

## THE TANDEM PROJECT

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### UNITED NATIONS, HUMAN RIGHTS, FREEDOM OF RELIGION OR BELIEF

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### SAUDI ARABIA GOVERNMENT MINISTRIES & SECTORS

### REPORT TO COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) - 40<sup>TH</sup> SESSION

Link to the Saudi Arabia report to the CEDAW Committee treaty-body 40<sup>TH</sup> Session:

<http://www2.ohchr.org/english/bodies/cedaw/cedaws40.htm>

#### Reply by: The Tandem Project Country & Community Database

<http://www.tandemproject.com/databases/forms/card.htm>

Country & Community Database replies are under relevant Articles of the 1981 UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Replies are for United Nations Universal Periodic Reviews, Treaty-Bodies and Special Procedures reports.

### THE 1981 U.N. DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Adopted by the General Assembly of the United Nations

25 November, 1981 (Resolution: 36/55)

#### ARTICLE 1

**PARAGRAPH: 1. 2:** *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*

**PARAGRAPH: 1. 3:**

*Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect the public safety, order, morals, or the fundamental rights and freedoms of others.*

1. **Country:** SAUDI ARABIA: **Community:** Government Ministries & Sectors including the National Society for Human Rights: **Reply:** In the combined initial and second periodic reports of the Kingdom of Saudi Arabia (CEDAW/C/SAU/2) to the 40<sup>th</sup> Session of the treaty-body Committee for the Convention on the Elimination of all Forms of Discrimination against Women, the Kingdom of Saudi Arabia describes a fundamental geographical responsibility:

- “The Kingdom of Saudi Arabia is the cradle of the Islamic message and the direction to which **all Muslims** through the world turn in prayer, due to the fact that God created His Sacred House (the Kaaba) at Makkah al-Mukarrama and the Mosque of the Prophet at Madinah al-Munawwara;
- The country has adopted the **Holy Koran**, revealed by the Lord of all creation, and the **Sunna** of His Messenger, Muhammad (may the peace and blessings of God be upon him), as its **constitution**.
- The country is the destination of **millions** of Muslims from around the world for the performance of the annual pilgrimage, the minor pilgrimage and visitation to the holy sites, requiring the State to exert great efforts to serve them and to take a range of comprehensive health, security, social, consciousness raising, educational and economic measures to guarantee their safety."

2. Sacred sites in the Kingdom of Saudi Arabia are the direction for the daily prayer of 1.2 billion Muslims worldwide known as the Islamic Ummah, from the most populous and remote places on earth. This is illustrated in the attached Word Documents, *Muslim Girls in Minneapolis Join American Girl Scouts*, and in the article *Somali Women Make Minneapolis Their Business*, by Kris Berggren, 23 December 2007: “About three years ago in response to employee requests, the Mall of America in Suburban Bloomington created a meditation room that employees may use for **prayer**. Even at ‘hijab-friendly’ stores, occasional flaps occur over how Muslim employees should balance their religious duties with their job requirements.” These stories illustrate as well the opportunities and the struggles to adapt to new customs while maintaining religious traditional practices in a country where the constitution is based not on the Holy Koran or Shari’ah Islamic law, but on Western traditions of democracy as understood by the Universal Declaration of Human Rights.

3. The General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights states: The “concept of morals derives from **many** social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of **protecting morals** must be based on principles not deriving from a single tradition.” The moral concepts of the Kingdom of Saudi Arabia follow the Koran and Sunna under the umbrella structure of the **Basic Law of Governance**. There are different Sunni schools in Saudi Arabia; Maliki, Shafei, Hanafi and Hanbali. But Saudi Arabia adopts only the moral concepts of the Hanbali School for the **state’s jurisprudence**. This seems to discourage dialogue and dissent within and outside Saudi Arabia on **concepts of morality** called for by General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights.

