

Universal Periodic Review
(45th working group session)
Contribution of UNESCO to Compilation of UN information
Saudi Arabia

I. RATIFICATION OF UNESCO CONVENTIONS

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Discrimination in Education (UNESCO consultations)

TITLE	Date of ratification, accession, acceptance or succession	Declarations/ Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competence
Convention against Discrimination in Education (1960)	Ratification: 17/08/1973			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance: 07/08/1978			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Acceptance: 10/01/2008			The right freely to participate in the cultural life of the community
Convention on the Protection and Promotion of the Cultural Diversity of Cultural Expressions (2005)	N/A			The right freely to participate in the cultural life of the community

1. Saudi Arabia has submitted its report for the 10th Consultation on the Convention against Discrimination in Education but did not do so for the 9th Consultation.

Consultation and main education law(s)

2. The Constitution of Saudi Arabia of 1993 as amended¹ does not enshrine the right to education but defines that 'The State shall provide public education and shall commit itself to the eradication of illiteracy' (article 30).
3. Saudi Arabia enshrines the right to education only for children in its legal framework, in the [Child Protection Act of 2015](#)² (article 18) and the Executive Regulations of the Child Protection Act of 2015³ (article 3(9)). However, no non-discrimination clause as applied to education has been identified. The Executive Regulations of the Child Protection Act of 2015 provides in article 18(3) '... the relevant authorities provide the child with education appropriate to his age, and in particular do the following: (a) making basic education compulsory, available and free for all'. However, Saudi Arabia has also reported that the Prime Ministerial Order no. 22646 of 21 June 2004 and the Royal Decree no. 22646/R of 22 June 2004, made education compulsory and free for all boys and girls between the ages of six and 15.⁴ This equates to nine years and according to the ISCED classification criteria corresponds to primary and lower secondary education. No legal provision has been identified that explicitly guarantees compulsory or free pre-primary education.

Review

Legal age of marriage

4. The Ministry of Justice's Circular No. 13/T/7969 of 2019⁵ requires marriage officials not to conduct any marriage contracts for those under the age of 18 years and to refer all such cases to the competent courts in accordance with the Executive Regulations of the Child Protection Act of 2015 which does not specify any absolute minimum age. According to the Joint CEDAW-CRC

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<http://www.unesco.org/education/edurights/media/docs/2e160b1120c41c986ddf356ba693b9acacc0049b.pdf>

² <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/2d3cb83a-0379-4cde-8e0b-a9a700f272bd/1>

³ <https://adlm.moj.gov.sa/attach/1463.pdf>

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<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskcAJS%2fU4wb%2bdIVicvG05RxlhErwotp5aP%2b3VFcYeh%2f8MBDCJPNY5XTZVPLuOngj%2f06yB1boW%2fYafLjTkYBcO2zY6dQXW9qRij%2bR1zqrQuoP>

⁵ <https://portaleservices.moj.gov.sa/TameemPortal/TameemList.aspx?id=37403>

General Recommendation/Comment, a capable child below the age of 18 may be allowed to get married provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.

Human rights education

5. Several recommendations of the previous UPR cycle referred to human rights education (N°122.52, N° 122.46, N° 122.59 and N° 122.53). According to the national report submitted for the 10th Consultation on the Convention against Discrimination in Education⁶, the National Committee for Human Rights Education was established under the supervision of the Ministry of Education, with the participation of nine governmental bodies. A Human Rights Education Plan was adopted, and a Human Rights Education Handbook was published, printed and circulated to all institutions, schools and universities, and a Human Rights Curriculum Matrix Guide was also published.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and Legislative Framework:

6. The Basic Law of Saudi Arabia does not explicitly mention the principle of 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 compromise the security of the State and its public image, or may offend against man's dignity and rights shall be banned."⁷
7. Freedom of expression is guaranteed in Article 8⁸ of the Law of Printing and Publications (within the limits of the Sharia Rules and Law). Article 9 details the conditions when permission is given to a printed matter, including restrictions on the grounds of national interest, public security and personal dignity. Article 24 also mentions that "The local journals shall not be subjected to

⁶ http://www.unesco.org/education/edurights/media/resources/file/Saudi_Arabia_-_report_10th_consultation.pdf

⁷ https://www.constituteproject.org/constitution/Saudi_Arabia_2013.pdf?lang=en (unofficial translation)

⁸ <https://www.saudiembassy.net/law-printing-and-publication>

ensorship unless in exceptional circumstances approved by the Prime Minister”.

8. No freedom of information law has been adopted in Saudi Arabia.
9. The 2007 Anti-Cyber Crime Law⁹ criminalizes online defamation (Art. 3) sanctioned with imprisonment for up to one year and/or a fine. It also prohibits speech on the internet “impinging on public order, religious values, public morals, and privacy” (Art. 6). This is punishable with imprisonment for up to five years and/or a fine.
10. In 2017, the Law on Combating the Financing of Terrorism¹⁰ replaced the previous anti-terrorism law. In its article 30, the Law stipulates that “whoever describes, explicitly or implicitly, the King or the Crown Prince as infidel, or challenges him in his religion or justice shall be sentenced to no more than a ten-year prison term of no less than a five-year term”. Article 44 of this Law states that “whoever broadcasts in any means news, a statement, false or malicious rumour for implementing a terrorist crime, shall be sentenced to no more than a five-year prison term or no less than one-year term”.

