

Universal Periodic Review (37th session, October-November 2020)
Contribution of UNESCO

Georgia

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	04/11/1992	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	4/11/1992 Succession			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	18/03/2008 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	01/07/2008 Ratification			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of Georgia of 1995, as amended in 2018¹ provides that “Everyone has the right to receive education and right to choose the type of education” (Article 27(1)).

¹ <http://www.unesco.org/education/edurights/media/docs/90df3d78cc1e6e0380a5dc5a822ac386b5d4c6a2.pdf>

² <https://matsne.gov.ge/en/document/download/29248/56/en/pdf>

2. The Law of Georgia on General Education of 2005, with amendments through 2019² further provides that any discrimination on admission to a school shall be inadmissible (Article 13(3)), that primary and basic education, corresponding to nine years, shall be mandatory (Article 9) and general education, corresponding to twelve years, shall be funded by the State (Article 22(1)).

B. Freedom of opinion and expression

Constitutional and Legislative framework:

3. Freedom of expression, communication and information are guaranteed under Article 19 and Article 24 of the Constitution of Georgia.³
4. Defamation was decriminalized in 2004 with the introduction of the law on Freedom of Speech and Expression, further elaborating on the provisions in the Georgian Constitution.⁴ Chapter IV relates specifically to slander and defamation which is only viable for litigation under clearly defined stipulations.
5. Freedom of Information is enshrined in the 1999 General Administrative Code of Georgia under Article 10.⁵

Implementation of legislation:

6. Members of the Georgian National Communications Commission are first selected by the President of Georgia, followed by confirmation from the Parliament of Georgia.⁶

Safety of journalists:

7. UNESCO recorded three cases regarding the killings of journalists in Georgia between 2008 and 2019, namely Alexander Klimchuk, Grigol Chikhladze, and Stan Storimans.⁷ The Director-General of UNESCO condemned the killings and called on the government to inform UNESCO, on a voluntary basis, of the actions taken to prevent impunity and of the status of the judicial inquiries. On 6 June 2016, UNESCO received a response on the results of the legal investigation conducted by the Government of Georgia.

² <https://matsne.gov.ge/en/document/download/29248/56/en/pdf>

³ See the Constitution of Georgia at: http://www.parliament.ge/files/68_1944_951190_CONSTIT_27_12.06.pdf

⁴ See the Law of Georgia on Freedom of Speech and Expression at:

https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=33208&publication=1

⁵ See the General Administrative Code of Georgia at:

https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=16270&lang=en

⁶ See their website at: <https://www.gncc.ge/en/the-commission/about-commission>

⁷ See the public condemnations made by the UNESCO Director-General at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/georgia/>.

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- Law of Georgia on Vocational Education adopted in September 2018⁸ which aligns with the National Qualifications Framework (NQF) and provides important definitions of terms and concepts related with the NQF.⁹

Pre-primary education

- The legislation does not provide for compulsory pre-primary education, as it is requested by Education 2030 Agenda which calls on states to put in place integrated and inclusive policies and legislation that guarantee the provision of at least one year of free and compulsory quality pre-primary education, paying special attention to reaching the poorest and most disadvantaged children through ECCE services.¹⁰

Quality education

- According to the Programme for International Student Assessment (PISA), 15 year-old Students in Georgia scored lower than the OECD average in reading, mathematics and science.¹¹ The study also revealed that PISA 2018 results in Georgia were significantly below those observed in 2015 in reading and science, reversing most of the gains observed between 2010 and 2015. Only mathematics results in PISA 2018 remained significantly above the level observed in 2010.¹²

Violence, corporal punishment and sexual education:

- According the report of the UN Special Rapporteur, a “survey conducted in 2014 by a non-governmental organization shed light on the extent of bullying against lesbian, gay, bisexual, trans and gender diverse pupils in schools, with 7 out of 10 students surveyed reporting that they had been victims of bullying. Many members of the community testified about violence and isolation in school.”¹³ Further “sexuality education is not yet part of the school curriculum”¹⁴.
- With regard to corporal punishment the Committee on the Rights of the Child,¹⁵ reported the “prevalence of corporal punishment in the home as well as schools and institutions” and the “lack of legislation criminalizing corporal punishment and of awareness raising activities to

