

# ACHIEVEMENTS THROUGH STRATEGIC LITIGATION



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INSTITUTE  
Promoting Rule of Law  
in Georgia (PROLoG)

The Promoting Rule of Law in Georgia (PROLoG) Activity is a USAID-funded program implemented by the East-West Management Institute (EWMI). The purpose of the five-year program is to strengthen the justice system and to ensure due process, judicial independence, and the protection of human rights.

Under the PROLoG Legal Aid Grant Program, local NGOs provide free legal aid to increase access to justice for women and minority groups through strategic litigation in Georgia's common courts, the Constitutional Court of Georgia, and the European Court of Human Rights.

Between May 2015 and October 2017, PROLoG's legal aid grantees provided legal consultations to 37,857 beneficiaries and legal representation to 5,366 individuals, and organized 185 field visits with those living in the regions. PROLoG's partner NGOs successfully finalized 18 strategically important cases both locally and on the international level, significantly improving human rights conditions and increasing access to justice on varied topics. These include:

## RIGHTS OF RELIGIOUS MINORITIES

- › The appellate court ruled that it was unlawful to limit construction permits for houses of worship by religious organizations, and clarified that recommendations for issuance of a construction permit from the State Agency for Religious Issues must not be a precondition for issuing permits as the law does not require it.

## WOMEN'S RIGHTS

- › The Supreme Court established the practice of ordering that the state pay moral damages in cases of femicide where law enforcement improperly fulfilled its obligation to prevent discrimination based on gender and its obligation to defend its citizens' lives.

## LGBT RIGHTS

- › The Constitutional Court of Georgia ruled it unconstitutional for the government to permanently prohibit blood donations by sexual minorities and requested a new regulation undoing the prohibition.

## PERSONAL DATA PROTECTION

- › The Constitutional Court issued a decision abolishing the Ministry of Internal Affairs' practice of permanently maintaining the records of those convicted of administrative violations.

## ACCESS TO HEALTHCARE

- › The Constitutional Court of Georgia established the right of a non-related person sharing emotional bonds with an individual to be an organ transplant donor for the individual.

## PROHIBITION OF TORTURE, FREEDOM OF ASSEMBLY AND ASSOCIATION

- › The Georgian government admitted before the European Court of Human Rights the violation of human rights against the participants of the veteran's rally on January 3, 2011, and agreed to pay compensation to the litigants.

## **RIGHT TO LIBERTY AND SECURITY, PROHIBITION OF TORTURE, PROHIBITION OF COLLECTIVE EXPULSIONS OF ALIENS**

- › The European Court of Human Rights found the Russian Federation a responsible state in the proscription of Georgia citizens from Russia and found evidence of human rights violations. The Russian Federation is responsible to pay 40,000 EUR to families of deceased persons and reimburse the costs of the legal proceedings.

## **ELECTION RIGHTS**

- › The Constitutional Court ruled it unconstitutional to have a residency requirement that prohibited Georgian citizens who had not lived in Georgia permanently for two years before the election from being elected as a city mayor or a municipal council member as the provision discriminated against persons forced to leave Georgia because of political persecution.
- › The Constitutional Court ruled it unconstitutional for the Local Self-Government

Code to require the automatic termination of the authority of the heads of all departments of local self-governments or city halls upon election of a new Mayor or Gamgebeli.

## **DISMISSAL FROM PUBLIC SERVICE**

- › The Constitutional Court abolished a Public Service Law provision under which the restatement of a terminated individual was a precondition for receiving compensation for any salary lost due to wrongful termination. As the result of this decision, public officials unlawfully dismissed from work will receive compensation whether or not the administrative body decides to reinstate that person to the position.

## **RIGHTS OF FOREIGNERS**

- › As the result of complaints filed with the National Bank of Georgia and the Public Defender's Office of Georgia, non-citizens living in Georgia may now open a bank account in Georgian commercial banks, a right that many were denied as a result of discriminatory treatment on the basis of being considered high-risk clients.

## **PARTNER ORGANIZATIONS**

**Georgian Young Lawyers' Association**

**Transparency International Georgia**

**Human Rights Education and Monitoring Center**

**Tolerance and Diversity Institute**

**Georgian Democracy Initiative**

**Georgian Trade Union Confederation**

**Human Rights Center**

**Partnership for Human Rights**

**Sapari**

**Strategic litigation is a method where a single case can bring about significant changes in the law, practice or public awareness.**