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INTERNATIONAL RELIGIOUS FREEDOM



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United States Commission on International Religious Freedom**

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**ON THE COVER:** Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

## **Saudi Arabia**

Since 2000, the Commission has raised serious concerns about religious freedom conditions in Saudi Arabia and recommended that the country be designated by the Secretary of State as a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief. In September 2004, the State Department followed the Commission’s recommendation and designated Saudi Arabia a CPC for the first time. Despite King Abdullah undertaking some limited reform measures and promoting inter-religious dialogue in international fora over the past year, the Saudi government persists in banning all forms of public religious expression other than that of the government’s own interpretation of one school of Sunni Islam and even interferes with private religious practice. In addition, numerous Ismaili Muslims continue to remain in prison on account of their religion or belief and there has been an increased crackdown on Shi’a Muslim dissidents, which has resulted in numerous arrests and detentions. Moreover, the government continues to be involved in supporting activities globally that promote an extremist ideology, and in some cases, violence toward non-Muslims and disfavored Muslims. Nearly three years after the State Department announced that the Saudi government had confirmed that it would advance various policies with the aim of improving religious freedom conditions, the Commission concludes that very little progress has been made. Therefore, the Commission again recommends that Saudi Arabia should continue to be designated a CPC.

The Commission played an active role in advocating for the initial designation of Saudi Arabia as a CPC. But even after formally naming Saudi Arabia as a CPC, then-Secretary of State Condoleezza Rice, in September 2005, approved a temporary 180-day waiver of further action in consequence of CPC designation, to allow for continued diplomatic discussions between the U.S. and Saudi governments and “to further the purposes of the International Religious Freedom Act” (IRFA). In July 2006, Secretary Rice left the waiver in place

and announced that ongoing bilateral discussions with Saudi Arabia had enabled the U.S. government to identify and confirm a number of policies that 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.” The Commission traveled to Saudi Arabia in May-June 2007 to discuss religious freedom concerns and assess the Saudi government’s progress in implementing its stated policies related to religious practice and tolerance. In January 2009, the State Department re-designated Saudi Arabia a CPC but kept in place a waiver of any action to “further the purposes” of IRFA.

The Saudi government continues to engage in an array of severe violations of human rights as part of its repression of freedom of religion or belief. Abuses include: 1) torture and cruel and degrading treatment or punishment imposed by judicial and administrative authorities; 2) prolonged detention without charges and often incommunicado; and 3) blatant denials of the right to liberty and security of the person, including through coercive measures aimed at women and the broad jurisdiction of the Commission to Promote Virtue and Prevent Vice (CPVPV), or religious police. The CPVPV’s powers are vaguely defined and exercised in ways that violate the religious freedom of others, including the use of physical force and ill-treatment. The Commission continues to conclude that if the Saudi government were to implement fully the July 2006 policies it has previously identified and confirmed to the U.S. government, it would begin to diminish some of its institutionalized abusive practices that have resulted in severe violations of freedom of thought, conscience, and religion or belief in Saudi Arabia and worldwide. However, the Commission also concludes again that the Saudi government has not demonstrated evidence of progress on these policies, nor established adequate measures to implement universal human rights standards and provide enforceable remedies to alleged victims.

### **State Enforcement of Religious Conformity**

Saudi Arabia has a very diverse population, both regionally and religiously, despite decades of

Saudi government enforcement of religious conformity. The Saudi government persists in severely restricting all forms of public religious expression other than the government's interpretation and enforcement of its version of Sunni Islam. This policy is implemented in violation of the human rights of large, indigenous communities of Muslims from a variety of schools of Islam who reside in Saudi Arabia, including large populations of Sunnis who follow other schools of thought, Shi'a Muslims, and Ismailis, as well as both Muslim and non-Muslim expatriate workers. The government tightly controls even the restricted religious activity it does permit—through limits on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to official positions. In addition, the Saudi government continues its systematic practice of short-term detentions, without trial, of minority Muslims, particularly Shi'a Muslims, for religious practice that is not in accordance with the government's interpretation of Islam; this practice constitutes a form of intimidation and harassment.

The Saudi government's policy toward expatriate workers, particularly non-Muslim workers, reflects the view that they have come to Saudi Arabia only to work. As a result, the government curtails universal rights for non-Saudi visitors to the country and inhibits the enjoyment of human rights on an equal basis for expatriate workers, particularly for the two to three million non-Muslim workers, including Christians, Hindus, Buddhists, and others, who have come to Saudi Arabia for temporary employment. Restrictions and abusive provisions are often included in labor contracts requiring expatriate workers to conform to Saudi religious customs and traditions, thereby forcing them to waive their inalienable human rights and submitting them to the limitations, and even human rights abuses, enforced by Saudi employers.

