

Universal Periodic Review (31st session, October-November 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Saudi Arabia

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	State Party to this Convention (17/08/1973)	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	07/08/1978 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	10/01/2008 Acceptance	The instrument of acceptance contained the following declaration : <i>“I announce under this document on the accession of Saudi Arabia and the acceptance of the International Convention of the Safeguarding of the Intangible Cultural Heritage and its commitment to implement its items without any</i>		Right to take part in cultural life

		<i>association of the provisions of paragraph (1) of Article (26) of this convention” [Original: Arabic, with official translation in English provided by Saudi Arabia]</i>		
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Right to education

II. Promotion and protection of human rights on the ground

1. The Basic Law of Governance¹, adopted on 1st January 1993, is the most important constitutional law in Saudi Arabia. It does not guarantee the right to education and states that “education will aim at instilling the Islamic faith in the younger generation, providing its members with knowledge and skills and preparing them to become useful members in the building of their society [...]”. It furthermore enshrines that “the state provides public education and pledges to combat illiteracy”. In accordance with the Education Policy Document, it is the duty of the State to provide and spread education at all stages within the existing capacity and resources. It states that all types of education at all stages shall be free and that the State shall not charge tuition fees.² In 2004, the Royal Decree no. 22646/R made primary education compulsory for all males and females equally between the ages of 6 and 15.
2. In terms of reporting to UNESCO, Saudi Arabia did not submit national reports within the framework of the 8th (2011-2013) and 9th (2016-2017) Consultations of Member States on the measures taken to implement the UNESCO 1960 Convention against Discrimination in Education. Similarly, Saudi Arabia did not report on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the 5th (2012-2013) and 6th (2016-2017) Consultations.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Basic Law of Saudi Arabia provides no explicit principle about freedom of expression. Article 39 of the Basic Law states, “Mass media, publication facilities and other means of expression shall function in a manner that is courteous and fair and shall abide by State laws. All that may give rise to mischief and discord, or may

¹ <http://www.unesco.org/education/edurights/media/docs/04366419981acad952128dd46ea3855870b03f52.pdf>

² World Data on Education, 7th Edition, 2010/11, p. 3

http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Saudi_Arabia.pdf

compromise the security of the State and its public image, or may offend against man's dignity and rights shall be banned.”³

4. Freedom of expression is guaranteed in Article 8 of the Law of Printed and Material Publications (within the limits of Sharia Rules and Law). Article 9 states that freedom could be limited on the grounds of national interest, public security, and personal dignity.⁴
5. In 2011, a decree was issued stating, “All those responsible for publication are banned from publishing anything contradicting Islamic Sharia Law; anything inciting disruption of state security or public order or anything serving foreign interests that contradict national interests”.⁵
6. No freedom of information law has been adopted in Saudi Arabia.
7. The 2007 Anti-Cyber Crime law criminalizes defamation on the Internet. Article 6 of the Anti-Cyber Crime Law provides for a term of imprisonment of up to five years and fine for anyone who uses the Internet or a computer for the “production, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy”⁶.

➤ Implementation of Legislation:

8. The Communications and Information Technology Commission is responsible for regulating the Internet notably by filtering and blocking access to thousands of websites.⁷ Since 2011, the Web Publishing Law requires all blogs, online newspapers and websites to have a license from the Ministry of Information or face fines and possible closure of the website.
9. The General Commission for Audiovisual Media, appointed by the royal decree, issues licenses to all radio and television stations.⁸ Saudi Broadcasting Corporation (SBC), a governmental entity of Saudi Arabia, operates all state broadcasting outlets in the Kingdom.⁹ Both entities report to the Ministry of Culture and Information.
10. A 2005 royal decree transferred jurisdiction over the media from the court system to the Ministry of Culture and Information, which is authorized to regulate application of the press law.

