

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA appeals to the Constitutional Court against discriminatory practices of funding the Muslim community from the State Budget

GYLA has appealed to the Constitutional Court on behalf of the Supreme Religious Administration of All Muslims of Georgia. The appellant appeals against the Ordinance of the Government of Georgia of 27 October 2014 on partial compensation for damages caused to the Muslim, Jewish, Armenian and Roman-Catholic communities during the Soviet Union. Under this ordinance, two Muslim groups - Shia and Sunni Muslims - are required to establish either a joint legal entity of public law or a representative board. If the religious groups fail to satisfy this requirement, they will

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lose the opportunity of being funded from the State Budget.

GYLA considers that the above-mentioned request to integrate into one single organization, which has been made to the groups that have been divided into two Muslim sects since 7th century, and the possibility that they will be deprived of funding due to failure to fulfil the requirement represent the violation of the right to freedom of religion and of forming and joining public associations. The freedom of forming and joining public associations is recognized under Article 26(1) and the right to freedom of religion under the Article 19 of the Constitution of Georgia. These constitutional provisions provide for the protection of a human right not to join groups with opposite religious beliefs.

Furthermore, GYLA considers that, in contrast to Christian groups, the Muslim group has been subjected to discriminatory treatment prohibited under Article 14 of the Constitution of Georgia. The ordinance of the Government does not oblige the Armenian and Catholic churches to create a joint legal entity of public law, while the religious schism (split) between the Armenian and the Catholic churches is the same as between the Sunni and the Shia Muslims. The Armenian and Catholic churches are funded without being requested to integrate. However, for the same purpose the Shia and the Sunni Muslims are required to establish either a joint legal entity of public law or a representative board.

The appellant is the Supreme Religious Administration of All Muslims of Georgia, which has been founded by Shia Muslim citizens of Georgia. According to its Charter, the Supreme Religious Administration of All Muslims of Georgia is an independent supreme religious center uniting the religious institutes of Shia Muslims residing in Georgia. According to the norm that has been appealed to the Constitutional Court, in order to be funded the appellant is required to establish a joint legal entity of public law or a representative board together with the Sunni organization.