#### *Shi'a and Ismaili Muslims*

Shi'a Muslims—who comprise approximately 10-15 percent of the population—and

members of indigenous Muslim communities who follow other schools of thought than that favored by the government are subject to government restrictions on public religious practices and official discrimination in numerous areas, particularly in government employment and education. There are no Shi'a ministers in the government, only three of the 150 member Consultative Council (Shura) are Shi'a Muslims, and there are very few Shi'a Muslim leaders in large corporations or in high-level government positions, particularly in the security agencies.

Moreover, in recent years, *fatwas* (religious edicts) have been issued by conservative Sunni clerics that justify committing violent acts against Shi'a Muslims. Over the past year, the Shi'a community has expressed a desire to see more active government intervention when clerics issue such provocative edicts. Furthermore, in many cases, application of criminal law includes harsher punishments for Shi'a Muslims as well as Ismailis. Since many Saudi judges consider Shi'a and Ismaili Muslims to be "non-believers," they are frequently dealt with more severely by the courts.

Over the past few years, Saudi authorities have carried out a series of short-term detentions of members of the Shi'a community, a pattern which continued in 2008-2009. Since January 2007, dozens of members of the Shi'a community in the Eastern Province have been detained for up to 30 days and then released for holding small religious gatherings in private homes. None have been charged with any crime, nor have Saudi authorities offered any explanation other than suggesting that the short-term detentions were punishment for holding private religious gatherings. In addition, over the past year, several Shi'a mosques have been closed down by Saudi authorities.

In June 2008, at least 22 Sunni Muslim clerics in the Kingdom released a statement accusing the Shi'a community of destabilizing Muslim countries and humiliating Sunnis. In response, a Shi'a cleric, Sheikh Tawfiq Al-Amer, in Al-Ahsa in the Eastern Province criticized the statement, and within days, was arrested by Saudi authorities. He

was released only after spending a week in detention. In September, Sheikh Al-Amer was arrested again, this time for performing prayers according to Shi'a practice. He was released after 11 days in detention.

In February 2009, members of the CPVPV reportedly videotaped female Shi'a Muslim pilgrims in Medina who were visiting a cemetery containing the graves of revered Shi'a figures. Some of the Shi'a pilgrims demanded the videotape from the religious police claiming that it infringed the women's privacy and insulted their modesty. Saudi officials accused the Shi'a pilgrims of performing rituals offensive to other non-Shi'a pilgrims. Consequently, some Shi'a pilgrims protested outside of CPVPV offices in Medina and nearly 20 were arrested, with some suffering injuries in the clashes; all were released after a week in detention. In March 2009, another 10 Shi'a Muslims, including several juveniles, were arrested for "disturbing public order" in the Eastern Province in connection with protests related to the clashes described above in Medina; as of this writing, they remain in detention. Also in March, a Shi'a cleric, Nimer Al-Nimer, publicly stated that Shi'a Muslims might one day secede from the country if authorities continue to discriminate against them. Saudi authorities issued an arrest warrant for the cleric, who reportedly remains in hiding.

On a positive note, there have been some improvements for the Shi'a community in the Eastern Province, particularly regarding the public expression of religious practice. Members of the Shi'a community in Qatif, where they represent the majority of the population, held large public gatherings in 2007 and 2008 in observance of Ashura without government interference. However, authorities continue to prohibit observance in other areas of the Eastern Province, such as in Al-Ahsa and Dammam. While there has been increased dialogue between the Shi'a community and the Saudi government, there is limited progress on a number of practical issues, such as the ability to teach Shi'a beliefs to Shi'a children in schools and the inability to re-open mosques and *hussainiyas* (Shi'a community centers) in Al-Ahsa and Dammam that have long been closed by the government.

Ismailis, a Shi'a sect numbering some 700,000 inside Saudi Arabia, continue to suffer severe discrimination and abuse by Saudi authorities, particularly in religious practice, government employment, the justice system, and education. Unlike support for other Muslim houses of worship, the government does not finance the building of mosques for Ismailis and has closed down several Shi'a places of worship in recent years. In 2000, after members of the CPVPV raided and closed down an Ismaili mosque in the Najran region, approximately 100 Ismailis, including clerics, were arrested. Many were released after serving reduced sentences, but dozens remained in prison for several years. As of this writing, at least 17 Ismailis remain in prison, some of whom reportedly have been flogged.

