

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA comments on the draft adopted by the Parliament of Georgia related to the definition of the status of religious unions

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On June 28 the draft on “introducing of amendments to the Civil Code of Georgia” was initiated to the Parliament. According to the decision adopted by the bureau of the Parliament the draft has been considered in an accelerated way and was adopted by three readings within five days from the day of its initiation. Such velocity excludes participation of religious unions, especially religious minorities, in consideration of the legislative amendments. Moreover, information on the sessions of legal issues committee, where the draft has been considered by the first and the second reading, was not published on the web-site of the Parliament, which is gross violation of regulations. The final copy of the draft adopted yesterday became accessible to us only today.

According to the draft the new Article 1509¹ is added to the Civil Code of Georgia and according to its first paragraph “religious unions will be able to register as legal entities of public law.”

Georgian Young Lawyers' Association considers that it is improper to grant the status of legal entity of public law to religious organizations. However, since constitutional agreement already permits such practice and revision of the document is not on the agenda, we would only examine issues related explicitly to the draft.

It is noteworthy that granting the status of legal entity of public law to some religious union does not equate with conferring certain benefits/privileges. The Georgian legislation sets various types of benefits exclusively for the Georgian Orthodox Church and these benefits are not similarly accessible to other religious organizations. The fact, however, does not relate to the status of the legal entity of public law granted to the Church. The draft does not regulate the problem (identical tax regime to all religious unions, property related problems and others.)

The Georgian Young Lawyers' Association considers that it is important to guarantee the free choice of legal status for all religious unions. In view of this, the draft adopted by the Parliament requires more specification. On the one hand it is unclear how the National Agency of Public Registry will identify the historical ties of religious unions with Georgia, while on the other hand it is vague what is implied under “religious union that is treated as religion in the states of the European Council.” The provision is open to various interpretations. Therefore GYLA supposes that in view of the mentioned observations adopted draft needs to be elaborated and specified.