

**International Convention on the Elimination of All Forms of Racial Discrimination
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**Supreme Religious Administration
of Georgia's All Muslims**

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- 1.** Freedom of religion is protected and supported by Georgian constitution and other international legal acts.

Freedom of thought, conscience and religion are consist of freedom, having peoples' religious beliefs, changing own religion and beliefs, practice of his religion and beliefs alone and with others, obviously or personally performing worship, trainings, religious and ceremonial rites. The same issue along with providing of human rights and freedom constantly in the spotlight of government bodies, religious, social, human rights organizations because of playing an important role for strengthening freedoms of society, preserving its cultural and spiritual heritage, consolidating of peace and justice among citizens.

The field which is protected by 19th item of Georgian constitution consists of peoples' internal religious beliefs, at the same time freedom of external religious faith and these rights that belong to each person.

In addition to intervene of taking advantages from religious freedom, at the same time government has the obligation to use this law effectively.

19-th item of Georgian constitution consider that if it violates others' rights when you will use, it is admissible to interfere the branch which is protected by the same item.
- 2.** “LEPL Supreme Religious Administration of Georgia's All Moslems”

which has prepared the report welcomes official position of Georgian Government aimed to protection of rights of religious minorities and efforts to fulfill its international obligations in this branch and in the last years to make numbers of positive changes to national legislation and international policy.
- 3.** Our purpose for the report is use other resources which are different from both impartially and officially view explain the condition of religious communities who live in Georgia, to bring to the attention of international organization who are interested in exploring problems of Muslim communities.
- 4.** At the current reports it has been investigated that approach to the concept of “The protection of religious minorities”, religious diversity and fundamental opportunities to describe its status, problems of specific persons which are existed or will be exist, causes of these problems, at the same time solution of problems. The same issues are divided into 4 group at this report:

- 1) Facts about exposure to the discrimination because of religious affiliation.
- 2) Regulatory laws which lead to the discrimination, administrative events and experience.
- 3) Regulatory laws which give a chance to exist or will happen disproportionate, inconvenient impacts, administrative events and experience.
- 4) Norms which don't give a chance for disproportionate impacts, but are being accepted as a danger for religious minorities and can make sense of enmity and estrangement for people who belong to different religious affiliation, events and experience.

5. Following sources of information have been used in this report:

- a) Private practices;
 - b) The materials which have been published in the mass media.
 - c) Reports, information and statements of organizations which have been established on the ethical basis.
 - d) Complaints of people who consider themselves as victims of discrimination and apply for human rights and others non-governmental organizations.
 - e) Analysis of the legislation.
 - f) Official statistics.
6. We deeply respect to Orthodox churches and as well as the holy books which are representing all of the religious confessions as "LEPL Supreme Religious Administration of Georgia's All Moslems". Our goal is not to limit the rights of people who connected with Autocephalous Orthodox Church of Georgia, perhaps to achieve equal treatment for all religious confessions as a temporal and a democratic state which has an inevitable pluralism and tolerance.

Analysis of the implementation of the legislation and the law.

1. The government accepted that Georgia's strategy about protection of human rights and act plans, which is one of the issue is included to the events is the freedom of trust and faith and protecting rights of religious minorities.

The State Agency for Religious Affairs of LEPL was established in that time. On the other hand financial aid had been given to 4 religious unity partial payment of damages during Soviet period. It has been extended Islamic, Jewish, Roman Catholic, and Armenian Apostolic confident religious associations which have been registered as a legal entity until 27th January 2014 by the decision No. 117. But though that when we investigate the issue either in terms of national legislation or in terms of the analysis of political realities we can see the situation is not desirable in the field of freedom of conscience and religious minorities.

According to the Georgian Constitution (9th item) which has accepted in 1995, government accept that an incredible role of Orthodox Church in Georgian history. At the same time government declares that the church does not depend on the state and freedom of faith exactly has been provided.

