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2011 Report on International Religious Freedom - Georgia

Bureau of Democracy, Human Rights, and Labor
 July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government demonstrated a trend toward improvement in respect for and protection of the right to religious freedom. Improvements included an amendment which allowed minority religious confessions to register as entities of public law, new legislation which allowed members of minority faiths to conscientiously object to reserve military service, and implementation of a 2010 policy that allowed clergy of minority faiths to visit inmates in prison. However, there were reports of continuing concerns, including lack of action by government entities in addressing property restitution of disputed properties, privileged legal and tax status for the Georgian Orthodox Church (GOC), and inadequate separation of church and state in public schools.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Cases reported included religious persecution, interference with the performance of religious rites, and reports of physical assault, harassment, and vandalism.

The U.S. embassy hosted and participated in events to promote religious freedom and human rights. The embassy continued programs to strengthen civil society in the country, which included organizations that promote human rights and tolerance. Embassy representatives regularly met with religious and nongovernmental organization (NGO) leaders to promote religious freedom, including leaders of the Georgian Orthodox Church (GOC) and prominent minority faiths.

Section I. Religious Demography

Most ethnic Georgians (84 percent of the population, according to the 2002 census) associate with the GOC. There are also a small number of mostly ethnic Russian adherents of several dissident Orthodox schools not affiliated with the GOC, including the Molokani, Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers).

The Armenian Apostolic Church (AAC), the Roman Catholic Church (RCC), Judaism, and Islam have coexisted with Georgian Orthodoxy for centuries. There are strong correlations between ethnicity, religious affiliation, and region of residence. Overall, 10 percent of the population is Muslim. Azeris, who are predominantly Muslim, constitute the second largest ethnic group (7 percent of the population) and form the majority of the population in the southeastern region of Kvemo-Kartli. Other Muslim groups include the ethnic Georgian Muslims of Ajara and Chechen Kists in the northeastern region. Armenians are the third largest ethnic group (6 percent of the population) and primarily belong to the AAC; they constitute the majority of the population in the southern Samtskhe-Javakheti region.

Roman Catholics, Kurdish Yezidis, Greek Orthodox, and Jews together make up less than 5 percent of the population. Protestant and other "nontraditional" denominations such as Baptists, Jehovah's Witnesses, Pentecostals, and Hare Krishnas, who are growing in number, constitute less than 1 percent of the population.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The constitution recognizes the special role of the GOC in the country's history but also stipulates the independence of church from state. The law specifically provides for freedom of religious belief, denomination, and conscience, including the right to choose and change any religious denomination at will.

A concordat between the government and the GOC confers unique status upon the GOC; the government does not have a concordat signed with any other religious group. The concordat grants rights not enjoyed by other religious denominations including providing legal immunity for the GOC patriarch, granting the GOC the exclusive right to staff the military chaplaincy, exempting GOC clergy from military service, and giving the GOC a consultative role in government, especially in the sphere of education. However, some of its articles, including the GOC's consultative role in education, require parliament to adopt implementing legislation, which was not done by the end of the year. The GOC is the only church which has a line item in the government budget; it received 22.8 million lari (\$13.6 million) during the year and expected to receive the same amount in 2012.

Although the tax code exempts religious organizations from many taxes, tax exemptions are not applied equally to all religions. The GOC is exempt from several taxes that other religious organizations must pay. These include profit tax on the sale of religious products, value-added taxes (VAT) on the provision or importation of religious products, and taxes on all activities related to the construction, restoration, and painting of churches.

In the context of the amended civil code, there are direct talks between the GOC and the government on the preservation of the GOC's "special status," its rights outlined in the concordat, the role of a parliamentary commission to monitor property transfers, and other GOC privileges outlined in the constitution and tax code.

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 a fine, imprisonment, or both; violations committed by a public officer or official are considered abuses of power and are punishable by higher fines or longer terms of imprisonment.

The Prosecutor General's Office (PGO) is charged with prosecuting human rights violations, including religious freedom violations. The Human Rights Unit within the PGO is tasked with monitoring the protection of some human rights including religious freedom. The Public Defender's Office (PDO), which serves as the human rights ombudsman, also monitors complaints of restrictions on religious freedom.

By law, Orthodox teaching may take place only after school hours and cannot be controlled by the school or teachers. Outside instructors, including clergy, cannot regularly attend or direct student extracurricular activities or student clubs and their meetings. Lay theologians, rather than priests, lead such activities.