➤ Safety of Journalists:

11. Since 2008, there has been no killing of journalists recorded in Saudi Arabia by UNESCO.

III. Recommendations

³ https://www.constituteproject.org/constitution/Saudi_Arabia_2005.pdf

⁴ <https://www.boe.gov.sa/ViewSystemDetails.aspx?lang=en&SystemID=14&VersionID=22>

⁵ <https://www.state.gov/documents/organization/253157.pdf>

⁶ <http://www.wipo.int/edocs/lexdocs/laws/en/sa/sa047en.pdf>

⁷ <http://www.citc.gov.sa/en/Services/Pages/InternetFiltering.aspx>

⁸ <http://www.gcam.gov.sa/en/Pages/default.aspx>

⁹ <http://www.sbc.sa/>

12. Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (October 2013)¹⁰:

138.68. *Continue taking measures and setting awareness programs aimed at enhancing women's rights in different spheres including programmes that aim at clearing the misconception between Islamic sharia and negative cultural norms*

138.69. *Establish training programmes for judges focusing on Saudi Arabia's international human rights obligation*

138.98. *Take further measures to protect and promote women's rights, particularly in the fields of female employment, education, health and legal capacity*

38.176. *Redouble efforts to achieve a greater participation of women in remunerated employment, which goes beyond the area of teaching or the education sector, and that includes leadership positions in both the public and private spheres*

138.178. *Continue to expand the opportunities for women's political and public participation, employment and education*

138.189. *Make progress in the implementation of legislative measures to ensure the prohibition of discrimination in education, in order to protect minority groups and promote gender equality*

138.191. *Continue to promote gender equality and the empowerment of women especially through access to quality education*

138.192. *Further increase the attendance of girls in secondary and higher education and the participation of women in the professional sphere*

13. Review and specific recommendations During the previous UPR cycle, a number of recommendations was addressed to Saudi Arabia concerning girls' and women's right to education, the prohibition of discrimination in education to protect minority groups and raising-awareness on human rights issues.
14. Saudi Arabia adopted several measures, policies and plans in order to strengthen the access to quality education. The Ninth Development Plan (2010-2015) addressed several issues, including "qualitative and quantitative expansion of education and training", and defined several goals, including "access of all children to primary education" and "the elimination of gender disparities in access to education"¹¹. However, Saudi Arabia should be encouraged to ensure more deeply compulsory primary education for both girls and boys, including through the adoption of legislative frameworks to guarantee it, and to seek UNESCO's support in this process.
15. Regarding pre-primary education, "the operational plan of the State also included within its general objectives and policies preparing children between the ages of four and six for admission to general education and updating early childhood programmes and activities"¹². Furthermore, the pre-school level has been integrated into the stages of formal education, "11000 posts were approved for pre-schools in the 2011 state budget" and "approval was given to open 371 pre-schools in various regions and provinces"¹³. Saudi Arabia should therefore be encouraged to continue its efforts to strengthen its pre-primary educational system, in line with SDG4 and

¹⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/191/62/PDF/G1319162.pdf?OpenElement>

¹¹ Saudi Arabia, National report submitted to the Committee on the Rights of the Child, 8 April 2015, CRC/C/SAU/3-4, para.10 and 23(d)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=_CRC%2FC%2fSAU%2f3-4&Lang=en

¹² *Ibid.*, para.10

¹³ *Ibid.*, para.221

its target 4.2, to monitor the policies adopted in this field and to share its results with UNESCO.

16. Regarding girls' and women's education, Saudi Arabia reports that the enrolment rates of girls have risen increasingly in various levels of education; between 2001 and 2009, "the net enrolment rates of boys in the primary level rose from 84% to 96.3%, while the corresponding rate for girls rose from 82% to 94.3%"¹⁴. However, it appears that some girls deprived of a family environment reaching the age of 12 years remain in social education homes; girls can only acquire life skills while boys have access to secondary education opportunities and can participate in social, cultural and sporting activities¹⁵. Saudi Arabia should therefore be encouraged to put an end to this practice and to direct these girls to the mainstream secondary educational system. Saudi Arabia could be encouraged to provide mandatory physical education for girls and more generally, to continue ensuring equal educational opportunities and generalizing non-stereotyped educational content and curricula, in order to counter structural gender-based discriminatory practices.
17. Regarding the inclusion of all children in the educational system, "the Ministry of Education is extending programmes that target the neediest children and children in remote areas, providing support services to these children, such as school transport (...) and motivating parents to enroll their children in school and keep them there through the large annual financial grants given to students"¹⁶. As for children with disabilities, Saudi Arabia provides "two types of special education: independent institutes and programmes and accompanying classes [and] total integration programmes" in mainstream classes¹⁷. However, it seems that the vast majority of children with disabilities continue to receive education in segregated institutions and are deprived of education after middle school¹⁸. Saudi Arabia should be encouraged to strengthen educational opportunities for children with disabilities, through the adoption of a comprehensive policy to ensure inclusive education instead of giving priority to the placement of children in specialized education.
18. The quality of the schooling environment is also a crucial issue in Saudi Arabia. The Ministry of Education "has harnessed its financial and human energies to create and construct school buildings in line with international standards in terms of quality of design and construction"¹⁹. However, it appears that infrastructure dimensions affect learning environment quality. For instance, "half of primary school principals [in Saudi Arabia] who participated in the 2015 TIMSS said insufficient instruction space and ineffective heating of cooling impeded teaching and learning"²⁰. Saudi Arabia has developed a strategy to attract the private sector to invest in education, it should nevertheless be encouraged to adopt additional rules, in order to provide a

