



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

# COUNTRY UPDATE: SAUDI ARABIA

September 2021

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### USCIRF's Mission

*To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.*

## Religious Freedom Conditions in Saudi Arabia

*By Scott Weiner, Supervisory Policy Analyst, USCIRF*

### Introduction

In 2021, religious freedom conditions in Saudi Arabia remained poor. The government's primary focus on recovery from the public health, economic, and political effects of the COVID-19 global pandemic tempered somewhat the volume of egregious actions. In early 2021, Crown Prince Mohammed bin Salman al-Saud also [\*announced\*](#) the drafting of new laws that, if implemented, would standardize judicial practices and regulate sentences while "adhering to Shari'a principles." For the time being, however, legal protections for religious minorities in Saudi Arabia are few, and the government has not communicated these protections widely to local authorities and the public.

Despite the potential for these reforms, if enacted, to improve religious freedom, the Saudi government has continued to restrict the rights of Shi'a Muslims and prohibit non-Muslim minorities from constructing houses of worship or conducting worship in public settings. According to the 1992 Saudi Basic Law of Governance, the constitution of Saudi Arabia is the Qur'an and the Sunna (traditions of the Prophet). The judicial system is largely governed by a Saudi interpretation of Shari'a (Islamic law) as informed by Hanbali jurisprudence, which imposes capital punishment for apostasy; openly declaring one's lesbian, gay, bisexual, transgender, and intersex (LGBTI) identity; and engaging in peaceful religious or political dissent. Saudi Arabia has also continued to detain and mistreat religious prisoners of conscience and has banned them from travel and speaking to media upon their release.

A September 2021 [\*study\*](#) found significant improvements in the content of Saudi textbooks, noting that the changes appeared to be part of a larger trend toward greater tolerance. Several intolerant passages toward minority religious groups were removed from the curriculum, while others were attenuated, no longer making blanket statements about entire non-Muslim religious communities. Saudi authorities also removed an entire textbook unit on violent jihad. At the same time, many problematic passages remain. Others were watered down and not removed. These include passages that now make claims about "some" Jews and Christians versus all of them, and passages referring vaguely to "some nations" versus Jews in particular.

This Country Update provides a broad overview of religious freedom conditions in Saudi Arabia in 2021. It also notes specific points of concern regarding the treatment of the Shi'a community, detentions of dissenting religious figures, and violations of women's freedom of religion or belief.



## State Consolidation of Religious Authority

Throughout 2021, the Saudi government has continued to issue decrees and amend laws to shift power away from the kingdom's religious authorities and, in some cases, limit the role of religiously grounded legal systems like male guardianship. In January, the Ministry of Interior [announced](#) that women may now change their name without the permission of a male guardian. In February, the Crown Prince [announced](#) the creation of a Saudi personal status code that would codify issues often decided by judges [based on](#) their personal interpretation of Shari'a jurisprudence. In May, the government [barred](#) the use of loudspeakers by mosques and required the volume for any amplified call to prayer to be reduced by one third. However, this decision generated enough public backlash that Saudi Arabia's Minister of Religious Affairs was [compelled](#) to respond. In June, the Council of Saudi Chambers announced that shops and businesses would [no longer](#) be required to close during prayer times. In July, Saudi Arabia's Ministry of Hajj and Umrah [announced](#) it would no longer require women to be accompanied by a male guardian when performing hajj (pilgrimage to Mecca).

These changes represent incremental improvements for religious freedom. On the one hand, the Saudi government's loosening of restrictions is positive and reflects a greater ability for Saudis to practice their religion without coercion. This agency is an important component of freedom of religion or belief that the Saudi government should continue to provide. On the other hand, the limited nature of the changes indicates that the Saudi government treats religious freedom as a privilege granted by the state rather than a universal

right guaranteed to every individual under international law. Despite some more tolerant policies, the Saudi government also continues to persecute those who dissent from its stance on religious matters. For example, Saudi Arabia's Minister of Islamic Affairs has defended new volume limits on mosque loudspeakers by [claiming](#) that those who oppose this government policy are "enemies of the Kingdom."

Additionally, the ongoing [shift](#) of power away from the religious establishment toward the government reflects a genuine change in the relationship between religion and politics in Saudi Arabia. However, it is not *prima facie* an improvement in religious freedom. While the Saudi government is eager to promote these changes as evidence of tolerance and reform, their cumulative effects remain difficult to determine. Saudi Arabia's longstanding systematic restrictions on freedom of religion or belief also call into question claims that these steps represent concrete progress.

