

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## **GYLA will protect Shalva Ramishvili's interests in the Constitutional Court**

Constitutional complaint submitted by GYLA, (where GYLA represents Shalva Ramishvili) challenges constitutionality of Article 5, paragraph 2 of the Georgian Election Code.

The disputed article deprives all the prisoners of the right to exercise their franchise. According to the applicable legislation they can neither vote nor submit their candidacy.

If we consider that the Georgian Constitution provides for the principle of the

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proportional restriction of the rights. We deem it unconstitutional to restrict fundamental right; including the right to vote, even more than it is necessary in a democratic society.

By the Constitutional complaint we demand to restore the right to exercise the active election right (the right to vote) with regard to the convicted prisoners who have committed misdemeanors.

It is noteworthy, that in the case *Hirsty v. the United Kingdom* the European Court of Human Rights considered restriction of the active election right with regard to prisoners as violation of Article 3, Protocol 1 of the European Convention of Human Rights (right to free elections). Georgia is a party to the Protocol and therefore entitled to fulfill obligations envisaged by the protocol and the judgments pertaining thereto.