¹⁴ *Ibid.*, para.76-77

¹⁵ Saudi Arabia, Concluding observations on the national report submitted to the Committee on the Rights of the Child, 25 October 2016, CRC/C/SAU/CO/3-4, para.33

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSAU%2fCO%2f3-4&Lang=en

¹⁶ Saudi Arabia, National report submitted to the Committee on the Rights of the Child, 8 April 2015, CRC/C/SAU/3-4, para.80

¹⁷ *Ibid.*, para.275

¹⁸ Saudi Arabia, Concluding observations on the national report submitted to the Committee on the Rights of the Child, 25 October 2016, CRC/C/SAU/CO/3-4, para.34

¹⁹ Saudi Arabia, National report submitted to the Committee on the Rights of the Child, 8 April 2015, CRC/C/SAU/3-4, para.245

²⁰ UNESCO, *GEM report*, 2017/18, p.228 / <http://unesdoc.unesco.org/images/0025/002593/259338e.pdf>

legal framework for private education and to ensure that private institutions respect core obligations related to equal access to education without discrimination and good quality of teaching.

19. Finally, as reported by Saudi Arabia, several governmental and private bodies are organizing awareness and educational programmes on various subjects, including the dangers of early marriage, the values of equality and equal opportunities for all children, with a focus on correcting existing stereotypical images, and reproductive education and introduction to sex education²¹.

➤ **Specific recommendations:**

1. Saudi Arabia should be encouraged to ensure more deeply compulsory primary education for both girls and boys, including through the adoption of relevant legislative frameworks, and eventually to seek UNESCO's support in this process if needed.
2. Saudi Arabia should be encouraged to continue its efforts to strengthen its pre-primary educational system, to monitor the policies adopted in this field and to share its results with UNESCO.
3. Saudi Arabia could be encouraged to provide mandatory physical education for girls and more generally, to continue ensuring equal educational opportunities and generalizing non-stereotyped educational content and curricula, in order to counter structural gender-based discriminatory practices.
4. Saudi Arabia should be encouraged to strengthen educational opportunities for children with disabilities, through a comprehensive policy to ensure inclusive education instead of giving priority to the placement of children in specialized education and the adoption of a legal framework that guarantee the right to education for persons with disabilities, in line with the UN Convention on the Rights of Persons with Disabilities.
5. Saudi Arabia should be encouraged to provide a legal framework for private education and to ensure that private institutions respect core obligations related to equal access to educational opportunities without discrimination and good quality of teaching.
6. Saudi Arabia could be encouraged to strengthen awareness raising programmes and continue ensuring that sexual and reproductive health education is part of the mandatory curriculum.
7. Saudi Arabia should be strongly encouraged to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.

²¹ Saudi Arabia, National report submitted to the Committee on the Rights of the Child, 8 April 2015, CRC/C/SAU/3-4, para.72, 75 and 184

8. Saudi Arabia should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education²².

Freedom of opinion and expression

20. The Government is encouraged to introduce a freedom of information legislation that is in accordance with international standards.
21. The Government is encouraged to decriminalize defamation in accordance with international standards.
22. Government is encouraged to assess the appointment system of the broadcast licensing authority to ensure that this body is independent.
23. The Government is encouraged to ensure judicial oversight in cases related to the blocking of online content.

Cultural Rights

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²³ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁴, Saudi Arabia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Saudi Arabia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
25. Saudi Arabia is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

²² <http://www.unesco.org/education/edurights/index.php?action=&lng=en>

²³ Periodic Report available at: <http://whc.unesco.org/archive/2010/whc10-34com-10Ae.pdf>

²⁴ Periodic Report not available

**Freedom of scientific research and
the right to benefit from scientific progress and its applications**

26. Saudi Arabia has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Saudi Arabia is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of autonomy, freedom of research, non-discrimination and respect for their human rights.