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Georgia

International Religious Freedom Report 2007

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The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The status of respect for religious freedom by the Government continued to improve during the period covered by this report, and government policy continued to contribute to the free practice of religion in most instances.

Attacks on religious minorities, including violence, verbal harassment, and disruption of services and meetings, continued to decrease.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. The U.S. Embassy funded several projects to foster religious tolerance.

Section I. Religious Demography

The country has an area of 25,900 square miles and a population of 4.4 million, including the separatist regions of Abkhazia and South Ossetia.

Most ethnic Georgians (who constitute more than 80 percent of the population, according to the 2002 census) at least nominally associate themselves with the Georgian Orthodox Church (GOC). Non-Georgian Orthodox groups accept the territorial jurisdiction of the GOC and generally use the language of their communicants (e.g., Russian, Armenian, or Greek). There remain a small number of mostly ethnic Russian adherents from three dissident Orthodox schools--the Molokani, Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers). Membership in the GOC continued to increase.

The Armenian Apostolic Church (AAC), the Roman Catholic Church (RCC), Judaism, and Islam traditionally have coexisted with Georgian Orthodoxy. Some religious groups are correlated with ethnicity. Azeris comprise the second largest ethnic group (approximately 285,000, or 7 percent of the population) and are largely Muslim; most live in the southeastern region of Kvemo-Kartli, where they constitute a majority. Armenians are the third largest ethnic group (estimated at 249,000, or 6 percent of the population), comprising the majority in the southern Samtskhe-Javakheti region, and largely belong to the AAC.

Approximately 10 percent of the population is at least nominally Muslim. There are three main Muslim populations: ethnic Azeris, ethnic Georgian Muslims of Ajara, and ethnic Chechen Kists in the northeastern region.

There are an estimated 35,000 Catholics, largely ethnic Georgians or Assyrians, and 18,000 Kurdish Yezidis. The ethnic Greek Orthodox community numbers 15,000 members. There are an estimated 10,000 Jews in the country. Protestant and other nontraditional denominations have become more active and prominent but comprise less than 1 percent of the population. The number of atheists who openly declare themselves as such is also less than 1 percent.

Several foreign missionaries from various religious groups are present.

Section II. Status of Freedom of Religion

Legal/Policy Framework

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution recognizes the special role of the GOC in the country's history but also stipulates the independence of the church from the state. A 2002 concordat between the Government and the GOC also recognizes the special role of the GOC.

The Criminal Code specifically prohibits interference with worship services, persecution of a person based on religious

faith or belief, and interference with the establishment of a religious organization. Violations of these prohibitions are punishable by fine and/or imprisonment; violations committed by a public officer or official are considered abuse of power and are punishable by higher fines and/or longer terms of imprisonment.

The Human Rights Protection Unit in the Prosecutor General's Office (PGO) legal department is charged with protecting human rights, including religious freedom. The Ministry of Internal Affairs and the PGO remained active in the protection of religious freedom, but some groups demanded greater activity. The President and the Ombudsman were effective advocates for religious freedom and made numerous public speeches and appearances in support of minority religious groups, although not all minority groups were satisfied with all aspects of their activities.

All major Orthodox holy days are state holidays. Although legislation does not mandate respecting the holy days of other religious groups, there were no formal complaints of illegal or improper social constraints on the observance of alternative religious holidays by other denominations.

Religious groups may register as either unions or foundations. A union is based on membership (a minimum of five members is required), while a foundation involves one or more founders establishing a fund for furtherance of a certain cause for the benefit of the particular group or the general public. In both cases registration is a function of the Ministry of Justice (MOJ), which must grant or deny registration within 15 days of application; a refusal may be appealed in court.

Public schools offer an elective course on religion in society; however, the course deals exclusively with the theology of Orthodox Christianity, and the primary textbook approved for use in the course focuses on Orthodox Christianity to the exclusion of other religious groups. To address this, the Ministry of Education (MOE) began developing a curriculum for the course pursuant to a memorandum signed by the GOC patriarchate and the MOE in 2005. Although the MOE formed a joint working group toward this end, it included representation only from the GOC. The working group suspended activity in early 2007 without effecting any changes to the curriculum.