Another Ismaili, Hadi Al-Mutaif, also remains in prison after originally being sentenced to death for apostasy in 1994 for a remark which he made as a teenager that was deemed blasphemous. Al-Mutaif continues to serve a life sentence on reduced blasphemy charges. According to Saudi government officials, because Al-Mutaif's offense is considered a *hadd* crime by the court and not a *tahzir* crime, there are fewer options for intervention.<sup>1</sup> Al-Mutaif, whose mental health has been adversely impacted due to his lengthy incarceration, has spent long periods of time in solitary confinement, particularly after numerous suicide attempts.

In May 2008, Ahmad Turki al-Saab, an Ismaili activist, was detained in Riyadh after he was summoned from Najran to the capital for organizing a petition campaign demanding the removal from office of Najran's Governor, Prince Mishaal bin Saud, for alleged discrimination against Ismaili Muslims. As of this writing, al-Saab remains in detention. In November 2008, King Abdullah issued a royal decree relieving Prince Mishaal of his post as governor of Najran; a subsequent statement issued by the Saudi Embassy in Washington, DC said Prince Mishaal himself requested to be relieved of the post.

### *Other Dissident Muslims*

Criminal charges of apostasy, blasphemy, and criticizing the nature of the regime are used by the Saudi government to suppress discussion and debate and to silence dissidents. Promoters of political and human rights reforms, as well as those seeking to debate the appropriate role of religion in relation to the state, its laws, and society are typically the target of such charges. In January 2009, authorities arrested Hamoud Saleh Al-Amri, a Saudi blogger who described his conversion from Islam to Christianity on his Web site; he was released in March, after more than two months in prison, on condition that he not leave the country or speak to the media. After his conviction in 2007, a Turkish barber, Sabri Bogday, was sentenced to death for blasphemy in March 2008; in May, an appellate court upheld his conviction. In January 2009, after more than two years in prison, the barber was pardoned by King Abdullah after he allegedly repented. Bogday returned to Turkey upon his release. In May 2008, another Turkish barber was arrested by the CPVPV for allegedly blaspheming the Prophet Muhammad. After nearly one month in detention, he was released and all charges were dropped after a reported intervention by the Turkish Embassy.

Also in May, Saudi writer and blogger Ra'if Badawi was charged by a Saudi court with "setting up an electronic site that insults Islam" after it became known that Badawi had set up a website to document abuses by the CPVPV and the Saudi government interpretation of Islam. Facing a potentially lengthy prison sentence and fine, Badawi fled the country. In March 2008, a senior Sunni Muslim cleric, Sheikh Abdul-Rahman al-Barrak, issued a *fatwa* calling for the death of two writers who questioned why Christians and Jews should be considered apostates.

Several Sunni Muslims remain in prison on alleged sorcery charges. Historically, spurious charges of "sorcery" and "witchcraft" have been used by Saudi authorities against Muslims who do not adhere to the government's interpretation of Islam. For example, in October 2008, an appeals court confirmed the conviction of a Sudanese woman, who

was charged with practicing sorcery and sentenced to three years in prison, 1500 lashes, and deportation.

In addition, over the past few years, members of the Sufi community have been harassed, arrested, and detained because of their non-conforming religious views, but no such incidents were reported in the past year.

### *The Human Rights of Women*

The government's monopoly on the interpretation of Islam and other violations of freedom of religion adversely affect the human rights of women in Saudi Arabia, including freedom of speech, movement, association, and religion, freedom from coercion, access to education, and full equality before the law. Over the past few years, there has been some increase in public space to discuss human rights practices affecting women. Nevertheless, the Saudi government has continued discriminatory measures aimed at the destruction, rather than realization, of many of the human rights guaranteed to women. For example, women seeking medical care, whether emergency or not, can be admitted to a hospital for medical treatment only with the consent of a male relative. When appearing in public women must adhere to a strict dress code. Women require written permission from a male relative to travel inside or outside the country and are not permitted to drive motor vehicles. In addition, the Saudi justice system, in which courts apply Islamic law to the cases before them, does not grant a woman legal status equal to that of a man. Testimony by a woman is equivalent to one-half the testimony of a man; daughters receive half the inheritance that their brothers receive; and women have to demonstrate legally specified grounds for divorce, while men may divorce without giving cause.

In February 2008, the UN Special Rapporteur on Violence Against Women, Yakin Ertürk, undertook a formal visit to Saudi Arabia and offered several observations and recommendations. Among them, the Special Rapporteur found that while there has been a "demystification of the taboo around violence against women" in recent years, there still exist "practices surrounding divorce and

child custody, the absence of a law criminalizing violence against women and inconsistencies in the application of laws and procedures” that “continue to prevent many women from escaping abusive environments.” She urged the Saudi government to develop “a legal framework based on international human rights standards,” including a law criminalizing violence against women and a family law on marriage and divorce. Furthermore, the Special Rapporteur found that members of the CPVPV were “responsible for serious human rights abuses in harassing, threatening and arresting women who ‘deviate from accepted norms,’” and she also highlighted the situation facing female migrant domestic workers who continue to suffer serious human rights abuses.