The government observes the following religious holidays as national holidays: Orthodox Christmas, Epiphany, Good Friday, Orthodox Easter, Easter Monday, the Day of Apostle Andrew, the Day of the Virgin Mary, Svetitskhovloba, Saint George's Day, and Nowruz-Bairam.

Government Practices

There were no reports of abuses of religious freedom. Implementation of new policies to further promote religious freedom improved, although some systemic issues remained largely unchanged such as the return and maintenance of disputed church property claimed by religious minority groups and currently held by government entities, the privileged legal and tax status of the GOC, and inadequate enforcement of separation of church and state in public schools. Minority religious groups noted that local police response and prosecutorial investigations improved during the year.

Except for the GOC, restitution of disputed property confiscated during the communist regime remained a contentious issue. RCC and AAC officials claimed property disputes were not resolved in a transparent legal process but rather on a case-by-case basis that distinctly favored GOC claims. They asserted the government was unwilling to resolve disputes over the ownership of church properties for fear of offending GOC constituents. After passage of the 2011 amendment to the Civil Code of Georgia on registration of religious organizations, the government announced the creation of a joint government-GOC commission to monitor property transfers and the determination of cultural monuments of religious significance in accordance with the constitutional agreement. The commission included no representatives of minority religions. There is no official mechanism which mediates property disputes among the GOC, minority religions, and the government. NGOs and members of religious minority groups were also concerned about the maintenance of churches whose title was held by government entities while ownership remained in dispute. Many of the properties were not being maintained and were falling into disrepair.

The AAC's main concern remained the return of five churches in Tbilisi and one in Akhaltsikhe, all claimed by both the AAC and GOC. However, the status of at least 30 other churches claimed by the AAC remained in dispute. The RCC claimed five churches which were given to the GOC after dissolution of the Soviet Union. The Jewish congregation and Muslim community also claimed mosques or synagogues which were considered cultural heritage sites and owned by the government.

The Ministry of Culture allocated 9,895 lari (\$6,925) for renovation of a disputed church building, Mughni Surb Gevorg, claimed by the AAC which collapsed in 2009. Although the 2010 restoration planning project for the church was completed during the year, the AAC reported no further action was taken on the church's restoration. The Ministry of Culture spent 38,900 lari (\$23,200) for preliminary documentation for restorative works on two other churches claimed by the AAC during the year.

A former mosque located in the village of Mukhaestate in the Kobuleti region was demolished in 2010 and a new police building was constructed in its place, while another former mosque in the town of Kobuleti was used as a film studio. In the Adigeni district, there were approximately seven inactive mosques built by Meskhetian Muslims deported during the Stalin era which were being used to keep cattle. According to the NGO Toleranti, the small Muslim community (composed mostly of migrants from Adjara) was not able to reclaim those mosques but used other active mosques in the region.

Restoration continued on GOC churches previously returned, in part through government subsidies on the grounds that the buildings were national cultural heritage sites. The government provided subsidies for the maintenance and preservation of mosques on similar grounds. Other minority religious groups claimed the government did not provide funding on a neutral and equitable basis. During the year, the Ministry of Culture provided 3.5 million lari (\$2.1 million) for the restoration of religious buildings on cultural heritage sites and claimed 48.6 percent of the funding, or 1.7 million lari (\$1.04 million), was spent on buildings claimed by minority religions.

Passage of the religious registration amendment permitted improvements on property issues in some areas. Several properties not claimed by more than one confession nor considered cultural heritage sites were in the process of being reregistered. Other properties owned by the government as cultural heritage sites were leased to their respective congregations.

During the year, several churches, mosques, and meeting halls were in the process of being reregistered to minority religions, including groups which had successfully registered under the new amendment as legal entities of public law. Representatives from the Muslim community reported most mosques were in the process of being reregistered under the Administration of All Muslims of Georgia, but none of the registrations had been completed at year's end. Six churches were in the process of being reregistered to the RCC.

At the end of the year, three branches of the RCC, the Administration of All Muslims of Georgia, Lutherans, Yezids, and one Jewish organization had registered as legal entities of public law. Other minority religions which had not registered at the end of the year included the AAC, Baptists, Seventh-day Adventists, Jehovah's Witnesses, and other Jewish organizations.