At the same time the MOE continued a separate project of textbook development to replace older textbooks that contain themes or materials considered inappropriate under legislation promoting freedom of religion. The new textbooks include materials on religious groups other than the GOC and discuss various religions in a neutral fashion. During 2007 new textbooks were scheduled to be introduced for grades 1, 7, and 10; in subsequent phases new textbooks were to be introduced for the other grades. In the national curriculum, schools must teach religion only as a component of a generally chronological or thematic treatment of history and culture, describing religious themes, texts, and beliefs without endorsement or favor. As early as the third grade, excerpts from religious texts or with religious themes may be taught in literature courses, for instance. MOE guidance states that such texts and themes are to be integrated with civics and morals teaching to emphasize interfaith tolerance and mutual understanding. Plans called for civics curriculum guidelines to make religious tolerance an element of mandatory civics training in the ninth-grade level.

Students may study religion and conduct religious rituals after school hours, but neither a teacher nor any outside party, such as a priest, may participate unless invited by the students. Prayers and other rituals may not be conducted during school hours.

The GOC routinely reviews religious and other textbooks used in schools for consistency with Orthodox beliefs, although this review is not conducted within the government structure but rather as part of the GOC's pastoral activities. By law the GOC has a consultative role in curriculum development but no veto power.

Restrictions on Religious Freedom

The status of respect for religious freedom by the Government continued to improve, and government policy continued to contribute to the free practice of religion in most instances.

The 2002 concordat between the GOC and the state defines relations between the two entities. The concordat contains several controversial articles: giving the patriarch immunity, granting the GOC the exclusive right to staff the military chaplaincy, exempting GOC clergymen from military service, and giving the GOC a unique consultative role in government, especially in the sphere of education. However, many of the controversial articles require Parliament to adopt implementing legislation, which it had not done by the end of the period covered by this report.

There were no reports that the MOJ refused to approve applications for registration; however, some religious communities expressed dissatisfaction with the status that registration provided. The RCC and the AAC opposed registering as civil organizations, preferring to be recognized explicitly as churches or some other distinct status for a group based on religion. Several also expressed dissatisfaction with what they considered inadequate legal protection of their property rights and tax status under the registration law. In addition, they objected to the perceived favored status of the GOC under the tax laws, because it is explicitly exempt from certain taxes from which other groups are not. However, in practice the Government did not attempt to collect taxes on religious items or collect taxes from any form of religious or charitable activity, even if no specific exemption applies. The GOC itself was not content with all

tax provisions, particularly the lack of a specific tax exemption for religious bequests.

Some religious groups complained that the registration law and tax codes do not adequately provide for transferring property already owned under personal title by adherents of the group, because the property transfer tax has not been suspended for such transactions in legislation, but only by policy. Government policy on property transfer tax of religious properties is that it be left uncollected on such transactions, regardless of registration status. Since this de facto exemption was not enacted in legislation, much religious property remained in private hands.

Government authorities claimed that the registration law provides an adequate balance between the demands of religious minorities and the desire to safeguard the special status of the GOC, which is enshrined in the concordat. The Government contended that creating a specific status for religious groups per se would result in unnecessary controversy between groups over whatever definition was adopted and that the registration law leads to effectively equal treatment of religious groups. In the Government's view, the registration law is religion-neutral in that its principal concern is only whether an organization is for profit or not for profit. The Government believed it would not be able to determine what is and is not "religion" and then apply the definition in a nondiscriminatory manner. The Government further contended that registered religious groups receive substantially the same legal protection of their property rights and tax status as the GOC, although authorities admitted that there may be confusion on the part of potential beneficiaries as well as on the part of government implementers. Only largely symbolic preferences remained, befitting the GOC's status under the concordat, such as exclusion from payment of the value-added tax in the first place (versus paying and receiving reimbursement) and exemption from profit on sales of religious artifacts.

In May 2007 the European Court of Human Rights ruled against the Government for failing to protect members of Jehovah's Witnesses from violent harassment committed in 1999. No decision had been reached in a separate 2001 case brought by Jehovah's Witnesses contesting the Supreme Court's ruling that revoked the group's registration.

While members of Jehovah's Witnesses no longer considered it necessary to hold services in private homes for security reasons, they often continued to do so, due to delays in obtaining permits to build and occupy places of worship. During the period covered by this report, they used 25 buildings for small-scale assemblies but remained without access to a large-scale venue.

The PGO reported no success in its investigations of cases in which Jehovah's Witnesses were denied the use of privately owned facilities to hold religious conventions for large groups in 2005 and 2006. The PGO alleged that investigators could not identify the specific individual responsible for the denials.