#### **State Harassment of Private Worship and the Inability to Obtain and Possess Religious Materials without Harassment**

Non-Muslims are not permitted to be citizens of Saudi Arabia and no places of worship other than mosques are permitted in the country. In addition, the Saudi government enforces and limits public worship to its sanctioned version of Sunni Islam.

For years, Saudi officials have argued that it is impossible to have places of worship other than mosques in the Kingdom because Saudi Arabia is home to Islam’s two holiest sites: Mecca and Medina. Moreover, government officials point to a *hadith* (oral tradition) from the Prophet Muhammad which says that only Islam can exist on the Arabian Peninsula, although other Islamic experts contend that this *hadith* is subject to differing interpretations. Qatar, another country on the Arabian Peninsula that shares the same religious ideology as Saudi Arabia, permits non-Muslim public places of worship. Nevertheless, some Saudi officials continue to assert that having non-Muslim places of worship on Saudi soil would be equivalent to building mosques on Vatican property in Italy. In previous meetings with Saudi officials, the Commission drew a distinction between a geographic entity in Italy of two square miles with 800-900 residents versus a country the

size of Saudi Arabia with between two and three million non-Muslim residents.

In 2008, Saudi officials reiterated the government position that non-Muslim expatriate workers are permitted to worship in private. However, guidelines as to what constitutes “private” worship remain unclear and vague. The Saudi government has said that as long as non-Muslims practice their religion in small groups in private homes, no security entity would interfere, since there is no law that prohibits non-Muslims from practicing in this manner.

Nevertheless, the Saudi government continues in practice to violate its public position about permitting private worship. There continue to be instances in which members of the CPVPV have entered and raided private homes where non-Muslim expatriate workers were worshipping, although the number of such incidents reportedly decreased over the past year. Expatriate workers from countries such as the Philippines, India, Pakistan, and some African countries continue to be subject to surveillance and raids by Saudi authorities, despite the fact that CPVPV members technically are not permitted to conduct such surveillance. In fact, representatives of non-Muslim communities continue to assert that, in practice, religious freedom simply does not exist in the Kingdom. In the Nejd region in the central part of the country, private religious services continue to be surveilled and, in some cases, raided by Saudi authorities. Conditions for private worship reportedly are better in the Eastern Province than elsewhere in the country.

Other than at a few compounds populated by foreign workers, where private worship is allowed to take place, expatriate workers continue to fear government interference with their private worship. This interference can occur for many reasons, such as if the worship service is too loud, has too many people in attendance, or occurs too often in the same place. Furthermore, Saudi officials do not accept that for members of some religious groups, the practice of religion requires more than an individual or a small group worshipping in private, but includes the need for religious leaders to conduct services in

community with others. Foreign religious leaders continue to be prohibited from seeking and obtaining visas to enter Saudi Arabia and minister to local religious communities.

According to the State Department, during the past year, a number of people were detained for non-public, non-Muslim worship. Several cases involving non-Muslim detentions were not publicized in order to secure releases, largely as a result of U.S. government intervention. In May 2008, government officials arrested 15 Indian Christians in the Qassim Province for conducting their religious worship in private. During the raid, a CPVPV member reportedly beat the pastor, and Christian songbooks and Bibles were confiscated. All detainees were released after less than 24 hours in detention. In April 2008, Saudi officials arrested 16 Asian Christians, including women and children, for conducting a worship service in the Western part of the country. Police raided a private residence, questioned the group, and then transported them to jail. All were released within days.

On a positive note, there has been a decrease in recent years in the practice by customs officials of confiscating personal religious materials when expatriate workers or visitors enter the Kingdom. Also, in recent years, senior Saudi government officials, including King Abdullah and the Grand Mufti, have made statements with the reported aim of improving the climate of tolerance toward other religions; both also continued publicly to call for moderation. In early 2008, press reports confirmed that representatives of the Vatican were in negotiations with the Saudi government about building the first church in Saudi Arabia; as of this writing, the outcome of these discussions is unknown.

