

ARTICLE 42 OF THE CONSTITUTION



**15 Years
for Human Rights**

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Since its establishment, the “Article 42” has been trying to do its best in contributing to improvement of human rights defense. For this purpose, the organization has been defending human rights on national and international level, has been carrying out campaigns for raising legal awareness, taking care of developing the legal system, supporting human rights defending persons and promoting to raise their professional level for fifteen years so far. “Article 42”’s priority is the rule of law and supporting the establishment of values typical for democratic society. “Article 42” will always defend human rights everywhere, despite any difficulties.

*Maka Gioshvili / Chair of the Board
Tamar Gabisonia / Executive Director*

Brief Summary of Our Activities

Article 42 of the Constitution is a non-governmental and non-political human rights advocacy organization that was founded on 12 September 1997. The organization’s member lawyers support victims of human rights violations by providing free legal assistance before local and international court systems and state agencies.

Article 42 aims to promote the establishment of the rule of law in Georgia by ensuring that national legislation and practice conforms with international standards for the protection of human rights and fundamental freedoms. The organization also seeks to increase the legal awareness of the general public.

Protection of human rights is the main objective of Article 42. In addition to strategic litigation, Article 42 conducts research and analysis. Article 42 also will be more actively involved in the law-making processes to encourage incorporation of high standards of protection for human rights in national legislation and prevention of human rights violations.

Mission

We protect human rights and freedoms, we support raising public awareness of legal issues, and we contribute to the process of harmonizing national legislation with international standards.

Values

We believe that a democratic Georgian society must be based on the principle of the supremacy of the law; that respect for human rights can be guaranteed only by the establishment of the rule of law; that significant results are achieved through coalition-building; and that providing qualified advocacy increases the public’s confidence that their human rights will be protected by a democratic government that respects the rule of law

Current Projects

Women’s Empowerment for Social Development (2012)

- Donor: German Society for International Cooperation (GIZ)
- Primary Goals: Improve the existing situation for women rights’ and empower women in order to grant them possibility to protect their rights through advocacy.
- Objectives: raise women’s awareness about their fundamental rights and freedom; improve protection of and respect for women’s rights; prevent gender based violence and discrimination.

Updating Women’s Legal Guidebook (2012-2013)

- Donor: German Society for International Cooperation (GIZ)
- Primary Goals: Empower women to increase respect for human rights in Georgia/
- Objectives: Raise public awareness about human rights as well as women’s awareness in Georgia; raise awareness about women’s rights among the general public and all interested individuals; prepare available and sufficient information materials/sources about women’s rights protection mechanisms to increase public awareness and contribute to the establishment of the culture for women’s rights protection in Georgia; grant women the possibility to get acquainted with their own rights and when, necessary, access to legal aid to enforce those rights.

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Ensuring Protection of Human Rights on Legislative Level (2012-2013)

- Donor organization: Open Society – Georgia Foundation
- Project Goal: Support the establishment of Policy of Criminal Justice based on Respect to Human Rights
- Project Objectives: Improvement of current legislative frame of Criminal Law Support the establishment of International Standard of Fair Trial Raising awareness of civil society on existing gaps in criminal justice

Strategic Litigation for Vulnerable and Marginalized Population (2010-2013)

- Donor: Open Society Foundations (OSF-Budapest)
- Primary Goals: Improve protection of human rights in Georgia; provide legal aid to those individuals affected by August 2008 events.
- Objectives: Provide free legal consultation to the internally displaced people in collective centers and lodge applications to the European Court of Human Rights and the implementation of international legal norms on national level; raise awareness of vulnerable and marginalized population on the protection of their rights; ensure that the practice of national state agencies complies with international standards of protection of human rights, including the case law of European Court of Human Rights; protect citizens' rights and represent them on the national level as well as at the European Court of Human Rights.

