

Link to SAUDI ARABIA: CEDAW Committee Concluding Observations:
<http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW.C.SAU.CO.2.pdf>

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) - 40TH SESSION

Link to the Saudi Arabia report to the CEDAW Committee treaty-body 40TH Session:

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

EXTRACTS FROM CEDAW CONCLUDING OBSERVATIONS: CEDAW/C/SAU/CO/2

9. The Committee is concerned about the general reservation made upon ratification of the Convention by the State party, which is drawn so widely that it is contrary to the object and purpose of the Convention.

10. The Committee urges the State party to consider the withdrawal of its general reservation to the Convention, particularly in light of the fact that the delegation assured that there is no contradiction in substance between the Convention and Islamic Sharia.

UN Secretary General Ban Ki Moon made this comment in his opening address to the UN backed Alliance of Civilizations Forum 15-17 January 2008, “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.” This applies to a desperate need for a review of general reservations States make based on Islamic Sharia law. These State party general reservations may be understandable when viewed from the cultural perspectives and core tenants of a religious tradition, but they are irreconcilable with the principles of the Universal Declaration of Human Rights and International Law under UN Human Rights Covenants and Conventions. The Saudi Arabia State party says “there is **no contradiction in substance** between the Convention and Islamic Sharia.” This statement by Saudi Arabia may be a starting point for the UN Human Rights Council to consider removing general reservations on international human rights treaties. The importance of dialogue among and between nations on this issue, should be given high priority beginning with the seventh session in March, 2008.

These extracts are from the nine page CEDAW Committee Concluding Observations. They include **Positive aspects** and **Principle areas of concern and recommendations**:

SAUDI ARABIA - CEDAW COMMITTEE CONCLUDING OBSERVATIONS 1 FEBRUARY 2008

Positive aspects

5. The Committee commends Saudi Arabia for its modern infrastructure, and its high standard of basic social services, especially provision of Government-funded health care and education services to many sectors of society.

6. The Committee congratulates the State party on the establishment of institutional mechanisms for the advancement and the protection of women from violence, in particular the higher national committee specialized in women's affairs and the 13 social protection committees established in 2004. The Committee also notes with satisfaction that Saudi Arabia is currently in the process of drafting new legislation on the implementation of women's rights and that the State party plans to compile, in writing, the provisions of Sharia on personal status.

7. The Committee also notes the establishment by royal decree in 2004 of a human rights commission, which is tasked with the implementation of the human rights commitments of the State party, and a national society for human rights.

Principle areas of concern and recommendation

8. While recalling the obligation of a Saudi Arabia to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring priority attention between now and the time of submission of the next periodic report. Consequently, the Committee calls upon Saudi Arabia to focus on those areas in its implementation activities and report on action taken and results achieved in its next periodic report. It calls on Saudi Arabia to submit the present concluding observations to all relevant ministries, to the Consultative Council (Shura), and to the Judiciary so as to ensure their full implementation.

9. The Committee is concerned about the general reservation made upon ratification of the Convention by the State party, which is drawn so widely that it is contrary to the object and purpose of the Convention.

10. The Committee urges the State party to consider the withdrawal of its general reservation to the Convention, particularly in light of the fact that the delegation assured that there is no contradiction in substance between the Convention and Islamic Sharia.

**Reply to Saudi Arabia CEDAW report (CEDAW/C/SAU/2)
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 40th 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, as their CEDAW report states, are the direction for the daily prayer of the Islamic Ummah, Muslims living from the most populous to the most remote places on earth. Minneapolis Muslims illustrate this in the 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 15-17 January 2008. In an opening address to 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. For the Alliance of Civilizations it is important to 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 seemingly not negotiable or open to change. Human Rights in Islam seem not to grant the right to leave a religion or belief. This provision may be 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 principles of the Universal Declaration of Human Rights and international law under United Nations Covenants and Conventions.

In 1968 the United Nations General Assembly, allegedly due to sensitivity and complexity, deferred work on a draft Convention on Religious Intolerance. Forty years later the time may have arrived to consider

calling again for a UN Working Group to draft a United Nations Convention on Freedom of Religion or Belief. One author may be right when he says, “Religion **raises the stakes of human conflict** much higher than tribalism, racism, or politics ever can, as it is the only form of in-group/out-group thinking that casts the differences between people in terms of eternal rewards and punishments.”

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*

