



ახალგაზრდა ადვოკატები
YOUNG BARRISTERS

The analysis of the topic and recommendations

Freedom of Belief and Religion in Georgia

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1. For analysis

Since the political changes in October 2012, more attention has been paid to protection of constitutionally guaranteed right about the freedom of belief and religion in Georgia. The events occurring in different regions of the country clearly showed the violation of the religion minority rights. Non-governmental organizations, government officials and the experts expressed their opinions several times by public statements and evaluations about the difficulties based on religion background taking place in Nigvziani, Tsintskaro, Samtatskaro and finally in Chela, Adigeni municipality on the 26th of August, 2013. The Georgian government reacted immediately to the last event. „The construction of the minaret in village Chela, Adigeni municipality and the response by state agencies to it have aroused tensions in the society. The building of the minaret was done without the relevant permission. The freedom of religion is guaranteed by the Constitution of Georgia and the Government of Georgia will not allow restriction of this right. Therefore, state agencies are obliged to act with extreme caution while exercising their powers, especially when religious feelings of citizens are at stake.“¹ Despite this, the conflict between the people of different religions is in need of proper evaluations. The decisions need to be made to prevent the conflict from further development and to regain the characteristic, tolerant environment in the country. The issues of controversy on religious grounds have become a matter of discussion for social groups. In different parts of the country, from October 2012 to August 2013, four major conflicts which occurred between Orthodox Christians and the Muslim Georgians, showed the evidence of some strong analysis:

1. How objective are the stated prerequisites, which cause the tension and intolerance between congregations?
2. Do the problems on religious grounds show the real controversy or it refers to artificial complications of the case?
3. How well does the Georgian government protect the freedom of belief and religion of its own citizens?
4. What responsibilities does the Patriarchate of Georgia, authorities of certain religions and government agencies have in order to solve the problems on religious grounds?
5. How big is the interest from Islamic states, active social groups and the countries with hostile attitude towards Georgia about the conflicts on religious grounds in the country?
6. What national mechanisms and resources are available to be used in order to prevent the possible tensions on religious grounds and to make it possible to create equal environment for any citizen despite their religious beliefs?

During the research of problems on religious grounds in different parts of Georgia, The organization paid attention to the fact that controversies between Orthodox Christians and Muslim Georgians were regular and continuation of the discussion between parishioners about religious beliefs was artificially creating the tension, making the violation of minority rights stand out. The situation outlined some trends, according to which the Georgian state can not adequately protect the constitutional rights of religious minorities, the Orthodox Autocephalous Church can not ensure the protection of freedom of belief and religion, the violations of religious rights are hindering the democratic process and show the malfunctioning of state institutions. Religious conflicts became part of the Georgian politics as well. Parliamentary Opposition ("United National Movement") has estimated that, „Increased number of conflicts on religious grounds or other incidents in the country have raised constant concerns in the public since November of last year. Unfortunately, for the past few months the government has not fulfilled its responsibilities regarding the incidents taking place such as the ones in Tsintskaro and Samtatskaro. The state authorities did not stand for defending the civil rights and preventing violence. Moreover, some of state officials made unreasonable statements, and thereby contributed to worsen the

¹ The statement by the State Minister of Georgia for Reintegration, Mr. Paata Zakareishvili. 9th of September, 2013.

situation in the country. ² The discussion about religious issues on different locations of Georgia acquired the character of political manipulation, causing even more complicated environment for institutional dialogue.

Throughout this process, the aim of organizations is to clarify:

- How do such actions correspond with current legislation?
- Who should respond to the specific facts related to the issue, who has the expertise to regulate the issue?
- Is there a problem with the mentality of Georgian society?
- How to solve the issue, using the state methods or should the alternative approach be found, which will result in a more effective way of solving the problem?

² Official statement by the parliamentary opposition, the 26th of August, 2013

2. Recommendations

To the Patriarchate of Georgia, Georgia's executive, legislative and judicial authorities, the editors of mass-media

To the Patriarchate of Georgia

Recommendation #1 - It is important that Patriarchate of Georgia focuses on and strengthens the interreligious group, which will enhance the relations between the representatives of different religions, which will contribute to the efficient resolution of problems, and raise awareness about the important issues related to religion.

The Interreligious group should not allow the existence of any kind of conflict on religious grounds in Georgia. It should respond adequately to the external forces who might try to escalate confrontations between the believers of different religious groups.

Recommendation #2 – The Patriarchate should conduct an institutional dialogue with different religious groups and should establish an educational program, which could contribute to tolerance and freedom of religion. In addition, It is possible to create a communiqué by the guidance of the Patriarchate which can become the first document able to prevent any conflicts on religious grounds in the future.

Recommendation #3 – The Georgian Church should continue to strengthen and raise civic education. At the same time, it should not be involved in the decision-making process, which is under the competence of the state and is not regulated by the church established rules.

To the government of Georgia

Recommendation #4 - The Government should ensure that proportionate, fair and legal decision-making, which does not violate citizens' religious feelings and fully protects the constitutionally guaranteed right of freedom of belief and religion. It is the obligation of the Georgian government to ensure the effective investigation and to act under the current laws when it comes to the people found guilty in the incidents which happened in October, November 2012 and August 2013. The selective approach is unacceptable which cannot ensure restoration of justice. In addition, the government should take effective steps to prevent the violation of the rights of religious minorities, in order not to have such criminal acts as we have already seen in previous five cases.

The Ministry of Regional Development and Infrastructure of Georgia should encourage local authorities to pay more attention to issues occurred in their regions and not to allow the existence of any kind of conflict on religious grounds.

The government should fulfill its positive obligation and instantly intervene in every situation in order to ensure the effective use of freedom of religion.

Recommendation #5 - The government should examine and determine the qualification of its employees. It is unacceptable for a public servant or a public authority to be an unqualified person who is not guiding by the applicable laws when making decision but instead and makes priorities in favor of traditional approaches.

To the parliament of Georgia

Recommendation #6 - The Parliament should improve the legislation protecting the freedom of belief and religion and it should create/import the international standards/practices, which on one hand will protect the rights of religious minorities, and on the other hand, which will make stricter sanctions against unlawful actions. In addition, it is important that a legislative body prepares a legislative proposal, which determines, verifies and makes it clear how to regulated the building of religious and cult buildings.

To the courts of Georgia

Recommendation #7 - The court authorities should exclude a selective attitude concerning the rights of religious minorities and they should establish decisions on the evidence and factual circumstances. It is unacceptable to have the loyal approach, which is based on opinions of public and not on the laws.

To the editors of mass-media

Recommendation #8 – The heads of mass media should provide balanced and accurate information when the report is about the rights of religious minorities.

The media should not promote spreading of the "hate speech" towards religious activities and worshipers. Media should exercise special attitude to represent ethnic and religious diversity. Media should instantly correct the mistakes made intentionally or unintentionally.