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Georgia

International Religious Freedom Report 2003

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The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups.

The status of religious freedom remained poor; however, the Government took some positive steps to protect religious freedom and combat violence directed at minority religions. Attacks on religious minorities, including violence, seizure of religious literature, and disruption of services and meetings, continued with near impunity during the period covered by this report. Local police and security officials failed to protect nontraditional religious minority groups and were complicit in several attacks against members of such groups. Police often failed to respond to continued attacks by Orthodox extremists, largely followers of excommunicated Orthodox priest Father Basil Mkalavishvili, against members of Jehovah's Witnesses and other nontraditional religious minorities.

Citizens generally do not interfere with traditional religious groups, such as Orthodox, Muslims, or Jews; however, there is widespread suspicion of nontraditional religious groups, and the number of incidents in which Orthodox extremists harassed and attacked such groups, especially members of Jehovah's Witnesses, continued to increase. Polls indicated that a majority of citizens believe minority religious groups are detrimental for the state and consider violence against such groups acceptable.

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The U.S. Government repeatedly raised its concerns about harassment of and attacks against nontraditional religious minorities with President Shevardnadze, senior government officials, and Members of Parliament (M.P.s).

Section I. Religious Demography

The country has a total area of approximately 25,900 square miles and its population is approximately 4.4 million. Most ethnic Georgians (more than 70 percent of the population, according to the results of the 2002 census) nominally associate themselves with the Georgian Orthodox Church. Orthodox churches serving other non-Georgian ethnic groups, such as Russians, Armenians, and Greeks, are subordinate to the Georgian Orthodox Church. Non-Georgian Orthodox Churches generally use the language of their communicants. In addition, there are a small number of mostly ethnic Russian adherents from two dissident Orthodox schools: The Molokani Staroveriy (Old Believers) and Dukhoboriy, the majority of whom have left the country. Under Soviet rule, the number of active churches and priests declined sharply and religious education was nearly nonexistent. Membership in the Georgian Orthodox Church has continued to increase since independence in 1991. The Church maintains 4 theological seminaries, 2 academies, several schools, and 27 church dioceses; and has 700 priests, 250 monks, and 150 nuns. The Church is headed by Catholicos Patriarch, Ilya II; the Patriarchate is located in Tbilisi.

Several religions, including the Armenian Apostolic Church, Roman Catholicism, Judaism, and

Islam, traditionally have coexisted with Georgian Orthodoxy. A large number of Armenians live in the southern Javakheti region, in which they constitute a majority of the population. Islam is prevalent among Azerbaijani and northern Caucasus ethnic communities in the eastern part of the country and also is found in the regions of Ajara and Abkhazia. Approximately 5 percent of the population is nominally Muslim. Judaism, which has been present since ancient times, is practiced in a number of communities throughout the country, especially in the largest cities of Tbilisi and Kutaisi.

Approximately 8,000 Jews remain in the country, following 2 large waves of emigration, the first in the early 1970s and the second in the period of perestroika during the late 1980s. Before then, Jewish officials estimate there were as many as 100,000 Jews in the country. There also are small numbers of Lutheran worshipers, mostly among descendants of German communities that first settled in the country several hundred years ago. A small number of Kurdish Yezidis have lived in the country for centuries.

Since the collapse of the Soviet Union, Protestant denominations have become more active and prominent. They include Baptists (composed of Russian, Georgian, Armenian, Ossetian, and Kurdish groups); Seventh-day Adventists; Pentecostals (both Georgian and Russian); members of Jehovah's Witnesses (local representatives state that the group has been in the country since 1953 and has approximately 15,000 adherents); the New Apostolic Church; and the Assemblies of God. The Church of Latter-day Saints (Mormon) has not yet sent missionaries to the country, and the number of Mormons in the country is very small. There also are a few Baha'is and Hare Krishnas. Except for Jehovah's Witnesses, membership numbers on these groups are generally not available; however, the membership of all these groups combined is most likely fewer than 100,000 persons.