## Persecution of Shi'a Muslims

Shi'a Muslims comprise [10 to 15 percent](#) of the Saudi population, and many reside in the country's Eastern Province. Shi'a Muslims in Saudi Arabia face discrimination in education, employment, and the judiciary, and they lack access to senior positions in the government and military. In early 2021, Saudi authorities, [completed](#) renovations on a historic mosque in the Eastern Province city of Hofuf. However, the building of Shi'a mosques is restricted outside majority-Shi'a Muslim areas in the Eastern Province, and authorities have often prohibited the use of the Shi'a Muslim call to prayer in these areas.

During the month of Muharram, coinciding with August and September 2021, Saudi Arabia used the COVID-19 pandemic as a pretext for restricting Shi'a religious observance, particularly surrounding the holiday of Ashura. In 2021, the government continued to [restrict](#) religious gatherings and [imposed](#) 60,000 rial (\$15,998) fines on mosques and [housseiniyas](#) (prayer halls) that held Ashura gatherings, even when participants were [vaccinated](#), masked, and practicing [social distancing](#), and despite non-interference with other kinds of large gatherings. Authorities reportedly also broke up an Ashura religious service at the al-Hamza mosque in Saihat and [summoned](#) the heads of mosques and [housseiniyas](#) throughout the Eastern Province.

The Saudi government has continued to persecute Shi'a Muslims involved in protests in the Eastern Province in 2011. In February, Saudi Arabia briefly detained Mohammed Baqer al-Nimr, the father of Ali al-Nimr who was arrested as a minor and [sentenced to death](#) in 2014. Al-Nimr's death sentence was [commuted](#) in February 2021 to 10 years in prison. Both are relatives of Shi'a cleric Nimr al-Nimr, who Saudi Arabia executed in 2016. In August 2021, the Saudi government [executed](#) Ahmed bin Saeed bin Ali al-Janabi, another Shi'a Muslim arrested during the 2011 protests.

Following a commitment to do so in 2020, Saudi Arabia also [commuted](#) death sentences against Shi'a Dawood al-Marhoun and Abdullah al-Zaher to [10 years in prison](#) including time served, allowing them to be released in 2022. Some Shi'a prisoners, however, have been less fortunate. Despite an international advocacy campaign, in June 2021, Saudi Arabia [executed](#) Mostafa Darwish, a Shi'a Saudi man charged for crimes that likely occurred when he was a minor; the Saudi government had [denied](#) Darwish a lawyer until the beginning of his trial.

## Detention of Religious Dissidents

Throughout 2021, Saudi Arabia has continued to prosecute religious figures who peacefully dissent from the government's singular interpretation of Islam. These detentions of religious dissidents are extensive and often involve the systematic denial of due process based on charges that violate freedom of religion or belief. The prosecution of those who peacefully express dissenting religious beliefs undercuts the government's narrative that it is pursuing genuine reforms toward greater freedom of religion or belief.

In 2021, the Saudi government continued to detain Shi'a cleric [Sheikh Mohammed al-Habib](#), who delivered

sermons critical of government discrimination against Shi'a Muslims. The Saudi General Directorate of Investigation arrested al-Habib in 2016 without a warrant. The Saudi government [held](#) him incommunicado and subjected him to sleep deprivation and squatting for long periods of time. In 2018 he was tried in the Specialized Criminal Court (SCC), which deals primarily with terrorism cases. The Court sentenced Sheikh al-Habib to seven years in prison for "sectarianism" and "calling people to sedition." In 2019, the SCC [imposed](#) a second sentence of five additional years (as well as a five-year travel ban) for "encouraging protests intended to destabilize the kingdom." In March 2021, the UN Human Rights Council's Working Group on Arbitrary Detention [concluded](#) that Sheikh al-Habib's detention was "a direct consequence of the exercise of his fundamental rights to freedom of thought, conscience, and religion." Since that time, however, Sheikh al-Habib has remained in prison and his health has [deteriorated](#).

Saudi Arabia continued to [target](#) Sunni religious dissidents who advocate views that differ from the government's interpretation of Islam. Sheikh Salman al-Ouda, a prominent member of the dissident religious Sahwa Movement, remains in prison following his [arrest](#) in 2017 along with other religious leaders after calling for greater religious coexistence and criticizing the Saudi government. Following his arrest, al-Ouda was [held](#) incommunicado and in solitary confinement. In 2018, the Saudi Public Prosecutor [sought](#) the death penalty for al-Ouda in the SCC. Al-Ouda [attended](#) a secret SCC hearing in March 2021 that resulted in setting a hearing for a later date.