Both synagogues in Tbilisi remained state property. One newly renovated synagogue continued to be leased to the community for the symbolic price of one lari (\$.60) per month. A Catholic church in Rabati, in the Akhaltsikhe region, had not been returned to the RCC by the end of the year, but continued to be leased for a symbolic price for the next 100 years.

Property issues related to issuance of construction and occupation permits improved during the year. Construction permits for two new mosques in Marneuli and restoration of one mosque in Gardabani were issued during the year. The Jehovah's Witnesses were issued two permits. In contrast to 2010, there was only one reported difficulty with a construction permit during the year. In February the Jehovah's Witnesses requested the renewal of a construction permit in Signaghi previously issued in 2009 that had expired. At the end of the year, the permit had not been issued and no reason for the delay was given. However, the Jehovah's Witnesses noted that during the year they began reregistering buildings under the name of the organization rather than that of a private individual because they felt the previous issues with permit delays had been resolved. The RCC, the AAC, and several Protestant denominations reported that issues in 2010 regarding construction permits were resolved during the year.

Prior to December legislation allowing alternative service for reserve military duty, minority religions reported 10 cases for which exemption or alternative service for reserve military service was not granted. Alternative service was already permitted in place of compulsory active military duty. In cases in which alternative service was granted for active military duty, there were no reports of problems getting alternate service work plans approved by the Ministry of Labor; however, the Ministry of Defense denied the initial requests for exemptions as well as follow up appeals in several requests for alternatives to reserve military duty. The Seventh-day Adventists reported four members of their community were fined 500 lari (\$301) each for not meeting the mandatory reserve service requirement. Jehovah's Witnesses reported five members were fined. The Jewish community reported one member was initially denied alternative service, but later granted alternative service by the end of the year. Appeals were pending in three of the Jehovah's Witnesses cases. Jehovah's Witnesses leaders reported that after the December ruling, the Tbilisi mayor's office reassured them that their two pending requests for alternative service would be granted.

The PDO reported continuing problems with teachers reinforcing Orthodox theology through religion courses, classroom prayer, and the display of icons and other religious symbols in schools.

Members of minority religions reported several cases of high school religion history courses being taught as

Orthodox catechism courses. The PDO received complaints from several religious minority families that some schools displayed Georgian Orthodox religious objects in schools. A December 2010 letter addressed to the Ministry of Education from the PDO requesting such objects be removed received no response. Although the Ministry of Education has a General Inspection Department to deal with complaints of inappropriate teacher behavior, including violations of the religious freedom of students, it reportedly did not respond to such complaints.

There were no official reports made to the PDO that public school teachers or local Orthodox priests had criticized minority religious groups, interfaith marriages, or Roman Catholic and Protestant students. However, representatives from non-GOC confessions and the PDO's Tolerance Center continued to believe that such problems persisted despite the lack of documentation of official complaints.

School staff assumed a child was Orthodox Christian unless teachers were informed otherwise. Some members of religious minority groups remarked that parents found the school environment better for their children if their household did not announce its religious affiliation in its community.

The Ministry of Corrections and Legal Assistance took steps during the year to make access to penitentiary institutions equitable for representatives of all religious organizations and to provide for religious worship by inmates of all confessions. Clergy of minority confessions reported substantial improvements as a result of a December 2010 order that guaranteed the right of religious worship to prisoners and detainees, including the right to have a space for worship, the right to meet with clergy of any confession, and the right to retain religious objects. No clergy of any religious organization reported problems in visiting prisons this year.

Most prisons are equipped with Georgian Orthodox chapels; however, there are no specific nondenominational areas for worship. Representatives from religious minority confessions complained that prisoners of minority faiths were not given adequate areas within penitentiaries to practice their religious beliefs. According to Muslim leaders, during the Muslim holy day of Bairam, Muslim prisoners were kept in general cells with other inmates, making worship impossible. Both the public defender's staff and the Ministry of Corrections and Legal Assistance reported they were working to find a solution. Members of the Jewish and Muslim communities also reported kosher and halal dietary accommodations were not made for their members. Several minority religions reported that GOC priests actively proselytized in prisons.

The PDO reported that religious minorities lodged six complaints of both governmental and societal violations against their religious rights during the year. Police were quick to respond to most incidents of abuse.

