

საია საქართველოს განათლებისა და მეცნიერების მინისტრის ბრძანებას საკონსტიტუციო სასამართლოში ასაჩივრებს



საქართველოს
ახალგაზრდა
იურისტთა
ასოციაცია

GYLA is appealing the order of the Minister of Education and Science of Georgia to the Constitutional Court

Today, the Georgian Young Lawyers' Association filed a constitutional claim on behalf of Natia Shavadze with the Constitutional Court of Georgia. GYLA disputes the article of the Order of the Minister of Education and Science of Georgia, "On the Approval of the Regulations for conducting of the Vocational Testing"^[1]. The disputed norm divides the applicants wishing to enter a vocational educational institution by age, due to which the applicants in each age category have the opportunity to enter the desired vocational institution significantly different from each other. In particular, the scores obtained on the exam of applicants in the age category of up to 19 and from 19 to 29 years are multiplied by the coefficients of 1.3 and 1.1, while those above 29 years wishing to enter a vocational educational institution remains unchanged. After multiplying the applicants' scores by the coefficients, the National Center for Assessment and Examinations compiles a unified ranking list, which determines the

results of the applicants' admission to the desired vocational institution.

GYLA considers that the disputed norm restricts the plaintiff's rights to equality and education protected by Georgia's Constitution. Under the disputed norm, applicants under the age of 19 always have a 23-point advantage, while applicants between the ages of 19 and 29 always have a 9-point advantage over applicants over the age of 29. Thus, they have a more realistic chance to get into the professional program they want and master the profession.

According to GYLA, the disputed norm's legitimate aim may be to eliminate the unemployment rate among applicants in the age group from 15 to 29 years. Elimination of unemployment is indeed an insurmountable state goal; however, under the terms of the disputed norm, privilege is granted to all applicants under the age of 19 and 19-29, regardless of their social status and competitiveness. In such circumstances, those applicants who may have needed the program the most to overcome unemployment and were in the age group above 29 may be left out of the program. That is why the disputed norm is not a useful means of achieving the goal. Meanwhile, the disputed norm is not a necessary means to achieve the same goal; the state can develop a system of admission to a vocational institution, which would give preference to those who really need to be given the preference.

Given the above, since the disputed norm does not meet the requirements for the usefulness and necessity of the proportionality test, GYLA considers that the normative content of the disputed norm, which applies to applicants under 19 and from 19 to 29 years of age, when taking vocational exams puts them in an advantageous position over the applicants over 29 years - must be declared unconstitutional concerning the first paragraph of Article 11 of the Constitution of Georgia (right to equality) and the first paragraph of Article 27 (right to education).

The Georgian Young Lawyers' Association is conducting the litigation of the case with the support of USAID / PROLoG.