### **Official Harassment of Religious Practice**

Restrictions on public religious practice by both Saudis and non-Saudis are officially enforced in large part by the Commission to Promote Virtue and Prevent Vice, the government entity that includes a force of approximately 5,000 field officers and

10,000 employees in over 500 offices throughout the country. There are also hundreds of “unofficial” volunteers who take it upon themselves to carry out the work of the CPVPV. Saudi government officials claim it is the latter group, who are untrained and often over-zealous, who commit the most egregious violations of the right to freedom of thought, conscience, religion or belief. The CPVPV, which reports to the King, is tasked with enforcing public morality based on the Saudi government’s interpretation of Islamic law. Members of the CPVPV patrol the streets enforcing dress codes, maintaining the strict separation of men and women, and ensuring that restaurants and shops are closed during daily prayers.

Members and volunteers of the CPVPV regularly overstep its authority with impunity and are not subject to judicial review. Despite the fact that the CPVPV is not allowed to engage in surveillance, detain individuals for more than 24 hours, arrest individuals without police accompaniment, or carry out any kind of punishment, its members have been accused of killing, beating, whipping, detaining, and otherwise harassing individuals. Saudi government officials claim to have dismissed and/or disciplined members of the CPVPV for abuses of power, although reports of abuse persist and no details have been provided demonstrating that CPVPV members are, in fact, held accountable for abusive conduct.

In June 2008, Saudi human rights lawyer Abdel Rahman al-Lahem appealed a Riyadh court’s acquittal of two members of the CPVPV in the beating death of Salman al-Huraisi, who was detained for possessing and selling alcohol in May 2007. As of this writing, the appeal is ongoing. In July 2007, the General Investigation and Prosecution Authority in the northern town of Tabuk cleared members of the CPVPV of any wrongdoing in the June 2007 case of Ahmad al-Bulaiwi, who died in CPVPV custody after officers arrested him on suspicion of being in “illegal seclusion” with an unrelated woman. It was later established that al-Bulaiwi was a part-time driver for the woman’s family. An autopsy revealed he had been beaten.

Over the past few years, CPVPV abuses were the subject of numerous articles in the Arabic and English press, garnering unprecedented attention by the public and in international media. Numerous cases have gone to trial or are proceeding to trial, including alleged beatings and deaths of Saudi citizens. The number of investigations of abuses has increased, yet in the recent cases that have been prosecuted, CPVPV members have not been held accountable and complainants report summary dismissals of cases without due process.

### **Intolerant References in Educational Materials and Textbooks**

In July 2006, the State Department stated that the Saudi government had confirmed that it planned to “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 expects to complete in one to two years [by July 2008].” In March 2006 and May 2008, the Saudi Embassy in Washington published reports summarizing the government’s efforts to revise the state curriculum and the school textbooks published by the Ministry of Education.

Early in 2008, the Saudi government posted on one of its Web sites<sup>2</sup> the current school year’s curriculum, including all relevant religious texts taught in primary, middle, and secondary schools in Saudi Arabia. However, an independent report from a U.S.-based group which surveyed the Web site concluded that these textbooks still contained highly intolerant and discriminatory language, including encouraging violence, particularly against Shi’a Muslims, Jews, and Christians.<sup>3</sup> The State Department’s 2008 human rights report, released in February 2009, also concluded that Saudi government “elementary and secondary education textbooks still retained some language that was intolerant of other religious traditions, especially Jewish, Christian, and Shia beliefs, and in some cases provided justification for violence against non-Muslims.” The State Department’s 2008 religious freedom report, released in September 2008, similarly reported “concerns about Saudi textbooks

that continued to contain overtly intolerant statements against Jews and Christians and subtly intolerant statements against Shi’a, Isma’ilis, and other religious groups, notwithstanding government claims that it was reviewing educational materials to remove or revise such statements.” In addition, there continues to be very little transparency regarding the textbook revision process, curriculum reform, and teacher training efforts.

During and after its visit to Saudi Arabia in 2007, the Commission requested copies of Ministry of Education textbooks, which to this date have never been provided. A July 2007 letter to the Commission from the Saudi Human Rights Commission stated that textbooks currently were being reviewed and copies would be sent to the Commission upon completion, although no completion date was given. Despite the promise of several officials to send the books to the Commission’s office in Washington and additional written requests by the Commission, as of this writing nothing has been received.

### **The Dissemination of Extremist Ideology and Intolerant Literature in Saudi Arabia and its Exportation around the World**

For years, the Commission has expressed concern that Saudi government funding and other funding originating in Saudi Arabia have been used globally to finance religious schools, hate literature, and other activities that support religious intolerance and, in some cases, violence toward non-Muslims and disfavored Muslims. During the past year, there were continued reports, including from the State Department, of virulently anti-Semitic and anti-Christian sentiments expressed in the official media and in sermons delivered by clerics, who in some cases continue to pray for the death of Jews and Christians, despite having been disciplined for preaching extremist views. Despite requests for further clarification, the Commission has not been able to confirm whether a formal mechanism exists in Saudi Arabia to review thoroughly and revise educational materials and other materials exported from the country.