The Saudi government has also continued to detain Islamic scholar Hassan Farhan al-Maliki [since 2017](#) on [charges](#) related to peacefully expressing his religious views, [including](#) criticism of the state's interpretation of Islam. The Saudi public prosecutor is seeking a death sentence against Maliki, who has been subject to several postponed court hearings, the third of which [occurred](#) in March 2021.

Other Saudi dissidents continue to be persecuted as well. USCIRF religious prisoner of conscience [Raif Badawi](#) remains detained on charges of insulting Islam over posts to his blog *Free Saudi Liberals*. While serving his 10-year sentence, Badawi has been denied access to [crucial medicine](#) as well as books and has been held in [solitary confinement](#). His lawyer, Waleed abu al-Khair, also remains in detention, where he has been [subject](#) to severe mistreatment including being put in solitary confinement

as well. Poet Ashraf Fayadh also [remains](#) in prison on charges of apostasy over poems he published in 2008. Fayadh was originally given a death sentence in 2015, but in 2016 the sentence was changed to eight years in prison and 800 whip lashes.

These ongoing detentions of peaceful dissenters undercut the Saudi government's narrative that it is pursuing reform for greater religious freedom. Those who advocate for change in Saudi Arabia – including changes the government has later implemented – face egregious mistreatment and lengthy prison sentences for exercising their freedom of religion or belief.

## Religious Freedom for Women

In 2021, there have been some indications of improving conditions for women's freedom of religion or belief in Saudi Arabia, particularly related to the male guardianship system, which treats women as legal minors for life. In January, Saudi Arabia's Ministry of Interior [confirmed](#) that women would be able to change their personal data on file, including changing their family name, without the consent of a guardian. Following a related court case in [July 2020](#), Saudi judicial authorities [changed](#) paragraph B of Article 169 of the "Law of Procedure Before Shari'a Courts," giving women the right to live where they like free from the interference of a male guardian. The change, however, still allows guardians to forcibly return a woman home if they have evidence she committed a crime, a stipulation whose standard of evidence is not explicit in the law itself. In July, the Ministry of Hajj and Umrah announced it would [no longer require](#) women to have a religiously approved male escort (*mahram*) accompany them on the pilgrimage to Mecca.

While these changes are welcome and signal the Saudi government's willingness to change, they occur within a system where male guardianship still imposes a singular government interpretation of Islam on women and girls in Saudi Arabia. The Saudi government also continues to impose onerous penalties on those who peacefully protested in favor of these changes. In February 2021, Saudi Arabia [released](#) from prison Loujain al-Hathloul, an activist who protested male guardianship laws as well as laws forbidding women from driving. While detained, authorities at Dhabban prison [likely tortured](#) al-Hathloul. In May 2021, despite being released, she was [summoned](#)

to a hearing at the SCC where her initial conviction on terrorism charges was upheld. She remains under a five-year travel ban and three years' [probation](#). Anti-guardianship activists also report being followed, and one was the target of a car-ramming attack while driving – an attack that has not been investigated by Saudi authorities.

In February 2021, 20 Ministry of Intelligence officials in Mecca [arrested](#) Aisha al-Muhajiri, a woman preacher, for [teaching](#) Qur'an classes at her house. Officials [threatened](#) her sons after they asked about her whereabouts.

## Conclusion

Saudi Arabia has made recent changes that have the potential to address longstanding religious freedom concerns, including the removal of problematic religious content from Saudi government textbooks and curriculum. At the same time, it has also framed the shift of power from the religious establishment to the government as providing greater freedom of religion or belief. The arrest and detention of religious dissidents, mistreatment of religious prisoners, denial of public worship for non-Muslims, imposition of male guardianship, and severe mistreatment of those who call for reforms call this framing into question.

The Joseph R. Biden administration has committed to a [policy](#) of "[recalibrating](#)" the U.S.-Saudi relationship and Secretary of State Antony J. Blinken has [emphasized publicly](#) the importance of human rights progress to Saudi officials. Every year since 2004, the State Department has concurred with USCIRF's recommendation that Saudi Arabia be designated a Country of Particular Concern under the [International Religious Freedom Act of 1998](#), most recently in December 2020. Each time, however, the State Department has issued a national security waiver that shields the Saudi government from accountability based on this designation. As such, as it considers its CPC designations for 2021, due before the end of the year, the Biden administration should review this national security waiver, which would also afford the United States a greater ability to impose targeted sanctions on high level officials complicit in severe abuses of religious freedom. For their part, members of Congress should inquire about this waiver in meetings with the State Department and in hearings on Capitol Hill.



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

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