2. Georgia is the only country in the former Soviet Union where the law about religion or religious communities has not been accepted. Because of that religious communities have major problems. We will discuss these issues bellow.
3. The concordat which called "Constitutional agreement between the Georgian government and the the Georgian Apostolic Autocephalous Orthodox Church" was signed in 14 october 2002. In connection with the preparation for the signing of this agreement Parliament has accepted the law which called "Amendments to the Georgian Constitution ". Accordingly the second part which regulates the special status of the Orthodox Church has been added 9th item of the Constitution. But in despite of quite positive sides of concordat and the attitude of the Government to the particular

religious community It should be known that other religious communities where are being represented minorities don't sign that concordat or any other document regulating relations between the state and religious communities. It forms that non-neutral and unequal relationships between the state and the dominant religion compared with relations between the state and religious minorities. We enumerate some of unequal rights:

- 1) State and church have the rights of conclusion of agreements in the purpose of to realize issues of mutual interest of the state and the church in various areas. However relations between Muslims are regulating in non-equal conditions.
- 2) Private and other property rights of church are protected by law. To include any property to its private property has not been forbidden by the Georgian legislation. But the fate of the property of Muslim communities and mosques are not known and though that mosques have been registered as private houses, they have been not given any official status. There are more than 250 mosques in Georgia. Most of them have been included to the property of the state since 2011 by the Ministry of Economy as unfit property. Though that it has been claimed that in the reports of state agency for religious affairs which is about its activity in 2015, some of mosques after registration was given back to Muslims by government, but it is not true as mentioned. So mosques have been given to "LEPL Religious Administration of Georgia's All Moslems" which has been created with participation of its officials during 49 years by the government. And it has called to documentation of mosques and giving to Muslims.
- 3) Preparation , transportation, delivery of items which are produced in church and used for worship and donations, at the same time church-owned property and land which are not used for economic purposes are free taxes. But these situations don't belong to muslims. Generally tax inequality is common between Orthodox Church and other religious minorities. But it does not comply with ^{14th} item of the Georgian constitution. Because of other religious communities have been obliged to pay value-added, income and property taxes unlike the Orthodox Church, 8 religious organizations have complained with appeal application to the Constitutional Court of Georgia for the norms about the discrimination of religious minorities because of taxes. These religious organizations are following:

1. Apostolic Administration of Latin Catholics Caucasus.
2. Evangelist-Baptist Church of Georgia.
3. Muslim Association of Georgia
4. The belief Saxareba (the Bible) church of Georgia.
5. Life- word church of Georgia.
6. Holy Trinity Church
7. Church of Jesus
8. Adventist christian church of seventh day

Note that organizations which have mentioned in constitutional court are represented by Tbilisi Free University and Tolerance and Diversity Institute (TDI).

- 4) Government with the consent of church permit or give a license to use of official terms and symbols of church, to production and delivery of items which are used for worship. But there is no such kind of norm which are being regulated activities of Muslim communities.
- 5) Government recognize all properties in Georgia - Orthodox temples, monasteries (acts or not to act), ruins, at the same time land where they are located. But at the same issue though that 4 organization have been registered Georgia gives all mosques, worship houses and other properties which was founded by their officers "LEPL Religious Administration of Georgia's All Moslems".
- 6) The government protects mystery of repent of the church. Chaplain has a duty not to aware information to anyone that entrusted to him as a religious officers. It is clear that the issue belongs to Muslim clergyman but it is uncertain how the situation has happened

- 7) Government recognize church marriages which are regulated by the legislation. In the legislative context these marriage contracts are used as a document which has been registered by government. The government does not accept marriage contracts of muslim which are called "spiritual marriage".
4. 4 muslim organizations have been registered as well as LEPL, the government did not carry out its decision No 117 in a fair way. So we had a letter from "LEPL The State Agency for Religious Affairs" on 4th November 2014 that to establish representation council from LEPL fledged facilities which are belong to Muslim community. In response we expressed our satisfaction about it after some days, on 4th November 2014. Although the agreement response we had not been considered. So the government illegally take a side of people who are not belong to this field and "LEPL Religious Administration of Georgia's All Moslems" which have been created by the constituent of its officers in 8th of august 2011. But the government haven't interefered in religious miniorities in such kind of issue. We also wrote letter of protest to "LEPL State Agency for Religious Affairs". Because of our letters remained unanswered on 31st march 2015 we complained to the court as "LEPL Religious Administration of Georgia's All Moslems"
5. Orthodox Church, the Roman Catholic Church and the Armenian Apostolic Church, despite the fact that they are members of the Christian religion, they are separately highlighted in the law N 17, but though that there are 2 traditional sunnu and lthna Ashari Shia who believes in twelve Imam, they are called just "Moslem" as a term. We took into account losses of these issues as "LEPL Supreme Religious Administration of Georgia's All Moslems" and because of reforming of the issue we sent a letter to the President, Prime Minister and Parliament. But though that the issue remains unsolved.

