

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The Joint Statement of Civil Society Organizations on the Initiative of the Organization “Identity”

The state obligation to ensure individuals' right to adequate housing is often violated in Georgia. The state policy to solve the extreme form of poverty - lack of shelter, has not been elaborated so far. Such persons even fall short to receive social vulnerability status, since the law requires indication of the permanent place of residence from them. For the past years media regularly released information about homeless deceased from winter frosts. In view of state's failure to carry out its obligation in

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terms of homeless persons, NGO “Identity” decided creation of the shelter with an intent to gain experience in the field and share it with state authorities in future. Along with shelter, the organization was supposed to offer nutrition, psychological, medical and legal aid and employment to beneficiaries.

We regret that high state officials refrained from supporting the initiative and made incompetent statements. As far as the Georgian and International Law does not envisage any such restriction, the statement of the head of Human Rights and Civil Integration Committee, Eka Beselia about the state’s exclusive right to open the shelter, is incorrect (“Kronika” 12.11.13 20:35).

We opine that her comments (“if anyone wants to make a kind deed, it should be done without violation of law” and “I am sorry, but there is state order”) apart from being legally unreasonable, require deliberation. It is unclear why the initiative was criticized by a person with such a responsible status and why her intimidating statement in the direction of “Identity” had no relevant response.

To our regret, none of the government representatives have expressed their opinion on the ideas voiced by clergymen such as: establishment of the faction in the Parliament with a religious sign; nomination of clergyman for public defender; copy right of the church in making good deeds and etc.

Allegations of the Minister of Health, Labor and Social Protection of Georgia David Sergeenko on “Identity” violating two International Conventions lack legal reasoning as well. Moreover, discussions on deinstitutionalization and street children were out of place when the initiative of the organization was only directed to homeless individuals and families. The minister has not provided any explanation of the reasons for misleading the public.

The position of the Orthodox church, demanding prohibition of “Identities” participation in resolution of the problem of homeless is also alarming. “We will not mercy anyone” reports the statement of the secretary of the patriarch. The official statement of the patriarchate also reiterates that “Identity” intends to set up a shelter for street children,” however, it was never declared by the organization. Patriarchate fails to justify both reasonably and legislatively why the organization “Identity” should refrain from the initiative. Deliberate act of religious organization to isolate the organization “Identity” and LGBT individuals from public, to abuse them physically

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and threaten them with physical destruction, is especially frightening. With such conduct, the Orthodox Church grossly violates universal human rights, while the state's response to all these is negligent silence.

We, the civil society organizations are confident that such initiatives are decisive in uniting public and building peace in the society and condemn the campaign carried out by political officials and representatives of patriarchate against "Identity". In view of this we demand from the relevant state organs adequate response on the declared violence and threat, whoever the author could be.

Moreover, we urge the state to fulfill its obligations and to take care of setting up shelters for homeless within reasonable time. We welcome any initiative of each individual or organizations in terms of establishment of the shelter, appreciate support of the public defender's office and the Ministry of Justice and declare that construction of the initially declared shelter will continue. In the nearest future, civil society organizations, in cooperation with "Identity" will submit the action plan for resolution of the problem of homeless individuals.

Undersigned organizations:

- 1) *Georgian Young Lawyers' Association (GYLA)*
- 2) *International Society for Fair Elections and Democracy (ISFED)*
- 3) *Georgian Social Agents' Association*
- 4) *Georgian Center for Psychosocial and Medical Rehabilitation for the Victims of Torture (GCRT)*
- 5) *Article 42 of the Constitution*
- 6) *Transparency -International Georgia (TI-Georgia)*
- 7) *Georgian Democracy Initiative (GDI)*
- 8) *National Democracy Institute of Kurds*
- 9) *Union "Safari"*
- 10) *"Multilingual Georgia"*
- 11) *LGBT Georgia*
- 12) *ALPE foundation*
- 13) *Human Rights Education and Monitoring Center (EMC)*
- 14) *GRASS*
- 15) *Media Development Fund (MDF)*

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16)NGO "SIDA"

17)Multimedia Group Reactor

18)Identity

19)Tolerance and Diversity Institute (TDI)

Individuals:

Tamar Gurchiani - Human Rights defender

Nino Danelia - associated professor

Lela Rekhviashvili - political science expert

Keti Devdariani -screen writer