The occupied territories of Abkhazia and South Ossetia remained outside the control of the central government, and reliable information from those regions was difficult to obtain. A 1995 decree issued by the de facto Abkhaz leader that banned Jehovah's Witnesses in the region remained in effect. Jehovah's Witnesses leaders in undisputed Georgia did not possess current information regarding the situation in Abkhazia.

Baptists, Lutherans, and Roman Catholics reported that they were allowed to operate in Abkhazia. The GOC reported that it was unable to do so, and the two branches of the Abkhaz Orthodox church do not recognize GOC authority. The GOC and government officials alleged that the de facto Abkhaz authorities carried out restoration work on churches historically claimed by the GOC that eliminated Georgian architectural elements. The GOC and government officials alleged that restoration work on the Bedia monastery destroyed a historic Georgian fresco, and renovations to the Ilori Church covered Georgian inscriptions with paint and altered unique Georgian architectural elements.

The Christian Orthodox Church in South Ossetia was the primary religious organization and did not recognize GOC authority. In South Ossetia, GOC adherents remained unable to hold services in GOC churches, located near the ethnic Georgian villages of Nuli, Eredvi, Monasteri, and Gera, because these areas were under the control of de facto South Ossetian authorities. Individuals living outside Abkhazia and South Ossetia faced difficulties crossing the administrative boundaries and were therefore limited in their ability to visit the gravesites of family members inside the territories, especially in South Ossetia. Some visits were allowed on an inconsistent basis, particularly on religious holidays.

During his speech on International Tolerance Day on November 24, Public Defender Giorgi Tugushi highlighted ongoing problems, including anti-Armenian statements made by Orthodox clergy, politicians and other individuals after passage of the religious registration law and which were subsequently disseminated in the media; the unresolved ownership status of many churches confiscated from various religious communities during the Soviet period; an unequal tax regime which favors the GOC; and continuing challenges to separation of church and state in public schools. However, Tugushi also highlighted areas of improvement, including passage of the July religious registration amendment, an overall decrease in religious discrimination, improved access to prison visits by clergy of minority religions, and increased attention to the importance of religious and ethnic minorities by authorities of the Georgian government.

Improvements and Positive Developments in Respect for Religious Freedom

On December 21 the Constitutional Court ruled in favor of an appeal submitted by the public defender that allows citizens to apply for an alternative to reserve military service, based on religious, ethical, and other

grounds. Alternative service was already permitted in place of compulsory active military duty.

On December 21 the prosecutor's office initiated an investigation of a Georgian Orthodox priest for religious persecution of four Jehovah's Witnesses in Kareli who had been subjected to repeated physical and verbal assaults. The PDO noted the investigation represented a significant precedent in the equal treatment of all religious organizations because religious persecution is a criminal offense. In previous years, GOC priests were not investigated in similar incidents and such attacks were predominantly qualified as hooliganism by prosecutorial investigators, and thus fell under a different category of offense entailing lighter punishments. The investigation was ongoing at the end of the year.

The PDO hosted a roundtable on hate speech on July 28 in response to the surge of xenophobic statements following passage of the religious registration amendment. The discussion was attended by representatives from government ministries and civil society. On November 24 the public defender recognized International Tolerance Day by honoring civil society actors and organizations working in the field and reporting on the state of tolerance in the country. He noted the number of reported attacks on religious minorities to the PDO decreased from 12 in 2010 to six during the year.

On July 5 Parliament passed an amendment to the civil code allowing any religious group with historic ties to the country or recognized in a Council of Europe member state to register as a legal entity of public law, a status previously afforded only to the GOC. Prior to passage of this amendment, religious groups were required to register as an NGO, a status that complicated property ownership and other operational issues. Registration is a function of the Civil Registry Agency under the Ministry of Justice and requires submission of a basic application packet and a fee of 100 lari (\$60). The new law does not address restitution of property confiscated during Soviet times.

With the adoption of the amended religious registration law, groups other than the GOC can be granted the status of "legal entity of public law" for the first time. The original draft law only envisaged registration privileges for groups with historic ties to Georgia, and the more expansive final draft was considered to be a result of the government's commitment to more inclusive legislation.

Many elements of civil society, opposition parties, and the GOC as a whole continued to criticize the rapid manner in which parliament passed the religious registration amendment which they allege occurred without adequate consultation with civil society. The government maintained that consultation had been ongoing for several years.