The problems about educational issues.

The situation in the field of education is not sufficient in Georgia. The problems of religious minorities in this field occur because of both cavity law and impatience against followers of religious minorities. Thus, the government and the church has the authority to carry out in joint programs in the field of education. The state allows work of church education institutions. On bilateral and equal basis between the Government and the church accept document of education, pensions, rank of appropriate educational institution, but though that state doesn't create good condition for Muslim educational institutions, along with it does not recognize the document of Muslim religious educational institution and doesn't accept their equality with others. The above-mentioned cavity law is still unsolved. So we sent a letter No. 21 dated January 22, 2016 to the government as "LEPL Religious Administration of Georgia's All Moslems" in the current year for permitting of activity of religious educational institution. In response to the letter dated 22 February 2016 was reported to us that only activity of religious education institutions which belong to the church are allowed. In addition, there is atmosphere of discrimination because of religious diversity. So intolerance is observed of most educators against the followers of other religious faiths as a result of the dominance of the Orthodox in Georgian public schools.

Cases of discrimination and intolerance

When we glance to the situation of Muslims in Georgia in the past five years we can see they are discriminated either by authorities or by local population in different forms. Restrictions are not for public order, health or morals, defense other peoples' rights and freedom, they have been introduced because of religious miniorities, especially silence and conservative interests of Muslim community. On the other hand intolerance against muslims has been observed by followers of the christian religion, and now the situation continues as it was.

We will give several examples below:

Chairman of the Union of Georgian Muslims Tariel Nakaidzenin talked about intolerance against Muslims in western Georgia in 2011, 2012 and 2013 years. He said that: "Orthodox priests obviously demonstrate aggression against other religious groups in the country. The facts of discrimination against other religions, -Islam and Catholic religions- often occurs in Georgia. Official statements made by the Office of the Patriarch mosques put forward the idea. In this approach, the Orthodox Church is trying to dislodge the Georgian muslim community by psychological pressure. Liturgy speech against built of the mosque in Batumi on march 4, 2011 is interpreted as discriminatory attitude on religious content. This event encouraged the Orthodox monks by Georgian Orthodox clergymen. It has created wave of xenophobic by graffiti writing form on the walls in Batumi – "Batumi without Turks", "Adjara region without 17 mullah". Religious intolerance become more open in october, november 2012. Orthodox clergymen made speech against the muslim community in Nigvziani, Tsinstkaro regions and Lantchuti district. Some locals of Nihviziani region with Orthodox clergymen protested muslims come together to worship in the mosque on traditional friday. Orthodox clergymen tried to stop meeting of muslims in their private house which had been used as a mosque or meeting house with extreme intolerance and abusive action in 26 october and 2 december 2012. They entered the house by force, called people to leave, otherwise they said that they will fire the house and it will be dangerous for lives of Muslims. The same movement happened in Samtatskaro region Dedoplistskaro district in 24may 2013. Local Muslims gathered in the house where they would worship on Friday. Orthodox clergymen under the leadership of the head of the village who is named Gulo Nadirashviliforced forced the muslims to leave the house where they had gathered. All Islamic literature and praying carpets were removed from the house. The worship of local muslim population and community was prevented for the next friday".

Tariel Nakaidzenin continues to explain th issue: "Previous speeches were more religious in nature, so they were the heads of the Orthodox. But then the speeches attracted those who represent the social structure. The head of Dedoplistskaro informed that "There is no need to built a mosque here because most of the population of the village are christians. I can't not go against the wishes of the people, their wishes are important". Speech of public figure made things worse. Mullah is Mullah occupies an important place in Islamic thought . The problem of Tsintskaro and Nigvziani region was resolved between two sides by negotiation. Though that some people had been questioned but the government did not did not show any legal position. But no one had been accused or convicted because of acts against muslim community".