Section II. Status of Freedom of Religion

Legal/Policy Framework

The Constitution provides for freedom of religion, and the central Government generally respects this right in practice; however, local officials, police, and security officials at times harassed nontraditional religious minority groups and their foreign missionaries. The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but also stipulates the independence of the Church from the State. A Constitutional Agreement between the Government and the Georgian Autocephalous Orthodox Church (referred to as the Concordat) was signed and ratified by Parliament in October 2002. The Concordat recognizes the special role of the Georgian Orthodox Church and devolves authority over all religious matters to it.

There are no laws regarding the registration of religious organizations; however, the Ministry of Justice prepared and submitted to Parliament a draft bill on religion that provides for registration of all religious confessions in the country. A parliamentary committee debated the bill and returned it for revision in 2002. The Government revised the bill but did not resubmit it to Parliament by the end of the reporting period. The Ambassador has advised parliamentary leaders of the importance of vetting this draft legislation with the appropriate commissions of the Council of Europe and of the Organization for Security and Cooperation in Europe (OSCE).

Religious groups that perform humanitarian services may be registered as charitable organizations, although religious and other organizations may perform humanitarian services without registration. Organizations that are not registered may not rent office space or import literature, among other activities. Individual members of unregistered organizations may engage in these activities as individuals, but in such cases are exposed to personal legal liability.

The President, State Minister, the National Security Council's Secretary and human rights representative, and the Government Ombudsman have been effective advocates for religious freedom and have made numerous public speeches and appearances in support of minority religious groups. The Ministry of Internal Affairs (including the police) and Procuracy in isolated instances have become proactive in the protection of religious freedom but generally have failed to pursue criminal cases against Orthodox extremists for their continued attacks against religious minorities. In February an Office of Human Rights was established in the Procuracy that is charged with protecting religious freedom, including investigating the conduct of the prosecutor and judge in the Mkalishvili trial. The Ministry of Internal Affairs created a post of

Deputy Minister with special responsibility for religious freedom matters and for investigating religious violence. The Minister also issued a special order protecting religious freedom, after which incidents of police participation in religious violence decreased. On the few occasions in which investigations into religious violence have been opened, they have proceeded very slowly.

During the Soviet era, the Georgian Orthodox Church largely was suppressed, as were many other religious institutions; many churches were destroyed or turned into museums, concert halls, and other secular establishments. As a result of policies regarding religion implemented by the Soviet government in the late 1980s, the present Patriarch began reconsecrating churches formerly closed throughout the country. The Church remains very active in the restoration of these religious facilities and lobbies the Government for the return of properties that were held by the Church before the Bolshevik Revolution. (Church authorities have claimed that 20 to 30 percent of the land at one time belonged to the Church.)

Restrictions on Religious Freedom

The Georgian Orthodox Church enjoys a tax-exempt status not available to other religious groups and lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. On October 22, 2002, Parliament ratified the Constitutional Agreement between the Church and the State that defined relations between the two. The Concordat included several controversial articles, including approval authority over all religious literature and construction (Article 6.6); transfer to Church ownership of church treasures expropriated during the Soviet period and held in state museums and repositories; government compensation to the Church for moral and material damage inflicted by the Soviets; and government assistance in establishing Orthodox chaplaincies in the military and in prisons. The Catholic, Lutheran, Baptist, and Armenian Apostolic churches, as well as representatives of the Jewish and Muslim faiths, signed formal documents with the Orthodox Patriarchate agreeing to the Concordat, but stated after the document was published that Article 6.6 was not in the original. Representatives of nontraditional religious minority groups, such as the Jehovah's Witnesses and Pentecostals, were not included in the Concordat process. Following ratification, the True Orthodox Church, a schismatic Orthodox group, applied to the Constitutional Court claiming Article 6.6 would violate their freedom of religion. The Court declined to consider the case on the grounds that no discrimination had yet occurred. The Catholic Church has also raised concerns about the authority the Orthodox Church enjoys over decisions regarding the return of its historical church property.

While most citizens practice their religion without restriction, the worship of some, particularly members of nontraditional faiths, has been restricted by threats, intimidation, and the use of force by ultra-conservative extremists whom the Government has failed to control. At times local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including members of Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas. Some nationalist politicians continue to use the issue of the supremacy of the Georgian Orthodox Church in their platforms and criticized some Protestant groups, especially evangelical groups, as subversive. Members of Jehovah's Witnesses in particular are the target of attacks from such politicians, most prominently M.P. Guram Sharadze.