Over the past few years, the Saudi government has undertaken some security measures to combat extremism inside the country, such as a “re-education” program for convicted “extremists” and the retraining or dismissal of imams known to espouse extremist views. However, these efforts appear to be designed to address security concerns rather than to implement reforms to protect human rights, including religious freedom.

In March 2008, the Saudi government announced that the Ministry of Islamic Affairs and the King Abdul Aziz National Center for Dialogue would carry out the retraining of 40,000 additional Muslim clerics in the Kingdom as part of a program to promote tolerance and moderation in Saudi society. Imams are reportedly provided special training that exposes them to more moderate views. According to the Saudi government, teachers, imams, or professors who promote hatred and intolerance are dismissed, although such assertions by the government regarding dismissals have not been supported by any statistics or details. During its 2007 visit, the Commission was informed by Saudi officials that even those who are dismissed continue to receive government salaries.

Islamic Affairs sections in Saudi embassies worldwide reportedly have been responsible for both distributing extremist and intolerant materials and providing diplomatic status to Muslim, even non-Saudi, clerics. According to the Saudi government, these sections have been closed temporarily due to such reports. Their current status is unknown.

### **Empowerment of Officially Sanctioned Human Rights Institutions**

In September 2005, the Council of Ministers, chaired by King Abdullah, approved the establishment of a government-appointed, 24-member Human Rights Commission (HRC) that reports directly to the King. The membership of the HRC was not finalized until early 2007 and does not include any women, although in March 2008, the HRC’s Chair, Turki Al Sudairy, announced that a new royal decree would allow women to be members of the Commission. In September, the HRC

announced the formation of a women’s branch to look into human rights abuses against women and children. The HRC is mandated to “protect and promote human rights in conformity with international human rights standards in all fields, to propagate awareness thereof, and to help ensure their application in a manner consistent with the provisions of the Islamic Sharia.” The HRC continues to engage the Saudi government on a variety of human rights concerns, although evidence of specific actions on religious freedom issues has been limited.

In March 2004, the Saudi government approved the formation of a National Society for Human Rights (NSHR), the country’s first and only independent, legally recognized human rights body. The NSHR is comprised of 41 members, including 10 women, and is chaired by a member of Saudi Arabia’s Consultative Council (or Shura), a 150-member advisory body. The NSHR, which was originally endowed by King Fahd, submits its reports and recommendations directly to King Abdullah.

At times throughout the year, the NSHR publicly criticized alleged human rights violations committed by the Saudi government. The NSHR released its second annual report in March 2009, detailing abuses in the Kingdom on most international human rights issues and offering numerous recommendations for the Saudi government. While the report praised the government for taking some positive steps in protecting human rights, the NSHR criticized the manner in which the CPVPV operates and the slow pace of judicial reforms, and highlighted wide-ranging restrictions on the rights of women.

### **Other Developments**

In July 2008, King Abdullah hosted an interfaith conference in Madrid, Spain which included representatives from Muslim, Christian, Jewish, Hindu and other faith communities. The communiqué issued after the event included a troubling conclusion seeking to criminalize the so-called defamation of religions. In November, the UN General Assembly hosted a high-level meeting on the “Promotion of Inter-Religious and Inter-Cultural

Dialogue, Understanding and Cooperation for Peace,” an event initiated by King Abdullah as a follow-up to the Madrid conference. The original Saudi proposed declaration included language reflecting the Madrid conference that would have condemned the “mocking of religious symbols.” However, several European countries rejected the text, citing infringement on freedom of speech. The final declaration included no mention of defamation of religions or religious symbols.

The text of the final declaration is noteworthy for other reasons. The text noted that the General Assembly meeting was convened at the initiative of King Abdullah. The declaration next stated, *inter alia*, that, “[t]he meeting reaffirmed the purposes and principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights. The meeting further “recalled that all States have pledged themselves under the Charter to promote respect for human rights and fundamental freedoms for all, including freedoms of belief and expression, without distinction as to race, sex, language or religion.”

The affiliation of King Abdullah to the declaration and its references to the Universal Declaration of Human Rights (UDHR) and the “freedoms of belief and expression” are significant, as Saudi Arabia was the only country to abstain during the vote on the UDHR in 1948. The explicit linkage of religious freedom and freedom of expression to the UN Charter’s language on human rights and fundamental freedoms, all under the name of King Abdullah, more directly ties the Kingdom to the international human rights framework. Saudi Arabia has affirmed the UDHR previously in other UN resolutions, instruments, and conferences. However, doing so explicitly at a conference focused on religion is noteworthy.