Tariel Nakaidze said referring to other aspects of intolerance: "A sense of impunity gave a boost to the situation of attack and violence which happened in April of current year and police took action against muslim community. When the accident happened he police asked from those who passed there that if they are Muslim or Christian or if they carry the cross or not. People who was not bearing cross they were physically assaulted. Another problem was due to headscarfs what women wear. 2 accident took place in May. One of them happened in Georgian-Turkish border checkpoint. So police officer demanded opening the hijab from Georgian muslim woman. Otherwise, he threatened he will put a ban for entering the country. The conflict ended with the intervention of other police officers. A similar incident took place in a private company where Georgian muslim woman was working. She was dressing suitable for work during working hours, but after the work she was tying hijab according to Islamic habits. In May 2013 manager had forced her came back to the office and took of her hijab by force and informed that they will free work if she continues to wear hijab. There are also many problems with public schools. Most of teachers demonstrate physical and moral pressure to pupil who are not Orthodox christian. As a result of religious intolerance teacher cut through the ear of catholic christian pupil in school in Akhaltsikh. At one of the publich school of Batumi one pupil incurred to physical violence in the confession day which called "Adventists of the 7the day". Childrens of muslims are called tatar, children of other christian

beliefs are called "sects" or other names. At the same time teachers demonstrate pressure to pupil who speak in other language. For example, some teachers say that "Religion of Islam was spread by force and no one can be a Muslim in Georgia".

2. Chala village: There was attempted to demolish the minaret of mosque by people belonging to the government in 2013 in Chala village of Adigeni region of Samtsxe-Cavaxeti district. For to avoid this initiative muslims were not allowed to enter to the courtyard of the mosque and at the result there was confrontation between police and local residents and 20 persons were caught .
3. Kobuleti: Intolerance and violation of the law against muslims continued in 2014 too. So on 10th September 2014 local residents who have christian beliefs protested opening dormitory of muslim children which is situated in Kobuleti, Lermantov street N 13. Instead they cutted pig that growing and eating has been forbidden in Muslim culture and hang his head on the door of the dormitory at the entrance. The protests did not end in next days again They blocked the road which leads to the school and they did not let pupils to go in 15-16 September, 2014. According to the Georgian legislation opening of dormitory does not need special permit or license because of its purpose and content, at the same time it is not general education and not need authorization or accreditation.
4. Moxe village: On october, 2014 Moxe village of Adigen happened another inexcusable religious event. Muslim residents of the village demand to get the disputed building (local muslims say that it was mosque and holy place in ancient times) which is situated in the same village for many years. But the building has been property of self-government unity since 2007. On may, 2014 local muslims appealed Adigen municipality by the request giving the building to Georgian Muslims organization. In September 2014 electronic bidding was declared about the sale of rehabilitation works of Moxe village club. The company that won the tender began repair on October 18, 2014. Local Muslims protested construction and rehabilitation work carried out by the company on October 22. Patrol - police officers were attended to that place where accident had happened and confrontation took place. At the result 14 Muslim protesters was arrested and 11 of them was found guilty for the administrative offense by the decision of Akhaltsikhe region court. By the decision of court of appeals of Georgia (608) were released from administrative punishment. Despite the release of detainees law and crime persecution did not end against them. On 2nd December 2014 criminal law case was taken against police officer with the fact of crime signs by the first part of 333rd items of Criminal Code of Georgia. According to the information given by Tolerance of the Diversity Institute (TDI) One of the problems is that often experienced by representatives of the Muslim community that to encounter with obstacles when passing from Georgia Sarp border checkpoint.
6. One of the other facts of intolerance was recorded between christian and muslim Georgians in Adigeni region in Samsxe-Cavaxeti district in this year. The cause of confrontation and intolerance by christian Georgians are allocation spaces for cemeteries of muslim community by the State Agency on Religious Affairs. 3 muslims were beaten in the confrontation.
7. At present one of the other discrimination cases is plunging crosses made of iron in Muslim villages. We can say as an example Marneuli region of Kvemo Kartli territory. Especially Down Saral, Shulaver and Guschu villages.

Recommendations:

1. To adapt national legislation in the country to the Georgian Constitution according to the international norms and the Human Rights Convention.
2. To remove giving priority to other religions and religious communities by the government by indicating exactly borders between the state and religion in democratic countries.
3. To pay special attention to the discrimination of followers of religious minorities and religious community by representatives of the state and people.

4. To create special events for preserving culture and religious monuments of muslims who are regarded as the biggest community among religious minorities who live in Georgia.
5. To ensure the development of a dialogue between the authorities and religious communities.
6. To form respect against pluralism, tolerance, cultural diversity and to form deep culture of thinking by taking into account the cultural diversity of religious minorities and religious majority, promoting the importance of respect for different cultures and religions and for that purpose to organize special courses for employees of government agencies at the integration process for what the state is working hard.