⁸ <http://www.unesco.org/education/edurights/media/docs/8add25887ab49b4a5091a8e4706cca890232341a.pdf> (in Georgian)

⁹ The Georgian National Qualifications Framework, Technical Note, March 2019, p. 4, accessible at:

https://www.etf.europa.eu/sites/default/files/2019-03/Note%20for%20workshop_0.pdf

¹⁰ Education 2030 Framework for Action. para. 37, accessible at: <https://unesdoc.unesco.org/ark:/48223/pf0000245656>

¹¹ OECD, Country note, PISA 2018 results, p.1, accessible at: http://www.oecd.org/pisa/publications/PISA2018_CN_GEO.pdf

¹² Ibid.

¹³ Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Doc. A/HRC/41/45/Add.1, May 2019, para. 82, accessible at: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/45/Add.1

¹⁴ Ibid. para. 84.

¹⁵ Concluding observations of the Committee on the Rights of Child, CRC/C/GEO/CO/4, March 2017, para 21 (a) and (b), accessible at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GEO/CO/4&Lang=En

combat that practice”.

Specific recommendations:

8. Georgia should be encouraged to:

- Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO’s education-related standard-setting instruments, and notably on the Convention against Discrimination in Education in the framework of the 10th Consultation¹⁶.
- Consider guaranteeing at least one year of pre-primary education in the legislation.
- Strengthen efforts to increase learning outcomes in secondary school particularly in reading and science.
- Prohibit corporal punishment in all education institutions.
- Eradicate violence and discrimination in school based on sexual orientation or gender identity.
- Share with UNESCO any relevant information to update its country profile on UNESCO’s Observatory on the Right to Education.¹⁷

B. Freedom of opinion and expression

9. Georgia should ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights in accordance with international standards.¹⁸ Government is encouraged to investigate all attacks on journalists and media workers, and ensure full implementation of the rule of law.

C. Cultural rights

10. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁹, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁰ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²¹, Georgia 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, Georgia 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

¹⁶ <https://en.unesco.org/themes/right-to-education/convention-against-discrimination/consultation>

¹⁷ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹⁸ See for example, UN General Assembly Resolution A/RES/68/163 and Human Rights Council Resolution A/HRC/21/12 and A/HRC/27/5

¹⁹ Periodic Report available at: <http://whc.unesco.org/document/137745>

²⁰ Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=37518>

²¹ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-29>

are given to women and girls to address gender disparities.

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

11. Georgia 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 2016²². Georgia reported that the guiding principles of the 1974 Recommendation, including the principles of respect for freedom of intellectual creation, scientific research and activities, as well as respect for intellectual property, participation of the scientific community in the development of state policy in the field of science and technology, democratic management and de-monopolisation of the field of science and technology, and facilitation of the self-regulation of innovative activities. The Constitution and the Law of Georgia on Science, Technology and their Development (22 November 1994 № 603) guarantee non-discrimination and respect for the human rights of researchers. To facilitate the implementation of human rights and freedoms mentioned above within the system responsible for scientific research and technological development, Georgia established several bodies and institutions (Higher Education and Science Development Department in Ministry of Education and Science, Shota Rustaveli National Science Foundation, Georgia' Innovation and Technology Agency) and developed legislation and public policies. Georgia reported that public policies (including legislative measures) were elaborated to ensure the scientific researchers' right to publish research results in a transparent and timely manner, including establishing open access repositories by research institutions and universities. At the same time, Georgia indicated that overall there was little progress made with relation to the implementation of the 1974 Recommendation due to the insufficient financial, technical, human resources. In future, Georgia is encouraged to report to UNESCO on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

²² <http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>