High level government recognition of minority religious celebrations also increased during the year. In remarks made in the Armenian church in Tbilisi on January 6, President Saakashvili said that the ethnic Armenian population of Georgia "is an integral part of Georgia's national body, [and] Georgia's statehood development." President Saakashvili also celebrated Nowruz Bairam in the Muslim community of Marneuli, and noted, "It is very important to maintain our Azerbaijani culture, our Azerbaijani language, which is an integral part of the Georgian culture and of the Georgian state."

A Ministry of Corrections and Legal Assistance policy enacted in December 2010 allowed minority religion representatives to visit imprisoned members without first seeking permission of the Georgian Orthodox Church. The policy was implemented without issue.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Minority religious groups were viewed by some as a threat to the national church and the country's cultural values. The president and other senior officials took steps to promote religious freedom. High level government recognition of minority religious celebrations increased during the year. Government ministry representatives also increased participation in roundtables with religious leaders and NGOs to improve dialogue regarding religious tolerance.

According to the Ministry of Internal Affairs, during the year one investigation was opened under article 155 of the criminal code for illegal interference with the performance of religious rites, and one case was opened under article 156 for religious persecution.

During the year, the Jehovah's Witnesses reported four new cases of societal abuse but stated that police generally responded in a satisfactory manner to their calls. As noted above, a GOC priest in Kareli physically and verbally abused Jehovah's Witnesses multiple times throughout the year, including blocking the road with his vehicle, shoving them, attempting to confiscate their belongings, and verbally insulting and threatening them. The investigation of the priest for religious persecution was ongoing at the end of the year.

Of the 12 cases reported by the Jehovah's Witnesses during the year, four were resolved, three were still undergoing investigations at the end of the year, and five did not have investigations initiated.

In August two men entered an Armenian church in Avlabari where they damaged a Bible and started a fire in the courtyard. The AAC reported that the police responded promptly, and charged one man with hooliganism. Discussions between the AAC and the men's families resulted in charges being dropped. One family issued a

public apology, and the Armenian bishop gave a public statement of reconciliation.

There was a significant surge in media statements against ethnic minorities following the July passage of the amendment allowing minority religious organizations to register as entities of public law. The PDO and NGOs reported that Georgian Orthodox clergy, some opposition party leaders, and members of the academic community were among those who made such statements following passage of the law. The public defender also criticized major NGOs working on minority rights for their allegedly weak response to the surge in hate speech following the adoption of this law and the media for its role in disseminating expressions of xenophobia. Following the passage of this amendment, profane graffiti targeting Armenians appeared on a wall facing the Armenian church in Avlabari. Police initially refused to respond, stating the graffiti was on a private building; however, the mayor's office intervened and the graffiti was quickly painted over.

Section IV. U.S. Government Policy

The U.S. embassy promoted religious freedom as a fundamental human right and essential element of democracy and engaged with religious communities from all faiths. Embassy officials, including the ambassador, regularly met with representatives of parliament, religious groups and leaders, and NGOs concerned with religious freedom. The embassy promoted religious freedom and tolerance through the use of public diplomacy, including speeches and press interviews by senior U.S. government officials and embassy representatives, and made public statements in support of the passage of the religious amendment allowing minority faiths to register as entities of public law.

On December 9 the ambassador made remarks at a reception held in honor of Human Rights Day highlighting the importance of religious freedom.

In July an embassy political officer met with the leaders of the newly established Muslim Department, and on October 26 an embassy political officer met with the local Akhund of the Marneuli Mosque and a representative of the Muslim Department in Shida Kartli.

In June embassy staff attended a roundtable organized by the NGO 21st Century, with the participation of the Religious Council. The participants discussed tax code reforms and outstanding issues for religious freedom in the penitentiary system.

On May 31 the ambassador hosted a lunch for Patriarch of All Georgia Ilia II to discuss the role of the GOC in Georgia, domestic politics, education, bilateral relations, and the current situation in breakaway Abkhazia, including the appropriate venues for the resolution of social confrontations and religious freedom in Abkhazia.

Embassy officials promoted dialogue between the government and ethnic and religious minority communities and their integration into society. The embassy provided small grants to local NGOs working on minority problems including support for religious minority women in political and economic spheres, civic education initiatives which supported ethnic and religious minorities, and initiatives that targeted improvement of communication channels between government institutions and ethnic/religious minority stakeholders.