Strategic Litigation for Protection of Health Rights (2012-2013)

- Donor: Open Society Georgia
- Primary Goals: Improve the protection of health rights of socially vulnerable and marginalized populations through strategic litigation.
- Objectives: Protect human rights, in particular various issues concerning health rights through strategic litigation; raise awareness of the socially vulnerable and marginalized population regarding the protection mechanisms for health rights; prepare a publication about the protection of health rights targeted to the socially vulnerable and marginalised population.

“Raising Confidence of Small and Medium Entrepreneurs Regarding Georgian Judiciary System”

- Donor organization: Eurasia Partnership Foundation
- Project lifetime: 04.02.2013 – 31.07.2014
- Project Goal: Raising confidence regarding Georgian judiciary system
- Project Objectives: Free consultations for small and medium entrepreneurs on tax issues, representation at the agencies of the Ministry of Finances (Revenue Service, Commission of Dispute Resolution at the Ministry of Finances) and before the court.
Workshops with the participation of the small and medium entrepreneurs, and lawyers in the regions
Workshops on legal side of problems of small and medium enterprise, with the involvement of the authorities from executive and legislative power, court system, lawyers as well as elaboration of important recommendations and their submission.
High participation of society through media and spreading information

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Completed Projects

Criminal Justice: Supporting the Establishment of Criminal Procedure Code

- Donor: National Endowment for Democracy (NED)

Advocacy for Improvement and Implementation of Business Law (2011-2012)

- Donor: Eurasia Partnership Foundation, in the scope of the project 'Civil Initiative for Independent Court' which is funded by the US Agency for International Development (USAID) through East-West Management Institute (EWMI)

Public Awareness Raising Campaigns for Women Residing in the Rural Areas (2012)

- Donor: German Society for International Cooperation (GIZ)

Strengthening Skills of Regional Lawyers for Implementation of International Standards in Georgia (2011-2012)

- Donor: The Dutch Embassy in Georgia, the Program of Social Transformation 'MATRA'

Establishment of Four 'R's in Georgia: Rehabilitation, Reintegration, and Reduction of Recidivism

- Donor: the European Union Representation in Georgia
- Coordinating Organization: Center for Psychological Rehabilitation of Torture Victims

Best Practice of Rights Protection of People with Disabilities on National Level (2011)

- Donor: Open Society – Georgia

Improvement of Georgian Legislation (2010-2011)

- Donor: National Endowment for Democracy

Strategic Litigation in the South Caucasus (2006-2010)

- Donor: The Dutch Ministry of Foreign Affairs, the Ministry of Foreign Affairs of the UK
- Coordinating Organization: Helsinki Committee of the Netherlands

International Law: E-Study for Human Rights Lawyers (2009-2011)

- Donors: Norwegian Ministry of Foreign Affairs, Nordic Council of Ministers, the German Marshall Fund of the USA, the Dutch Embassy in Warsaw, National Endowment for Democracy, USA.

Preparation of Women's Rights Guide-book, Its Distribution and Assessment of Results (2010)

- Donor: German Society for International Cooperation (GIZ)

Protection of Human Rights in the Countries of EU East Partnership: Successful Approach and Difficulties (2010)

- Donor: Open Society Foundation – Georgia

Legal Clinic Program (2008-2010)

- Partner Organization: Caucasus Law School

Raising Social Demand for Better Legislation (2007-2010)

- Donor: National Endowment for Democracy

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Strategic Litigation on National Level: Implementation of Human Rights International Mechanisms (2004-2007)

- Donor: Open Society Institute (OSI-Budapest)

Provision of Legal Aid for Vulnerable and Marginalized Individuals at Penitentiary System (2008-2009)

- Donor: OSCE Mission in Georgia

Provision of Legal Aid for Internally Displaced People at European Court of Human Rights (2008-2009)

- Donor: Open Society Georgia

Identification of Victims of Trafficking and Assistance in Georgia (2006-2007)

