lJNM1141ao754z>.

¹⁰ Vivian Yee, ‘How Do Saudis Celebrate Christmas? Quietly, but Less So.’ *New York Times* (24 Dec. 2021), <https://www.nytimes.com/2021/12/24/world/middleeast/saudi-arabia-christmas.html>.

¹¹ ‘Updated Review Saudi Textbooks 2022-23’, *IMPACT-se* (May 2023), <https://www.impact-se.org/wp-content/uploads/Updated-Review-Saudi-Textbooks-2022-23.pdf>.

seen how durable such changes portend more substantive reforms.¹² In the meantime, undue restrictions on this fundamental freedoms continue to occur.

Legal Framework

14. According to Saudi Arabia's 1992 Basic Law of Governance, the Kingdom's official religion is Islam, and the Quran and the *Sunna* (Traditions of the Prophet) serve as its constitution.¹³
15. The Basic Law of Governance repeatedly asserts the primacy of Sharia in the Saudi legal system.¹⁴ For example, according to Article 46 of the Basic Law, judicial decisions shall not be subject to any authority other than Islamic Sharia. Judges are also not required to publish any explanation for their opinions.¹⁵
16. While Saudi Arabia generally tolerates private non-Muslim religious practices, it prohibits the public practice of any religion other than Islam and restricts the religious practice of minority Muslim groups, including Shiites and Sufis.¹⁶ This prohibition extends to online discussions about religion, which the Saudi government extensively monitors and regulates.¹⁷ Reports indicate that even "online commentary that touches on religion can be harshly punished".¹⁸
17. Saudi Arabia does not have a written penal code, but relies on judicial interpretations of Sharia for identifying criminal acts and determining appropriate punishment.¹⁹ Saudi Arabia's legal system categorizes criminal acts into three categories: offences against God (*hadd*), carrying punishments prescribed by the Quran; crimes against individuals (*qisas*), where the victim's next of kin play a role in determining the punishment; and all other crimes (*ta'zir*), for which punishment is discretionary.²⁰
18. While punishment and enforcement vary, blasphemy is a *hadd* crime punishable by death in Saudi Arabia.²¹ It is viewed as a deviation from Sunni Islam and is treated as apostasy.²² Blasphemy charges are also brought against those who "criticize Salafism or the Saudi monarchy, or practice any faith other than non-Salafi Islam".²³ Punishment

¹² See generally Yasmine Farouk, Nathan J. Brown, 'Saudi Arabia's Religious Reforms Are Touching Nothing but Changing Everything', *Carnegie Endowment for International Peace* (7 Jun. 2021), <https://carnegieendowment.org/2021/06/07/saudi-arabia-s-religious-reforms-are-touching-nothing-but-changing-everything-pub-84650>.

¹³ Basic Law of Governance art. 1, <https://www.saudiembassy.net/basic-law-governance>.

¹⁴ See e.g., Basic Law of Governance art. 17, 23, 26, 46, <https://www.saudiembassy.net/basic-law-governance>.

¹⁵ 'The Freedom of Thought Report: Saudi Arabia', *Humanists International* (14 Jan. 2022), <https://fot.humanists.international/countries/asia-western-asia/saudi-arabia/>.

¹⁶ 'Freedom in the World 2022: Saudi Arabia', *Freedom House*, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2022> accessed 4 Mar. 2023.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ 'Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia', *Human Rights Watch* (Mar. 2008), vol. 20, no. 3(E) at 17, https://www.hrw.org/sites/default/files/reports/saudijjustice0308_1.pdf.

²⁰ *Id.* at 16.

²¹ Ahmet T. Kuru, 'The Politics of Blasphemy: Why Pakistan and Some Other Muslim Countries Are Passing New Blasphemy Laws', *The Conversation* (6 Feb. 2023), <https://theconversation.com/the-politics-of-blasphemy-why-pakistan-and-some-other-muslim-countries-are-passing-new-blasphemy-laws-198647>.

²² 'Saudi Arabia', *End Blasphemy Laws* (20 Dec. 2021), <https://end-blasphemy-laws.org/countries/middle-east-and-north-africa/saudi-arabia/>.

²³ 'National Laws on Blasphemy: Saudi Arabia', *Berkely Center for Religion Peace and World Affairs* (2023), <https://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-saudi-arabia>.

can involve prison, fines, flogging, or death, with torture reportedly being used to extract confessions.²⁴

Cases

19. Saudi Arabian authorities continue to hold and demand the death penalty for cleric and academic Salman al-Awda and Islamic scholar Hassan al-Maliki who were both arrested in 2017.²⁵ Al-Awda's charges relate to allegations of ties with the Muslim Brotherhood and public support for imprisoned dissidents.²⁶ Al-Maliki's vague charges relate to his expression of peaceful religious ideas.²⁷
20. A Saudi court sentenced a Yemeni man, Ali Abu Luhum, to 15 years in prison for apostasy on 21 October 2021, based on comments made via two anonymous Twitter accounts.²⁸ He was charged by prosecutors with a host of charges, including denial of the existence of God; impersonating, doubting, and mocking God, Islam, the Prophet Muhammad, and the day of resurrection; promoting atheism; and publishing and promoting that which prejudices public order, religious values, and public morals on social media. While subsequently retracted, his initial confession was allegedly coerced after threats to indict his wife. Upon appeal, the Appellate Court upheld the sentence and found that the tweets promoted apostasy, unbelief, and atheism.²⁹
21. In 2021, 65-year-old Aisha Al-Muhajiri was arrested for allegedly teaching the Quran in her home without official permission.³⁰ According to reports, Aisha was subjected to inhumane conditions, prevented from seeing her family, and denied legal representation. As of February 2022, Aisha was still being detained. There have been no known updates in 2023.³¹
22. News articles report that in 2021 a Yemeni journalist, Ali Aboluhom, was sentenced to 15 years in prison for tweets considered apostasy.³² His initial interrogations were conducted without a lawyer being present, and his family had difficulty in contacting him. The criminal court found that the tweets "spread ideas of apostasy, atheism, and blasphemy".³³
23. In March 2022, the Saudi government conducted the largest mass execution in the country's history, putting 81 people to death on charges including "deviant beliefs".³⁴ Those killed included at least two Shia Muslims who participated in 2011 anti-government protests. The leader of Saudi Arabia's Commission for the Promotion of