A 2001 Supreme Court ruling revoking the registration of Jehovah's Witnesses, on the grounds that the law does not allow for registration of religious organizations, continues to restrict the group's ability to rent premises for services and import literature. The revocation of the registration of Jehovah's Witnesses resulted from a 1999 court case brought by M.P. Sharadze seeking to ban the group on the grounds that it presented a threat to the State and the Georgian Orthodox Church. The Supreme Court emphasized that its ruling was based on technical legal grounds and was not to have the effect of banning the group; however, many local law enforcement officials interpreted the ruling as a ban and have used it as a justification not to protect members of Jehovah's Witnesses from attacks by religious extremists. In March the Customs Administration relied on this decision to seize literature imported by the Jehovah's Witnesses; the material was released in August under pressure from foreign ambassadors. The court decision did not have the effect of revoking the registration of other religious organizations, since the case was brought against Jehovah's Witnesses only.

The Roman Catholic and Armenian Apostolic Churches have been unable to secure the return of their churches and other facilities closed during the Soviet period, many of which later were given to the Georgian Orthodox Church by the State. The Georgian Orthodox Church attempted

to take over a 19th century Catholic Church in Gori, a process that was halted only by a presidential decree. A prominent Armenian Church in Tbilisi remained closed, and the Roman Catholic and Armenian Apostolic Churches, as with Protestant denominations, have had difficulty obtaining permission to construct new churches due to pressure from the Georgian Orthodox Church. Attempts to open True Orthodox Churches in several locations and a new Armenian Church in Chiatura failed due to opposition from the Georgian Orthodox Church.

During the reporting period, the Ministry of Internal Affairs (including the police) and Procuracy generally failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they have proceeded very slowly.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. By the end of the period covered by this report, a theater group still had not vacated the central hall of a former synagogue that the Government rented to it, despite a 2001 Supreme Court ruling instructing it to do so.

The Georgian Orthodox Church routinely reviews religious and other textbooks used in schools for consistency with Orthodox beliefs. Suggestions by the Church are almost always incorporated into textbooks prior to issue. By law, the Church has a consultative role in curriculum development but has no veto power.

Abuses of Religious Freedom

On occasion local police and security officials continued to deny protection or harass nontraditional religious minority groups, especially members of Jehovah's Witnesses. The police only sporadically intervened to protect such minorities from attacks by Orthodox extremists. Police participation or facilitation of attacks diminished during the reporting period. The Catholic Church continued to face difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe.

Since 1999, followers of excommunicated Orthodox priest Basil Mkalavishvili (Basilists) have engaged in numerous violent attacks on nontraditional religious minorities, including Baptists, Seventh-day Adventists, and especially members of Jehovah's Witnesses. During the period covered by this report, the Basilists, as well as members of another Orthodox extremist group called "Jvari" (Cross), continued their series of attacks, at times together. The attacks involved seizing religious literature, preventing and breaking up religious gatherings, and beating parishioners, in some cases with nail-studded sticks and clubs. The attacks have been publicized widely, in part by the Basilists themselves who videotape the incidents. All acts of religious violence have gone unpunished, despite the filing of more than 750 criminal complaints. The long-delayed trial of Mkalavishvili and Petre Ivanidze for violence directed at members of Jehovah's Witnesses and Baptists opened on October 25, 2002, after a foreign government intervened with authorities. Their supporters physically attacked an OSCE observer and in several cases physically threatened foreign diplomats who attended the trial. The proceedings were delayed in May due to the inability of the Government to maintain security and order in the courtroom. On June 6, a Tbilisi court ordered Mkalavishvili taken into custody for 3 months of preventive detention. Law enforcement authorities claimed they could not locate him to serve the warrant, although the press was able to do so repeatedly. Due to the trial and preventive detention order, Mkalavishvili has not participated in most attacks; however, evidence strongly suggests that Mkalavishvili continues to direct attacks. Following the issuance of the detention order, Mkalavishvili reportedly fled the country and now resides abroad. A warrant for his arrest is outstanding.