- Donor: OSCE Mission in Georgia

Raising Social Accountability of State Authorities and Support to Establishment of Law Supremacy in Georgia (2006-2007)

- Donor: Open Society Foundations (OSF-Budapest)

Project Supporting the Reform of Prosecutor's Office, II phase (2006-2007)

- Donor: European Union
- Partner Organization: British Council

Raising Public Awareness on Prisoners' Rights and Penitentiary System (2005)

- Donor: EU and UNDP Georgia

Free Legal Aid for Socially Vulnerable People at Tbilisi Court of Appeal (2002-2005)

- Donor: US Agency for International Development (USAID) and Maryland University IRIS Georgia

Defining Scope of Bankruptcy Law and Area of Effectiveness (2004)

- Donor: Project for supporting the development of commercial activity (GEGI)

Istanbul Protocol Establishment Project

- Partner Organizations: International Rehabilitation Centre for Torture Victims (IRCT, Denmark), Turkish Human Rights Protection Foundation (Izmir Office), Rehabilitation Centre for Torture Victims – Empathy and Georgian Medical Association

Legal Clinic (1998-2004)

- Donor: American Bar Association (ABA)

Practical Training Course for Human Rights Lawyers (2001-2003)

- Donor: The Dutch Ministry of Foreign Affairs and Open Society Legal Institute. During 1998-2001 the organization implemented the following projects: 'Counseling, Education and Legal Services', 'Free Legal Aid', 'Monitoring of Execution of Court Decisions concerning Family Disputes', 'Free Legal Aid at Kutaisi Court of Appeal', 'Raising Public Awareness on Human Rights Issues'.

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Our Donor and Partner Organizations:

During the 15 years of its existence, Article 42 of the Constitution has cooperated actively with various donor and partner organizations. Without the support of these organizations, it would be impossible for Article 42 to achieve its stated goals. Article 42 would like to express its gratitude to all donor and partner organizations for their support and cooperation.

Donors:

- IRIS Georgia
- American Bar Association
- British Council
- Ministry of Foreign Affairs of the United Kingdom
- British Embassy in Tbilisi
- UNDP Georgia
- German Society for International Cooperation (GIZ)
- Eurasia Partnership Foundation (EPF)
- EU Representation in Georgia
- Information Bureau of Council of Europe in Georgia
- National Endowment for Democracy
- OSCE Mission in Georgia
- Canadian Embassy
- Dutch Ministry of Foreign Affairs
- Dutch Embassy, Social Transformation Program (MATRA)
- Norwegian Ministry of Foreign Affairs
- Polish-American Freedom Foundation, Program RITA
- Open Society Georgia Foundation (OSGF)
- Open Society Foundation (Budapest)
- Czech Ministry of Foreign Affairs (in the frame of Tbilisi Human Rights House)
- International Red Cross Committee

Partner Organizations:

- Caucasian Centre for Human Rights and Conflict Study (CAUCASIA)
- European Center of Human Rights (EHRAC)
- Human Rights House Foundation
- Human Rights Center
- Helsinki Foundation for Human Rights (Poland)
- Young Economists Association
- Interights (Great Britain)
- Caucasus University Law School
- Coalition for Independent Life
- Media Rights Institute (Azerbaijan)
- Helsinki Committee, the Netherlands
- Helsinki Committee, Norway
- Organization Green Alternative
- Polish Organization - Worthy Life
- Promolex (Moldova)
- Legal Study Society (Azerbaijan)
- Safari – Center Fighting against Domestic Violence
- Georgian Bar Association
- Georgian Young Lawyers Association
- Public Defender of Georgia
- Armenian Institute for Development
- The Ukrainian-Polish-German International Organization (Ukraine)
- Women’s Fund and Memory Research Center – Taso
- Centre for Psychosocial and Medical Rehabilitation of Torture Victims

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Human Rights House – Tbilisi

Article 42 of the Constitution is a member of the Human Rights House – Tbilisi, which is part of the international Human Rights House Network. The HRH Tbilisi was founded last year and consists of a group of human rights organizations that operate in different spheres but share the main goal of promoting protection for human rights. Other organizations that are members of the HRH Tbilisi include the Human Rights Center, the Research Center for Human Rights and Conflicts, the Center for Rehabilitation of Torture Victims, and Union ‘Sapari’. Media Development Institute is an associate member.

