



EMBASSY OF GEORGIA TO THE REPUBLIC OF AUSTRIA
PERMANENT MISSION OF GEORGIA TO THE OSCE AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

OSCE Human Dimension Implementation Meeting
Warsaw, 27 September 2011

Statement of the Georgian Delegation

Session 2: Fundamental Freedoms I, including
Freedom of thought, conscience, religion or belief

Dear Colleagues,
Ladies and Gentlemen,

Georgia proclaimed protection and promotion of human rights as one of the founding principles of its domestic and foreign policy. Freedom of thought, conscience, religion or belief, as fundamental human right, was and is guaranteed by the Constitution of Georgia. The constitution recognizes the special role of the Georgian Orthodox Church in the country's history but also stipulates the independence of church from the state.

The criminal code specifically prohibits interference with worship services, persecution of person based on religious faith or belief, and interference with the establishment of a religious organisation. Violations of these prohibitions are punishable.

About 20 religious organizations were registered as non-profit legal entities in accordance with the Georgian legislation. However, certain traditional religious communities demanded a privileged treatment, which would have been different from non-traditional religious groups, and therefore refused to register under the existing legislation.

On July 5, 2011 the Civil Code of Georgia was amended to allow registration of religious groups as religious associations. In order to ensure non-discriminatory approach, the amendments set down objective and common sense criteria of eligibility. In particular, religious groups recognized as religious organizations in members states of the Council of Europe or having close historic ties with Georgia are able to acquire the status of religious association.

To provide even more flexibility and inclusiveness to the process of acquiring legal status by religious groups, the Civil Code provisions allowing them to register as non-profit legal entities of private law were left intact. It is therefore up to a religious group to decide whether it wants to be established as a legal entity of private law (non-profit association) or as a legal entity of public law (religious association – this was the status exclusively applicable to the Christian Orthodox Church before the Amendments). In either case, it will retain flexible and fully autonomous management structure (strict regulations prescribed for legal entities of public law will not apply to religious associations) and will be eligible for all benefits provided by the Georgian legislation.

Thank you.

Article 1509¹. Registration procedure of religious associations

Religious associations can register as legal entities of public law.

First paragraph of this article does not restrict the right of religious associations to register as non-profit (non-commercial) legal entities as defined by this Code, as well as to operate as nonregistered unions as defined by this Code.

Religious associations are registered by the National Agency of Public Registry - legal entity of public law operating within the field of governance of the Ministry of Justice.

The National Agency of Public Registry - legal entity of public law operating within the field of governance of the Ministry of Justice – is authorised to register as legal entity of public law the religious group, which has close historic ties with Georgia or which is recognized as a religion by the laws of members states of the Council of Europe.

The law on Legal Entity of Public Law does not apply to religious associations registered as legal entities of public law.

The procedure for the registration of non-profit (non-commercial) legal entities extends to the registration of religious associations as provided by the first paragraph of this article.