During the reporting period, there were numerous attacks on members of nontraditional religions, especially Jehovah's Witnesses. Often mobs of supporters of Mkalavishvili and M.P. Sharadze threatened and physically abused members at meetings for worship, prevented such meetings, and destroyed religious literature and property, such as the private homes where the meetings often took place. During the period covered by this report, Basilists continued to harass several families of Jehovah's Witnesses, demanding that they stop holding meetings in their homes. Because of the continuing violence, the Jehovah's Witnesses have refrained from public meetings in favor of gatherings in private homes. Authorities rarely investigated the perpetrators, even if the victims filed criminal complaints.

On January 24, a mob led by Mkalavishvili blocked the Baptist Cathedral in Tbilisi to prevent an ecumenical prayer service to which foreign diplomats had been invited. The mob damaged the building, seized and destroyed literature, and assaulted several participants. The police intervened to prevent further violence but did nothing to protect the property or allow the congregation to enter. On March 14, the ecumenical service was held without incident. President Shevardnadze attended, along with government officials and the diplomatic community, and made a statement on the importance of protecting religious freedom.

On May 4, a mob led by M.P. Sharadze blocked the road to Gori and prevented a planned meeting of Jehovah's Witnesses. Police had previously urged the Jehovah's Witnesses to cancel the meeting and did not intervene to provide freedom of movement.

On June 8, an ultra-Orthodox mob blocked the street in front of the Pentecostal minister's house where services are conducted and refused to let parishioners through. Church members were threatened with violence. Police were present but did not allow the parishioners to enter the street. The mob continued to maintain this blockade at the end of the reporting period.

On June 15, a Baptist Church in Akhalsopheli was burned down in an apparent arson incident. Although an investigation was requested, it had not begun at the end of the reporting period. On June 22, attendees of a special service held in the burned Church included Minister of Internal Affairs, Secretary of the National Security Council, and foreign ambassadors.

In August 2002, a mob burned a Jehovah's Witnesses meeting site in Kaspi, destroying literature and property. Ultra-Orthodox extremists from the Jvari group, assisted by M.P. Sharadze, blocked the road and prevented the congress from taking place. Authorities were notified but did nothing to provide protection for the members of the Jehovah's Witnesses, and police actively colluded with the attackers.

On September 24, 2002, a mob armed with sticks and bottles attacked a True Orthodox parish in Shemokmedi, injuring several parishioners and damaging a building.

In late September 2002, mobs beat members and destroyed literature at meetings of Jehovah's Witnesses in separate attacks throughout the country. On September 26, 2002, an armed mob, which according to eyewitnesses was led by the local mayor, attacked a Jehovah's Witnesses' gathering in Napareuli. One member was beaten unconscious, religious literature was destroyed, and the home was ransacked. In each case, local police declined to intervene and no action was taken on the criminal complaints that victims filed.

On October 7, 2002, a follower of Mkalavishvili attacked a member of the Jehovah's Witnesses on the street in Tbilisi. The police took the victim to the police sub-station and began to verbally and physically abuse him and allowed his attacker to beat him in their presence.

On November 18, 2002, during the trial of Mkalavishvili, a mob of his supporters threatened and physically expelled from the courtroom a reporter from Radio Free Liberty/Radio Europe who was covering the proceedings and verbally threatened an observer from a foreign embassy. Police were present in the court but did not intervene.

An investigation into the results of the Basilists' attack on a September 2000 Congress of Jehovah's Witnesses in Marneuli remained ongoing at the end of the period covered by this report.

Customs and police officials sometimes seized literature of nontraditional religions, particularly Jehovah's Witnesses. On January 8, a shipment of Jehovah's Witnesses literature was seized at the Natakhtari police station and was released 10 days later. On March 10 and April 10, Customs in Poti seized a shipment of Jehovah's Witnesses' literature on the grounds that the organization's registration had been revoked and it could not legally import literature. On December 6, 2002, police stopped a truck belonging to the Jehovah's Witnesses transporting a shipment of literature and held the truck until the arrival of Mkalavishvili and his supporters, who assaulted the driver and stole his documents. Police did not intervene and impounded the truck and shipment. On December 12, after the intervention of a foreign embassy, police released the materials to the Jehovah's Witnesses.