Restitution of property confiscated during the communist regimes remained a problem. During the period covered by this report, the Government did not return any churches to the GOC or to other denominations, nor did it return any mosques, synagogues, or meeting halls of other religious groups. However, restoration continued of GOC churches previously returned, in part with government subsidies on the grounds that the buildings are national cultural heritage sites. The Government also provided subsidies for the maintenance and preservation of mosques on similar national cultural heritage site bases, but there was a perception among minority religious groups that state funding was not provided on a neutral and equitable basis.

Both the RCC and the AAC believed that property disputes were not resolved in a transparent legal process but rather on a case-by-case basis that distinctly favored GOC claims. For instance, the commission established under the auspices of the Ministry of Culture to resolve these disputes included a GOC representative but none from other religious groups. However, by mid-2007 the commission had ceased operation, and the Ministry planned to use disinterested expert opinion for assessment of future ownership disputes. Disputed ownership led to some interfaith disturbances and remained a cause for which extremist GOC priests and activists organized demonstrations and incidents, such as anti-Catholic agitation at Ivli in late 2006 and early 2007 (see section III).

The RCC and AAC, as well as Protestant denominations, continued to have difficulty obtaining permission to construct new churches, mostly due to the reluctance of local authorities to antagonize locally powerful conservative GOC supporters; however, the GOC itself did not oppose new church construction by other religious groups when such construction did not modify or obstruct GOC sites.

Ecclesiastical prison visits require concurrence with the prison administrations, which minority religious groups complained were difficult to obtain. During Easter 2007 the Orthodox Patriarch made visits to two prisons in Tbilisi and a penal medical facility, accompanied by the Minister of Justice; no government minister accompanied clerics of any other religious group on such visits.

De facto authorities in the separatist Abkhazia and South Ossetia regions remained outside the control of the central Government, and reliable information from those regions was difficult to obtain. A 1995 decree issued by the Abkhaz de facto leader that banned Jehovah's Witnesses in the region remained in effect but was not enforced, and the group reported no problems. Baptists, Lutherans, and Catholics also reported that they were allowed to operate in the region, but the GOC reported that it was unable to do so. The GOC patriarch expressed concern over Russian Orthodox Church (ROC) support of separatism in the region, such as specifically subsidizing websites that encouraged secessionist sentiments. The GOC also complained that the ROC's Moscow Theological Seminary was training

Abkhaz priests. Despite the fact that the ROC recognizes the country's territorial integrity, the GOC patriarchate claimed that the ROC was sending in priests loyal to the ROC patriarchate in Moscow under the pretext of setting up indigenous Abkhaz churches.

Similarly, in South Ossetia Georgian Orthodox adherents were not able to conduct services in GOC churches located near the villages of Nuli, Eredvi, Monasteri, and Gera because these areas were under the de facto control of Ossetian de facto authorities.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Section III. Societal Abuses and Discrimination

There were reports of societal abuses or discrimination based on religious belief or practice; however, the non-GOC religious minorities reported substantial reductions in incidents of harassment, violence, or other direct pressures. None alleged continuing organized campaigns of physical abuse. All reported continuing media hostility, although most attributed it to the attitudes of individual media reporters rather than a systematic, organized media campaign.

During the period covered by this report, several cases of interference, threats, intimidation, or violence were investigated. In three instances cases were awaiting trial or sentence, in nine instances the investigations were ongoing, and in two others the investigation did not find sufficient evidence to support charges. The PGO has elected to exercise prosecutorial discretion to emphasize cases arising after the 2003 Rose Revolution, given its limited investigative and prosecutorial resources, although investigations of pre-2003 incidents were scheduled to continue where feasible. Minority religious groups pointed out that this could lead to the eventual elimination of cases that could be investigated under laws predating 2003.

In June 2007 there were incidents of violence directed against members of Jehovah's Witnesses. In one incident in the Gldani district of Tbilisi, police released a perpetrator detained by the victims when he and other unidentified individuals interfered with the distribution of religious literature by two members of the religious group in front of a meeting hall; the PGO investigation was ongoing at the end of the reporting period. At the same meeting hall, unidentified persons wrote graffiti and threw rocks in a series of events, leading to separate complaints. In Chkhorotsku the PGO opened a criminal investigation against V. Sichinava for inflicting verbal and physical abuse against two members of Jehovah's Witnesses on January 29, 2007. In all, the PGO began nine new investigations and obtained sentences in five earlier cases, all involving some form of harassment directed against members of Jehovah's Witnesses. The five cases involved at least eight complainants and five suspects. The courts issued sentences ranging from a fine to 5 years' imprisonment.