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Facts You Should Know

International Litigation

- Article 42 of the Constitution is the first organization in Georgia that submitted an application to the European Court of Human Rights.
- In the 7 cases that Article 42 sent to the European Court of Human Rights (ECtHR), the Court found a breach of fundamental rights. In comparison with other non-governmental organizations, Article 42 has the greatest number of successful cases at European Court of Human Rights.
- Article 42's lawyers have lodged more than 150 applications with the ECtHR.
- Article 42 was the first Georgian non-governmental organization to submit a legal case to the European Court concerning the Georgian government's liability for police homophobia and discrimination against sexual minorities.
- After the August 2008 war, Article 42 applied to the European Court of Human Rights and in 2009 submitted 50 cases on behalf of 400 applicants affected by the war. The organization claimed that there were violations of several articles of the convention including the right to life, deprivation of liberty, torture and inhuman treatment, and the right to property.
- Article 42 lodged an application with the ECtHR regarding the deportation of Georgians from Russian Federation in autumn 2006. The organization filed 6 applications on behalf of 11 applicants who complained of torture, inhuman and degrading treatment, and discrimination on the basis of national origin.
- Article 42 was the first Georgian non-governmental organization to send a case on domestic violence to the United Nations Committee on the Elimination of All Forms of Discrimination. The application was accepted and the Committee is considering the case.

National Litigation

- Article 42 has successfully completed over 1,000 cases in the national court system.
- Article 42's lawyers provide 3500 free legal consultations to the population annually.
- Article 42 has participated in over 15 successfully completed constitutional court cases, which resulted in several amendments to national laws.
- Article 42 actively works to protect prisoners with serious health conditions. Approximately 10 of the applications that Article 42 has filed on prisoners' behalf have been granted. As a result, the prisoners were released from detention or their sentences were postponed.
- Article 42 has been running a legal clinic program for years. The Clinic was founded in 1998 with the support of the American Bar Association in 1998. Since then, more than 600 students have acquired practical lawyering skills by working with Article 42.

Awareness-Raising Activities

- Article 42 is actively involved in raising women's awareness about their rights. More than 230 women partici

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Pioneers at the European Court of Human Rights: Profiles of 9 Successful Cases

- Davit Jashi vs. Georgia (2012). European Court of Human Rights found violation of article 3 of the European Convention in the case of Davit Jashi. Georgia is obliged to pay a fee in amount of EUR 3,000 to the victim.
- Baysuev and Anzorov vs. Georgia (2012). European Court of Human Rights found violations of article 5 (1) and (2) in terms of breaching the rules of arrest. According to the decision of Court in Strasbourg Georgia has to pay EUR 500 (five hundred) for non-pecuniary damage per applicant and in total EUR 100 (one hundred) for translation service, both in national currency.
- Panjikidze and Others v. Georgia (2009): The Court stated that Georgia violated Article 6 (right to a fair trial), as there were no legal grounds for hearing a case by jury. Georgia was ordered to pay EUR 2,000 to the applicants.
- Gorgiladze v. Georgia (2009): The Court declared that prison conditions violated Article 3 (freedom from torture and cruel, inhuman, or degrading treatment). The Court held that prison conditions constituted inhuman treatment. The Court also found a violation of Article 6(1), holding that the Criminal Law Collegium consisting of jury was not formed in accordance with the requirements of a court established by law. Georgia was obliged to pay EUR 5,000 to the applicant.
- Nikolaishvili v. Georgia (2009): The Court found that Georgia violated Article 5(3) (right to liberty and security of person) by illegally detaining and arresting the applicant. The Court also decided that Article 8 (right to private life) was violated. Georgia had to pay EUR 8,000.
- Aliyev v. Georgia (2009): The Court found that prison conditions violated Article 3 (right to freedom from torture and cruel, inhuman, and degrading treatment or punishment). Georgia was forced to pay EUR 10,000 to the applicant.
- Patsuria v. Georgia (2007): The Court found that there was a violation of Article 5(3) due to the illegal detention of the applicant. The State had to pay EUR 1,500 to the applicant for moral damage and EUR 2,170 for other costs.
- Shamayev and 12 others v. Georgia and Russia (2005): The Court held that Georgia had violated Article 3 (prohibition of torture and inhuman treatment), Article 5 (2) and (4) (illegal arrest and detention) in the case of the 13 applicants. Additionally, the Court found a breach of Article 13 (non-existence of domestic remedies for appeal). Georgia and Russia were ordered to pay EUR 84,500 and EUR 34,000, respectively.
- Asanidze v. Georgia (2004): The Court held that Georgia violated Article 5(1) concerning illegal arrest as well as Article 6(1). The State had to pay EUR 150,0