Regular and reliable information regarding the separatist controlled "Republic of Abkhazia," which no country recognizes and over which the Government of Georgia does not exercise control, is difficult to obtain. A 1995 decree by the Abkhaz "President," Vladislav Ardzinba, that banned Jehovah's Witnesses in Abkhazia remains in effect. A number of members of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at the end of the period covered by this report.

There were no reports of religious prisoners or detainees.

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 Attitudes

The public's attitude towards religion is ambivalent, according to numerous public opinion polls. Although many residents are not particularly observant religiously, the link between Georgian Orthodoxy and Georgian ethnic and national identity is strong.

Despite their genuine and historical tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—many citizens remain apprehensive about Protestants and other nontraditional religions, which they view as taking advantage of the populace's economic hardship by gaining membership through economic assistance to converts. Some members of the Georgian Orthodox Church and the public, including M.P. Sharadze, view religious minorities, especially nontraditional groups of evangelical Protestants or so-called "sects," as a threat to the national Church and the country's cultural values. Nationalistic politicians manipulated reports of the activities of Jehovah's Witnesses in order to create public hostility. In a signed document, 11 leaders of the Georgian Orthodox Church have argued that Christian missionaries should confine their activities to non-Christian areas. Religious leaders of different faiths have spoken out against such criticism.

The Georgian Orthodox Church withdrew its membership from the World Council of Churches in 1997 in order to appease clerics strongly opposed to ecumenism. The Patriarchy of the Georgian Orthodox Church has strongly criticized the attacks perpetrated by Orthodox extremists against nontraditional religious minorities and has distanced itself from Mkalavishvili. However, Georgian Orthodox Church officials have had ties to the Jvari organization, which has committed numerous acts of violence against religious minorities. Following the June 15 destruction of the Baptist Church in Akhalsopheli, the Orthodox Bishop in Rustavi contacted the Baptist Bishop to say he had withdrawn his support of the Jvari organization. The Orthodox Bishop had been one of the founders of Jvari.

In July 2002, Catholics on a pilgrimage to Saint Nino's grave were assaulted near Sanavardo in the Eastern region. Pilgrims were verbally harassed and physically pushed and shoved. The pilgrimage was cancelled due to the threats and imminent danger.

On October 6, 2002, a mob destroyed the True Orthodox Church under construction in Shemokmedi.

Many of the problems among traditional religious groups stem from disputes over property. The Roman Catholic and Armenian Apostolic Churches have been unable to secure the return of their churches and other facilities that were closed during the Soviet period, many of which later were given to the Georgian Orthodox Church by the State. A prominent Armenian church in Tbilisi remains closed and the Roman Catholic and Armenian Apostolic Churches, with Protestant denominations, have had difficulty obtaining permission to construct new churches, reportedly in part as a result of pressure from the Georgian Orthodox Church. Georgian Orthodox Church authorities have accused Armenian believers of purposely altering some existing Georgian churches so that they would be mistaken for Armenian churches. The Catholic Church successfully completed the construction of a new church in Batumi in 2000.

The Muslim and Jewish communities report that they have encountered few societal problems.

There is no historical pattern of anti-Semitism in the country, nor have there been recently reported incidents of this sort.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall dialog and policy of promoting human rights. The U.S. Government repeatedly raised its concerns regarding harassment of and attacks against nontraditional religious minorities with senior government officials, including the President, Parliament Speaker, Internal Affairs and Justice Ministers, and the Prosecutor General. In October 2002, Senator Ben Nighthorse Campbell, the Chairperson of the U.S. Commission on Security and Cooperation in Europe, strongly criticized unpunished religious violence in the country and called upon the Government to prosecute vigorously extremists who have attacked nontraditional religious minorities. On March 11, Senator Nighthorse Campbell reiterated his concern, and on April 3 Co-Chairman Senator Christopher Smith expressed support for President Shevardnadze's March 14 statement condemning religious violence but called on the Government to take more active measures. Embassy attendance at the trial of Mkalavishvili was instrumental in its moving forward. Embassy officials, including the Ambassador, frequently met with representatives of the Government, Parliament, various religious confessions, and nongovernmental organizations (NGOs) concerned with religious freedom issues.

In May, a visiting official from the Department of State met with members of the Government, various religious confessions, and NGOs concerned with religious freedom issues and underscored the need for the Government to end religious violence.

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