In February 2009, King Abdullah announced several changes among senior government officials. Among the King’s new appointments are a new head of the Commission to Promote Virtue and Prevent Vice, a new Minister of Education, a new Minister of Justice, a new head of the Supreme Judicial Council, and a new deputy minister for women’s education,

the first ever woman in this post. Some observers have suggested that several of the appointees are known to be reform-minded, replacing some of the more conservative members among senior government leadership. It is too early to tell if the new appointees will help dismantle some of the Saudi government policies that negatively impact religious freedom conditions in the country.

## **Commission Activities**

Over the past year, the Commission has spoken out numerous times about religious freedom concerns in Saudi Arabia. In February 2009, the Commission recommended that Secretary of State Hillary Clinton urge U.S. representatives to ask tough and incisive questions about religious freedom and related human rights violations in Saudi Arabia at the UN Human Rights Council’s Universal Periodic Review of that country. In November 2008, an op-ed by Commissioners Don Argue and Leonard Leo was published in the *Christian Science Monitor* outlining the Commission’s concerns about the Saudi-sponsored two-day session on interfaith dialogue at the UN General Assembly. Also in November, the Commission wrote a private letter to then-President Bush urging him to raise some specific religious prisoner cases with Saudi King Abdullah at their meeting at the UN General Assembly event. In June 2008, the Commission released findings which confirmed that some of the Arabic language textbooks used at the Islamic Saudi Academy in Fairfax, Virginia continue to justify violence and promote intolerance. In January 2008, the Commission released a public statement calling on President Bush to raise ongoing Saudi violations of the freedom of religion and other human rights during his meetings that month with Saudi leaders in the Kingdom.

## **Recommendations for U.S. Policy**

### **I. Strengthening U.S. Human Rights Diplomacy as Part of the Bilateral Relationship**

The U.S. government should:

- continue to designate Saudi Arabia a “country of particular concern,” or CPC, for engaging in systematic, ongoing, and egregious violations of the right to freedom of religion or belief;
- lift the waiver, in place since 2005, as a consequence of CPC designation, and take action as mandated under IRFA due to the continuance of systematic abuses and the lack of sufficient progress by the Saudi government in implementing its July 2006 confirmed policies related to religious practice and tolerance;
- create a formal mechanism to monitor implementation of the July 2006 policies as part of every meeting of the United States–Saudi Arabia Strategic Dialogue, co-chaired by the U.S. Secretary of State and the Saudi Foreign Minister; and ensure that U.S. representatives to each relevant Working Group of the Strategic Dialogue, after each session, or at least every six months, report its findings to Congress;
- work with the Saudi government to establish a civil society component of the United States–Saudi Arabia Strategic Dialogue so that non-governmental entities from both countries can be given a platform to discuss mutual human rights concerns, including freedom of religion or belief;
- report to Congress, as part of the reporting required under H.R. 1, Section 2043 (c) (1(b)) (“Implementing Recommendations of the 9/11 Commission Act of 2007”), on progress by the Saudi government to implement the July 2006 previously identified and confirmed policies related to religious practice and tolerance; a description of such progress should include Saudi government transparency and any benchmarks and timetables established for implementation of the July 2006 confirmed policies;
- expand the religious educators program—which brings Saudi religious leaders and scholars to the United States through a three week International Visitor Program ( IVP) to learn about religious freedom in the United States—to include visits to Saudi Arabia by appropriate American leaders and educators, and increase the numbers and diversity and range of experience of visitors to both countries;
- address the work of the Human Rights Commission (HRC) and National Society for Human Rights (NSHR) by:
  - urging the Saudi government to ensure that all government agencies cooperate fully with the HRC and the NSHR, including by publishing the decree requiring cooperation and abiding by it, including penalties for failure to cooperate;
  - urging the HRC to study the situation of freedom of religion or belief in the Kingdom, based on universal human rights standards, and report its findings publicly;
  - offering to facilitate training and fund international experts from the Office of the High Commissioner for Human Rights or elsewhere on universal human rights standards, including the right to freedom of thought, conscience, and religion or belief, as well as to provide limited technical support on universal norms to the HRC and NSHR;
  - urging the Saudi government to implement recommendations from the NSHR’s May 2007 and March 2009 reports, which, if implemented, could be a welcome initial step towards improving overall human rights compliance in the Kingdom; and
- press Saudi Arabia to uphold the human rights norms found in the Universal Declaration of Human Rights, especially the freedoms of religion and expression, which Saudi Arabia affirmed, inter alia, in the declaration of the high-level meeting on the Promotion of Inter-Religious and Inter-Cultural Dialogue, Understanding and Cooperation for Peace in November 2008.