Article 42 of the Constitution's Senior Management

Chairs of the Board:

- Lia Mukhashavria (1998-2001)
- Pavle Beria (2001-2002)
- Shota Grigalashvili (2003-2004)
- Manana Kobakhidze (2004-2008)
- Nikoloz Legashvili (2009)
- Tamar Gabisonia (2011—present)
- Nazi Janezashvili (2011)

Executive Directors:

- Lia Mukhashavria (2001-2003)
- Ketevan Kamashidze (2003-2006)
- Mari Chokheli (2007-2009)
- Manana Kobakhidze (2009-2010)
- Nazi Janezashvili (2010—2012)

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Maka Gioshvili
Chair of the Board



Tamar Gabisonia
Executive Director



Dimitri Khachidze
Member of the Board



Anzor Khatiashvili
Member of the Organization



Elena Phileeva
Member of the Board



Sopho Aleksidze
Member of the Organization



Archil Chopikashvili
Parliamentary Secretary



Mariam Kapanadze
Member of the Organization



Elizabeth Summers
Lawyer

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Nino Elbakidze
Member of the Board



Nikoloz Legashvili
Legal Advisor



Mariam Zakareishvili
Lawyer



Natia Chachanidze
Member of the Organization



Lasha Chincharauli
Member of the Organization



Natia Devdariani
Financial Manager



Natia Tsalani
Administrative Assistant



Rusudan Mchedlishvili
Member of the Organization



Anna Tvaradze
Member of the Organization

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Donors and Partners

- British Embassy Tbilisi
- British Council Georgia
- Foreign and Commonwealth Office of UK
- Ministry of Foreign Affairs of Netherlands
- GIZ
- Embassy of Canada
- American Bar Association
- National Endowment for Democracy
- IRIS-Georgia
- Open Society Georgia Foundation
- Open Society Institute – Budapest
- UNDP in Georgia
- European Commission Delegation to Georgia
- Council of Europe Information office in Georgia
- OSCE Mission to Georgia
- International Committee of the Red Cross
- Netherlands Helsinki Committee
- Norwegian Helsinki Committee
- INTERIGHTS (UK)
- Helsinki Foundation for Human Rights (Poland)
- Legal Education Society (Azerbaijan)
- Media Rights Institute (Azerbaijan)
- Armenian Institute for Development
- Promo-LEX (Moldova)
- Human Rights House Foundation
- Public Defender's Office (Georgia)
- Caucasus School of Law
- Human Rights Center
- Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims
- “Sapari” - Center for eradication of domestic violence in Georgia
- Organization “Green Alternative”
- Caucasus Center for Human Rights and Conflict studies
- Netherlands Helsinki Committee
- Norwegian Helsinki Committee

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