



Coalition for Equality assesses critically the initiative to deprive of the right of non-Orthodox clerics to postpone military service

Coalition for Equality assesses critically the legislative initiative of Irakli Sesiashvili, Chairman of the Defense and Security Committee of the Parliament of Georgia, [1] which envisages clear deterioration of the legislation and deprivation of the right of clerics of any other religion to postpone military service, except for the Orthodox clerics.

The coalition notes that the right to a conscientious objection that provides guarantees to protect human beings from action against conscience, belief, and religion is an integral element of freedom of religion and is recognized and protected by national and international courts. [2] **The initiative to deprive a particular group of the right, especially when the clerics of the dominant religion are preserving similar right in a similar situation can not have legitimate justification and is the clear discrimination on religious grounds.** According to the Constitutional Court of Georgia, "recognition of the special role of the church is related to its historical contributions and does not serve to create a privileged legal condition for Orthodox Christian religion at the present time. Historical contribution cannot be considered as the source of the legitimacy of privilege. The differentiation and creation of privileged legal conditions for the church is not and shall not be the

aim of the constitution. [...] Granting certain rights to the church does not mean to interfere with the use of the same rights by other religious organizations. "[3]

The coalition regards the explanation of the author of the initiative as an alarming according to which the necessity of the change is caused by the legal defect and the preservation of the right of Orthodox clergy is a result of a constitutional agreement between the state and the Orthodox Church.

The Coalition indicates the chairman of the Committee that correction of a legal or practical defect in the expense of restriction the right of any group is a substantial contradiction with the idea of human rights. It is regrettable that the government instead of responding to the discontent of the broader community groups over compulsory military service and transforming the existing system is trying to eliminate the means of protection from this system at the expense of rough violation of the rights of other social groups. In addition, the issue that postponing compulsory military service for the Orthodox clerics is regulated by the Constitutional Agreement cannot justify creating of discriminating conditions of another group.

It is regrettable that the initiative was prepared by the chairman of the committee without proper consultation with the broader public groups.

In our reality, the legislation on freedom of religion is still asymmetric and discriminatory. Attempts to abolish the rights and recognition of religious minorities gained over the years has been an obvious attempt to deteriorate the legislative sphere. When religious minorities actually suffer from even deeper and systemic discrimination and exclusion passing of the legislation that confirms inequality deepens the exclusion, feelings of the second degree of citizenship and the inequality. Instead of an attempt to consolidate the public groups, the government with such initiative intends to form fragmentation and hierarchy of social groups by ethnic and religious markers.

It is noteworthy that this initiative continues the chain of regressive and unequal initiatives submitted by the government in the field of freedom of religion (including attempts to consider "national security" on grounds of restrictions on freedom of religion in the Constitution, the initiative of adopting a law on religion, the cycle of initiatives to review the insult of religious feelings as an offence) and in general, it

shows the political problem of recognition of democracy, equality, and disrespect.

Taking into account the above mentioned, the Coalition for Equality calls upon members of the Parliament of Georgia:

- To assess critically and do not support the legislative initiative prepared by Mr. Irakli Sesiashvili and to protect and respect the standards of equality and religion;
- To consider properly the social discontent over the compulsory military service and to think about the essential revision on the base of the right to personal freedom and self-development, as well as the principles of social justice;
- To consider properly that the initiatives directed towards inequalities violate the opportunities for the development of a democratic, fair and plural society and leave a deep trace of exclusion in religious and ethnic minority groups.

Coalition for Equality

Coalition for Equality is an informal organization that was founded in 2014 through the support of the Foundation "Open Society – Georgia" and brings together nine nongovernmental organizations:

The member of the coalition are: Foundation "Open Society – Georgia", "Human Rights Education and Monitoring Center (EMC)", "Article 42 of the Constitution", Union "Sapari", "Georgian Young Lawyers' Association", "Women's Initiative Supporting group (WISG) ", "Partnerships for Human Rights (PHR)", "Georgian Democracy Initiative (GDI) " and "Tolerance and Diversity Institute (TDI)".

[1]<https://www.interpressnews.ge/ka/article/536831-aramartmadidebelma-sasuliero-pirebma-shesazloa-samxedro-savaldebulo-samsaxuris-gadavadebis-uplebit-vegar-isargeblon>

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



[2] ECtHR, Bayatyan v. Greece (Bayatyan against Armenia) N23459/03, 07.07.2011

[3] The decision of The Constitutional Court of Georgia of July 3, 2018, №1/1/811