

**Statement of the Analytical Center on Interethnic Cooperation and Consultations (Georgia)
at the OSCE HDIM on 26th of September 2016 at the working session «Tolerance and non-
discrimination I, including address by the OSCE High Commissioner on
National Minorities»**

Analytical Center for Interethnic Cooperation and Consultations is an an NGO working in the field of tolerance and anti-discrimination.

Unfortunately, fight against the discrimination is still one of the most important challenges to Georgia. The adoption of the Law on the Elimination of All Forms of Discrimination is a step for the country but implementation of this law entail real impediment for minorities to exercise exclusion of discrimination, feel protected and equal. Gaps in the implementation of this law hinder the victims of discrimination to effectively remedy their infringed rights. The 57 % of the pending cases on discrimination before the Public Defender of Georgia deal with public sector and 43 % - deal with the private sector. 15 % of the complainants argue about the discrimination in labor relations on the ground of political or other opinions; sexual orientation and gender identity is referred to as ground of discrimination in 11% of disputes and the same is true for discrimination on the ground of religion and faith. The following grounds of discrimination – disability, gender, belonging to the national or ethnic minorities – each is claimed by the 10 percent of complainants.

Last year did not show any improvement from the perspective of full enjoyment of the freedom of religion by the minorities. The main problem in the field of freedom of religion still remains investigation of religiously-motivated hate crimes, identification of the motive of hatred in the course of investigation and due legal qualification of the offenses. Moreover, in some cases, prompt response to the religiously-motivated hate offenses is also problematic. Individuals who participated in the acts violating the rights of Muslims in various regions of Georgia in 2012-2014 were not prosecuted until now.

This year, the Georgia witnessed dozens of cases of verbal and physical abuse of the Jehovah's witnesses. The facts of damage and destruction of the Kingdom Hall and religious literature also took place.

Problem of ownership of the disputed religious premises still remains. Despite the fact that some time passed after establishing the so called Mokhe Commission by the Agency of Religions, the outcomes of the study on the ownership of the disputed building in Mokhe village still remains unknown. Conflict between local Muslim and Christian communities over land for cemetery in a small village of Adigeni in Samtskhe-Javakheti region grew into a physical confrontation. Three locals from the Muslim community sustained injuries.

Human rights groups and public defender said that the authorities' failure to respond properly to previous cases of violent incidents on religious grounds is contributing to reoccurrence of such cases.

This is the third major incident on religious grounds in the Adigeni municipality since 2013. A minaret was forcibly removed by the authorities from a mosque in the village of Chela in August 2013, sparking protest of local Muslim community; the minaret was re-erected three months later. In October, 2014 dispute over a partially destroyed building in the village of Mokhe led to confrontation between local Muslim community and the police.

In a recent periodic report on Georgia, European Commission Against Racism and Intolerance, said that the authorities have "not taken adequate measures to deal with religious intolerance" and also failed to enforce the law to safeguard the rights of religious minorities. It reveals the fact that full exercise of the right to religion is problematic, there are particular problems with acquisition of the construction permit for religious buildings, ownership on the disputed religious buildings, and discrimination on the ground of religion in the public school education system and enforcement of the requirements of the Law on General Education, effective investigation of alleged crimes motivated by religious hatred.

There are also some major problems in case of political participation of ethnic minorities, as far as they do not have access to the social and political lifts, do not master state language to the full extent and are rarely accepted on the first positions in the party lists. Another problem is absence of the qualitative informational products in minority languages. All mentioned above prevents ethnic and religious minorities in Georgia from full fledged civil integration.

Thus we recommend to the government of Georgia to ensure full compliance to the obligations undertaken by the country within the OSCE Human Dimension framework and ensure protection for the minorities in the country. We recommend to the OSCE High Commissioner on National minorities to continue its monitoring and outreach work in the country and reinforce ties with the ethnic minority CSOs.