



The Human Rights Organizations Respond to the Government's decision on the abolition of the State Agency for Religious Issues

The Human Rights Organizations respond to the initiative of the Government of Georgia on the closure of the State Agency for Religious Issues and integration of its functions of supporting reconciliation and civil equality into the State Minister's Office. The signatories believe that the decision relates to the criticism repeatedly expressed towards the State Agency for Religious Issues. However, we urge the Government to expand the process beyond formal structural changes and substantially revise the governmental policy on freedom of religion.

In 2014, the creation of the State Agency for Religions Issues (the Agency), as well as, its subsequent activities, was widely criticized by local and international organizations working on human rights, as well as, religious organizations. At the initial stage, the creation of the centralized bureaucratic unit with the lack of participation, as well as, the draft of the strategy document presented by the Agency and the past experiences of its leadership, raised doubts whether the agency would enhance security and control-based approaches in terms of protection of freedom of religion and support regressive experiences. Over the course of last 4 years, the results of the assessment of the activities of the Agency have largely proved the above-mentioned, including:

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- The Agency, including through funding of religious organizations and providing benefits, sought to gain the loyalty or control of religious organizations, which, in some cases, resulted in the grave social consequences of alienation between the local community/parish and the formal religious institutions;
- Despite functioning under the Prime Minister and the direct mandate of regulating conflicts, the Agency was unable to provide a fair solution to the current religious disputes. The human rights situation has not been properly restored for the Muslim community in Samtatskaro, Mokhe, Kobuleti;
- The funding of four religious organizations, which constituted an important component of the Agency's activities, was problematic due to discriminatory content and non-secular payment and spending control attitudes and contained the high risk of interference in religious affairs of religious organizations. The existing practice of funding has not been reviewed, despite the criticism;
- The practice of the Agency of a temporary transfer of property rights to some religious organizations of already operating religious buildings, cannot be viewed as returning of the property confiscated in the Soviet era (restitution), since the State has not expressed its will to return the property to the non-dominant religious groups and the process has not been regulated at the legislative level. Moreover, despite certain obligations described in the Human Rights Action Plan, the Agency did not create a policy document that would define a restitution policy vision. Notwithstanding a number of disputes and recommendation, the Government has not found the ways and mechanisms of solving the issue of disputable historical buildings. Disputes over the confessional origin of the historical building in Mokhe, as well as, the arbitrary transfer of the historical Armenian church in Tbilisi to the Patriarchate without any study, are a result and clear examples of the existing discriminatory and arbitrary policy;
- In the process of issuing the construction permit for a religious building, the so-called advisory role of the Agency became a weapon the State [] interfering with the freedom of religion and restricting the secular rule of the construction process. Under these conditions, for example, Muslim communities have not been able to build a new mosque in Batumi for years. Despite the mediating mandate, the Agency failed to even formally play the role of positive and human rights support body in the process

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of construction of a new mosque in Batumi;

- Despite the obligation to conduct research, the Agency has not created a comprehensive document on the right to freedom of religion, which would reflect the challenges, needs, concerns, and interests of the non-dominant religious groups. The Agency never became a place for the democratic and free participation of religious organizations;

- Despite the mandate of working on revision of the legislation, the Agency has not recognized the existence of discriminatory recordings in the legislation, which had been noted by the Public Defender and other respected international organizations on several occasions and which was also proven by two most important decisions of the Constitutional Court of Georgia on July 3, 2018.

- Awareness raising activities organized by the agency were fragmented and failed to substantially facilitate the establishment of religious neutrality and equality principles in public service, and at the same time, the organized campaigns included the signs of a hierarchy of religious organizations;

- Despite a number of recommendations of international and local organizations, the Agency failed to create platforms for cooperation with the Council of Religions of the Public Defender and to plan and direct its own policies based on democratic principles.

It is unfortunate that despite the existing challenges of freedom of religion, which once again raises the issues of the political and social exclusion of non-dominant religious groups, these issues have not been properly included in the Government □ agenda, and there has been no proper response. The issues relating to freedom of religion were essentially delegated to the Agency, which, considering its problematic approaches, further limited the possibilities of changing the attitudes to be more human rights and equality-based.

Taking into consideration the above mentioned criticism, it is clear that the problem is not only the existence of a centralized, non-participatory institutional agency in the government, but also its strategy and approaches that the government should review and change substantially.

For this purposes, the signatory organizations call on the Government and the State Minister for Reconciliation and Civil Equality to hold intensive consultations with the Public Defender and Council of Religions, as well as, with human rights organizations on the ways of overcoming the challenges

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of the freedom of religion and the forms of organizing the participation process within the Minister's Office itself.

Signatory Organizations:

Human Rights Education and Monitoring Center (EMC)

Tolerance and Diversity Institute (TDI)

Article 42 of the Constitution

Georgian Democracy Initiative (GDI)

Georgian Young Lawyers Association (GYLA)

Woman Initiative Support Group (WISG)

Equality Movement

Media Development Fund (MDF)

Partnership for Human Rights (PHR)

Sapari

Human Rights Center

Religious Dialogue For Peace