Implementation of the law

11. The Communications and Information Technology Commission regulates the internet, including by filtering and blocking access to websites.¹¹
12. The General Commission for Audiovisual Media, appointed by the royal decree, issues licenses to all radio and television stations.¹² The Saudi Broadcasting Authority (formerly the Saudi Broadcasting Corporation), a governmental entity of Saudi Arabia, operates all state broadcasting outlets in the Kingdom.¹³ Both entities report to the Ministry of Culture and Information.

⁹ <http://www.wipo.int/edocs/lexdocs/laws/en/sa/sa047en.pdf>

¹⁰ <https://www.aml.gov.sa/en-us/RulesAndRegulations/Combating%20Terrorism%20and%20Financing%20of%20Terrorism%20Law.pdf>

¹¹ <http://www.citc.gov.sa/en/Services/Pages/InternetFiltering.aspx>

¹² https://www.my.gov.sa/wps/portal/snp/agencies/agencyDetails/AC361!/ut/p/z0/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zivQIsTAwdDQz9LQwNzQwCnS0tXPwMvYwNDAz0g1Pz9L30o_ArAppiVOTr7JuuH1WQWJKhm5mXlq8f4ehsbGaoX5DtHg4AsBCCDQ!!/

¹³ https://www.my.gov.sa/wps/portal/snp/agencies/agencyDetails/AC362!/ut/p/z0/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zivQIsTAwdDQz9LQwNzQwCnS0tXPwMvYwNDAz0g1Pz9L30o_ArAppiVOTr7JuuH1WQWJKhm5mXlq8f4ehsbGakX5DtHg4AHmlWiw!!/

13. Established in October 2008, the Specialized Criminal Court (SCC) focuses on terror-related crimes and cybercrime. It is placed under the authority of the Public Prosecution, with the latter being under the authority of the King.

Safety of Journalists:

14. As of 20 April 2023, according to UNESCO, two¹⁴ journalists have been killed in Saudi Arabia since 2004. The Government reported to UNESCO the judicial follow-up regarding one case.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

15. Saudi Arabia should be encouraged to:

- i. Consider enshrining the right to education for all, and not just for children.
- ii. Explicitly proscribe discrimination in the education legislation.
- iii. Legally guarantee 12 years of free primary and secondary education.
- iv. Legally guarantee at least one year of free and compulsory pre-primary education.
- v. Revise the legislation to fix the absolute minimum age of marriage at 16 years under the specific conditions laid out in international human rights law.
- vi. Continue to regularly submit comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- vii. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹⁵ and *Her Atlas*.¹⁶

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

16. Saudi Arabia is encouraged to introduce freedom of expression and access to information legislation that is in accordance with international standards.

¹⁴ <https://en.unesco.org/themes/safety-journalists/observatory/country/223801>

¹⁵ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁶ <https://en.unesco.org/education/girls-women-rights>

17. It is further recommended that Saudi Arabia decriminalize defamation in accordance with international standards.
18. Saudi Arabia is encouraged to assess the autonomy of its media regulatory bodies to ensure their independence in accordance with international standards.
19. It is recommended that Saudi Arabia review the 2017 Law on Combating the Financing of Terrorism to ensure its compliance with international freedom of expression standards.
20. Saudi Arabia is encouraged to cooperate with UNESCO's annual survey instrument to measure global progress on access to information and consider including relevant information in its Voluntary National Reviews under the SDGs.

C. CULTURAL RIGHTS

21. Saudi Arabia is encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The UNESCO Culture Conventions 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 facilitate the participation of communities, practitioners, cultural actors and the civil society associations as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

22. Saudi Arabia did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. In May 2023, UNESCO's Executive Board also adopted [216 EX/Decision 45](#), which calls on all Member States to redouble their efforts to ensure the full and comprehensive implementation and monitoring of the 2017 Recommendation on Science and Scientific Researchers along the lines established in this decision. Therefore, Saudi Arabia is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Particular attention should be paid to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, equal opportunities and treatment, including for girls and women pursuing a scientific career, etc.) and human rights obligations related to the practice

of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion; protection for the rights of human subjects of research; and promotion of the science society interface. UNESCO stands ready to support Saudi Arabia develop and nurture its science ecosystem, and the protection of their science and scientific researchers, in line with the abovementioned Recommendation. Saudi Arabia is invited to reach out to the UNESCO Secretariat for that purpose.

23. Furthermore, Saudi Arabia is encouraged to expand input on issues covered by the Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Saudi Arabia is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.