²⁴ *Id.*

²⁵ 'Execution in Saudi Arabia 2022: The Bloody Revelation of Facts', *European Saudi Organisation for Human Rights* (31 Jan. 2023), <https://www.esohr.org/en>; Kenneth Roth, 'Saudi Arabia: Events of 2021', *Human Rights Watch*, <https://www.hrw.org/world-report/2022/country-chapters/saudi-arabia>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ 'Saudi Arabia: Yemeni Man sentenced for Apostasy', *Human Rights Watch* (7 Jan. 2021), <https://www.hrw.org/news/2021/12/20/saudi-arabia-yemeni-man-sentenced-apostasy>.

²⁹ *Id.*

³⁰ 'Ongoing Detention of Aisha Al-Muhajiri in Saudi Prisons Despite Her Old Age', *Together for Justice* (23 Jan. 2022), <https://tai-rights.org/ongoing-detention-of-aisha-al-muhajiri-in-saudi-prisons-despite-her-old-age/>.

³¹ *Id.*

³² Reporters Without Borders, 'Yemeni Journalist in Saudi Arabia Gets 15 Years for Apostasy' <https://rsf.org/en/yemeni-journalist-saudi-arabia-gets-15-years-apostasy> (updated Nov. 17, 2021).

³³ *Id.*

³⁴ Jeff Brumley, 'Religious Liberty Still Perilous in Saudi Arabia, U.S. Commission Says', *Baptist News Global* (4 Jan. 2023), <https://baptistnews.com/article/religious-liberty-still-perilous-in-saudi-arabia-u-s-commission-says/>.

Virtue and Prevention said the executions were necessary for the “preservation of religion, lives and funds” and to “implement the provisions of Shari’a against (violators) and rid the people and the country of their evil”.³⁵

24. Finally, news reports followed the story of Adam, a Yemeni man renamed for security reasons, who became a Christian and faced beatings, arrest, and prison time in Saudi Arabia for his conversion from Islam to Christianity.³⁶ He faced multiple charges, including inciting others away from Islam and helping family-members to flee because of persecution. In November 2022, Adam was reported to have fled Saudi Arabia in order to practice his religion freely and without a threat of persecution.³⁷

Freedom of Religion or Belief Under International Law

25. While the situation is improving, the situation of freedom of religion or belief continues to run afoul of international human rights law. This includes the discriminatory targeting of faith minorities, their arbitrary arrest and detention, subjection to criminal penalties, including execution, at times, and other manifestations of coercion or hostility.
26. Although Saudi Arabia is not a party to the ICCPR, freedom of religion is widely considered a fundamental human right. This is reflected in the Universal Declaration of Human Rights (UDHR), Article 18 of which recognizes the right to freedom of thought, conscience and religion, including the freedom to change one’s belief and to manifest one’s religion or belief in teaching, practice, worship and observance”.
27. Additionally, all UN Member States, including Saudi Arabia, have ratified the UN Charter, which in Article 55(c) recognizes that the UN shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”.³⁸ Saudi Arabia is, therefore, under an obligation to protect the human rights and fundamental freedoms of all people within its borders, freedom of religion included.
28. While States may recognize the existence and history of religious faiths within a community, they cannot target or discriminate against individuals based on their religion or belief. The punishment of apostasy and blasphemy violate are incompatible with freedom of religion or belief as well as freedom of opinion and expression, because they limit the extent to which people can retain, adopt, or manifest a religion or belief of their choice, and insofar they do not comport with international human rights law.

(b) Recommendations

29. In light of the aforementioned, ADF International suggests the following recommendations be made to Saudi Arabia:
 - a. Improve the situation of freedom of religion or belief in both law and practice, for adherents of all religions, and eliminate discrimination against persons belonging to religious minorities;

³⁵ *Id.*

³⁶ ‘Living Again After Escape from Saudi Arabia’, *OpenDoors* (25 Nov. 2022), <https://www.opendoorsuk.org/news/latest-news/adam-prayer-update/>.

³⁷ *Id.*

³⁸ U.N. Charter art. 55(c).

- b. Implement legal reforms recognizing the freedom to practice one's religion and the freedom to express ideas about religion, as protected under international human rights law;
- c. Ensure that the right to freedom of thought, conscience, and religion is duly recognized and respected, in accordance with relevant international human rights law;
- d. Decriminalize apostasy and blasphemy;
- e. Ensure non-Muslim individuals are not prosecuted for their beliefs, and that Muslims are permitted to leave Islam and adopt another religion or belief without fear of legal sanction;



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