4. The differences between Islamic Shari’ah law and Western traditions of democracy was apparent in the United Nations Human Rights Council recently when Portugal, speaking on behalf of the European Union (EU) failed to reach consensus with Pakistan representing the Organization of Islamic States (OIC), on resolution A/HRC/6/L.15/Rev.1, to extend the mandate of the Special Rapporteur on Freedom of Religion or Belief for three years. This was the only resolution out of thirteen passed by the Human Rights Council that day that went to a vote in spite of 40 changes to attempt consensus. The resolution passed with a vote of 29 for, 0 against, and 18 countries abstaining. The spokesman for Saudi Arabia, in explaining why they endorsed the position of Pakistan to abstain, said the resolution “asks for the respect of religions and civilizations but does not take into account rules certain countries have for the tenants of Shari’ah to preserve the stability and structure of a country.”

5. A United Nations endorsed Alliance of Civilizations Forum was held for two days in Madrid in January 2008. In greeting the Forum UN Secretary General Ban Ki-moon said: “Never in our lifetime has there been a more **desperate need for constructive and committed dialogue**, among individuals, among communities, among cultures, among and between nations.” Mr. Ban’s High Representative for the Alliance, former President of Portugal, Jorge Sampaio, has been invited to address the United Nations Human Rights Council (HRC Decision 6/106) at the “High-level Segment of its seventh session in March on the outgoing activities within the framework of the Alliance and particularly on the outcome of its first annual forum and the level of progress achieved regarding the implementation plan for the period 2007-2009.”

6. It is important for future high level dialogue in the Alliance that Mr. Sampaio be aware the United Nations Human Rights Council failed to achieve consensus on the mandate of the Special Rapporteur on Freedom of Religion or Belief. For purposes of comparison and dialogue the attached Word Document, *The Cairo Declaration on Human Rights in Islam* has 25 articles on education, environment, poverty, work, equality before the law etc., are laudable and seem open to dialogue. Article 24 “*all rights and freedoms stipulated in this Declaration are subject to the Islamic Shari’ah*” and Article 25 “*The Islamic Shari’ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration*” are not negotiable or open to change. Human Rights in Islam do not grant the right to leave a religion or belief. This provision was the basis for Saudi Arabia and several other Islamic countries decisions on the UN Human Rights Council to abstain on the mandate on the Special Rapporteur on Freedom of Religion or Belief that states unequivocally; *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice*. Without the right to have or to adopt a religion or belief of one’s choice there is no democracy as understood by the Universal Declaration of Human Rights.

### CONCLUSION

7. The Alliance and inter-cultural, inter-religious communities worldwide must acknowledge the serious tone of the United Nations Secretary General when he says “never has there been a more **desperate need** for constructive and committed dialogue.” As another source says, this is a warning, “unless we establish a genuine dialogue within and among all kinds of belief, ranging from religious fundamentalism to secular dogmatism, the conflicts of the future may be even more deadly.” Constructive inter-cultural, inter-religious dialogue of the serious kind described by the Secretary General requires us to be friendly, good natured and respectful of each other while committed to discussing **deeply-held** core ideas and beliefs; the value of Shari’ah Islamic law, the value of International Human Rights Standards on Freedom of Religion or Belief, divisive issues such as apostasy, defamation, freedom of the press, etc., and the need for religions or beliefs to live in peace with each other.

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**The Tandem Project:** a non-profit, non-governmental organization established in 1986 to build understanding and respect for diversity of religion or belief, and prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference materials and programs on Article 18 of the International Covenant on Civil and Political Rights – Everyone shall have the right to freedom of thought, conscience and religion - and the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on

Religion or Belief. The Tandem Project initiative was launched in 1986 as the result of a co-founder representing the World Federation of United Nations Associations (WFUNA) at a 1984 United Nations Geneva Seminar, *Encouragement of Understanding, Tolerance and Respect in Matters Relating to Freedom of Religion or Belief*, called by the UN Secretariat on ways to implement the 1981 UN Declaration. In 1986, The Tandem Project organized the first NGO International Conference on the 1981 UN Declaration.

The 1948 Universal Declaration of Human Rights First Preamble: “*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.* This principle suggests all States recalling their history, culture and constitution, provide equal protection by law for *theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.* This is international law under the United Nations International Covenant on Civil and Political Rights. International Human Rights Standards on Freedom of Religion or Belief are essential for *long term solutions* to conflicts based on religion or belief.

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*The Tandem Project is a UN NGO in Special Consultative Status with the  
Economic and Social Council of the United Nations*

**WORD DOCUMENTS ATTACHED**