GOC extremists heckled presentations on the history of a disputed RCC-GOC church (Ivlița) in early 2007; the PGO opened an investigation into the incident. GOC supporters threw rocks during an anti-Catholic demonstration in the winter of 2006 during the visit of a prominent Roman Catholic archbishop to the Assyrian Catholic church in Tbilisi, and an explosive device was reported seen but not found when police investigated.

Local Orthodox priests and public school teachers continued to criticize minority religious groups and interfaith marriages. Some also discouraged Orthodox followers from interaction with students who belonged to Protestant churches. Teachers at times ridiculed students who had converted to Protestant faiths, claiming the students converted because they were offered financial benefits.

The Ombudsman reported continuing problems with teachers reinforcing Orthodox theology through prayer in classroom and the display of icons and other religious symbols in schools. The MOE instituted a General Inspection Department authorized to deal with complaints of inappropriate teacher behavior, including violations of the religious freedom of students. During the period covered by this report, the MOE was in the process of formulating guidelines for periodic teacher recertification that would make such complaints an element for teacher retraining or disciplinary action. The General Inspection Department reported that 15 complaints of violations of religious freedom were filed in the first part of 2007, most of them concerning verbal abuse and insults. Investigation of the complaints was under way. In June 2007 the PGO received a letter reporting a series of alleged verbal and physical abuses of Jehovah's Witnesses children in school; the PGO referred the allegations to the General Inspection Department for followup.

Past incidents of abuse were committed by or attributed to a small group of GOC extremists, who were subsequently repudiated by the GOC or successfully prosecuted. The GOC excommunicated Paata Bluashvili, and on May 30, 2007, he was convicted of abuse, but when released on bail he did not return to custody. Two other extremists, Mkalashvili and Ivanidze, remained in prison. Other reported extremists remained at large and unprosecuted but did not commit any known violent acts during the period covered by this report.

The December 2005 incident at Tsinubani included in the previous report erroneously attributed anti-Pentecostal sermons to an Armenian Apostolic Church priest, whereas the priest was a priest of the Armenian Catholic Church. The priest was not publicly disciplined, but during the period covered by this report, he ceased such sermons.

There were occasional media reports of minor incidents of violence between ethnic Azeris and ethnic Georgians or ethnic Armenians; however, the incidents did not appear to be motivated by religious differences.

The Jewish communities reported no incidents during the period covered by this report.

The PGO's Human Rights Protection Unit monitors the progress of investigations and prosecution of cases involving violations of religious freedom. The Ombudsman's Office also monitors such cases and refers them to the PGO. Statistics of complaints received by the Ombudsman showed that violations declined to nearly half the level of previous years.

In May 2007 in Tbilisi, the President spoke out publicly at a conference in favor of religious tolerance, mostly as it applies to interethnic tensions. The President also intervened when a church under construction in Adjara was demolished for lack of proper building permits, ordering resumption of construction.

In April 2007 the GOC patriarch visited Dubai to demonstrate GOC support for mutual tolerance and respect between the GOC and Islam.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights. U.S. embassy officials, including the Ambassador, also frequently met with representatives of Parliament, various religious groups, and nongovernmental organizations (NGOs) concerned with religious freedom matters.

The Embassy funded several projects to foster religious tolerance, including research grants, visitor program presentations, and speaker program sponsorships. For instance, in July 2006 the U.S. Government began funding a 4-year, \$2.7 million project to promote an increased sense of national unity among citizens through support to the Government in forming its national integration strategy and action plan, empowering citizens and organizations to effectively discuss, debate, and resolve a range of matters related to building a cohesive multiethnic, multifaith nation. While inclusion of ethnic minorities is the focus of this activity, promoting interfaith tolerance is an important component of the work. The project provides technical assistance, diversity training, and small grants to local NGOs, and it also supports a weekly talk/variety show on public television dedicated to integration and tolerance issues.

An embassy grant assisted in the production of a local documentary film on Muslim life aimed at overcoming cultural differences and difficulties between Christians and Muslims in the country.

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[International Religious Freedom Report Home Page](http://www.state.gov/g/drl/rls/irf/2007/90176.htm)