## **II. Addressing the Exportation of Extremist Ideology and Intolerance in Education Materials in Saudi Arabia and around the World**

Given that official Saudi school textbooks continue to include language encouraging hatred and violence that adversely affects the interests of the United States and that the Saudi government, despite repeated requests over a period of several years, has failed to make its current textbooks available to support its claims that such language has been eliminated, the U.S. government should:

- undertake and make public an assessment of the Ministry of Education textbooks used during the 2008-2009 school year in Saudi Arabia to determine if they have been revised to remove passages that teach religious intolerance or hatred, which the Saudi government confirmed in July 2006 that it would do within one to two years;
- request that the Saudi government:
  - make publicly available teacher training manuals used in state primary and secondary schools inside the country;
  - provide an accounting of what kinds of Saudi official support have been and continue to be provided to which religious schools, mosques, centers of learning, and other religious organizations globally, including in the United States;
  - make public the content of educational and other materials sent abroad to demonstrate whether such activities promote hatred, intolerance, or justify or encourage other human rights violations;
  - establish a transparent public effort to monitor, regulate, and report publicly about the activities of Saudi charitable organizations based outside Saudi Arabia in countries throughout the world;

--cease granting diplomatic status to Islamic clerics and educators teaching outside Saudi Arabia; and

--ensure that Islamic affairs sections in Saudi embassies throughout the world remain closed indefinitely in accordance with past promises;

- report publicly to Congress on all the above areas as part of the reporting on progress of Saudi government implementation of the July 2006 confirmation of policies, referred to in the recommendation above; and
- communicate and share information with other concerned governments about the July 2006 policies related to Saudi exportation of hate literature and extremist ideology.

## **III. Pressing for Immediate Improvements in Other Areas Related to Freedom of Religion or Belief**

The U.S. government should continue to advance adherence to international human rights standards, including the freedom of everyone to “manifest his religion or belief in worship, observance, practice and teaching” and prohibit coercion in matters of religion or belief. Saudi government persistence in severely restricting all forms of public religious expression other than the government’s interpretation and enforcement of its version of Sunni Islam is a violation of the freedom of thought, conscience, and religion or belief. As initial steps, the U.S. government should press for immediate improvements in respect for religious freedom, including by urging the Saudi government to:

- establish genuine safeguards for the freedom to worship in accordance with international standards;
- end state prosecution of individuals charged with apostasy, blasphemy, sorcery, and criticism of the government;

- dissolve the Commission to Promote Virtue and Prevent Vice (CPVPV) and entrust law enforcement to professionals in law enforcement agencies with a precise jurisdiction and subject to judicial review, and immediately ensure that members of the CPVPV are held accountable and prosecuted for abuses; conduct prompt and independent investigations into reported abuses; ensure complainants due process and other rights under international law, including the right to challenge the lawfulness of his/her detention and be released if it is not lawful; and provide the right to a remedy, including an enforceable right to compensation;
- allow foreign clergy to enter the country to carry out worship services;
- review cases and release those who have been detained or imprisoned for violations of human rights including their religious belief or practices;
- permit independent non-governmental organizations to monitor, promote, and protect human rights;
- invite the UN Special Rapporteur on Freedom of Religion or Belief to conduct a visit to Saudi Arabia in accordance with the standard terms for such a UN visit;
- ratify international human rights instruments, including the International Covenant on Civil and Political Rights, and cooperate with UN human rights mechanisms; and
- implement the recommendations made in Section II (“Addressing Exportation of Extremist Ideology and Intolerance in Education Materials in Saudi Arabia and around the World”).

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discretionary and less serious and can be overturned by the state.

<sup>2</sup>

[http://www.eschool.gov.sa/index.php?option=com\\_wapper&Itemid=109](http://www.eschool.gov.sa/index.php?option=com_wapper&Itemid=109).

<sup>3</sup> See the Center for Religious Freedom and Institute for Gulf Affairs July 2008 report here:

[http://www.hudson.org/files/publications/saudi\\_textbooks\\_final.pdf](http://www.hudson.org/files/publications/saudi_textbooks_final.pdf).

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<sup>1</sup> *Hadd*, a punishment mandated by the Koran, generally cannot be overturned by the state. *Tahzir*, a punishment not mandated by the Koran, is considered