

2013 Report on International Religious Freedom - Georgia

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Executive Summary

The constitution and other laws and policies generally protect religious freedom and, in practice, the government generally respected religious freedom. On several occasions authorities did not respond to societal efforts to limit the rights of members of minority groups. The government continued to favor the Georgian Orthodox Church (GOC) in the restitution of disputed properties. It also maintained a privileged legal and tax status for the GOC and incomplete separation of church and state in public schools. Some politicians used religiously intolerant rhetoric during the presidential campaign.

There were reports of societal abuses and 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 Ambassador and other embassy officials maintained regular contact with government and civil society representatives to encourage religious freedom and traveled throughout the country to meet with minority religious communities. The Ambassador and embassy officials hosted and participated in events promoting religious diversity and tolerance, and spearheaded public awareness campaigns about the importance of the freedom of religious expression. Embassy representatives met regularly with religious and nongovernmental organization (NGO) leaders to promote religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 4.6 million (July 2013 estimate). According to the 2002 census, Orthodox Christians constitute 84 percent of the population, followed by Muslims at 10 percent and members of the Armenian Apostolic Church (AAC) at 4 percent.

There is a strong correlation among ethnicity, religious affiliation, and region of residence. Most ethnic Georgians are affiliated with the GOC. A small number of mostly ethnic Russians are members of several Orthodox groups not affiliated with the GOC, including the Molokani,

Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers). Ethnic Azeris, who are predominantly Muslim, form the majority of the population in the southeastern region of Kvemo-Kartli. Other Muslim groups include ethnic Georgian Muslims in Adjara and Chechen Kists in the northeast. Many migrants living in the southern Samtskhe-Javakheti region are ethnic Georgian Muslims, originally from Adjara. Ethnic Armenians belong primarily to the AAC and constitute the majority of the population in Samtskhe-Javakheti.

Roman Catholics, Kurdish Yezidis, Greek Orthodox, and Jews together make up less than 5 percent of the population. "Nontraditional" religious groups such as Baptists, Jehovah's Witnesses, Pentecostals, and Hare Krishnas are growing in number, but together 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 generally protect religious freedom. The constitution recognizes the special role of the GOC in the country's history, but stipulates the independence of church from state. The law provides for freedom of religious belief, denomination, and conscience, including the right to choose and change religious affiliation.

A concordat between the government and the GOC confers unique status upon the GOC; the government does not have a concordat with any other religious group. The concordat grants rights not given to other religious groups, including legal immunity for the GOC Patriarch, the exclusive right to staff the military chaplaincy, exemption of GOC clergy from military service, and a consultative role in government, especially in education. Some of the concordat's provisions, including the GOC's consultative role in education, require implementing legislation yet to be adopted by parliament. The GOC is the only religious group with a line item in the government's annual budget, receiving 25 million lari (\$14.4 million) during 2013.

The tax code grants religious groups partial tax exemptions but applies them unequally. Taxes paid by all religious groups except the GOC include a profit tax on the sale of religious products, value added taxes on the provision or importation of religious products, and taxes on all activities related to the construction, restoration, and painting of religious buildings.

The criminal code 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 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 larger fines or longer terms of imprisonment. Most prisons have GOC chapels but no specific nondenominational areas for worship.

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

By law, religious education 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. GOC lay theologians, rather than priests, lead such activities.

A joint government-GOC commission monitors property transfers and determines which cultural monuments are of religious significance. No religious minority groups are represented on this commission. There is no official mechanism to mediate property disputes among the GOC, minority religious groups, and the government.

Jehovah's Witnesses remained officially banned in Abkhazia.

Government Practices

The government failed to return or maintain church property claimed by minority religious groups but currently held by government entities. Muslim and Jewish groups, as well as the Catholic, Evangelical, Baptist, and Armenian Orthodox Churches, complained about government policies in this regard. There were also complaints about inadequate enforcement of the separation of state and church in public schools.

By year's end, the government had registered 22 minority religious groups as legal entities under public law, including three branches of the Catholic Church, four Muslim groups, Lutherans, Yezidis, two Jewish groups, the AAC, and Evangelical Baptists. The Seventh-day Adventists and Jehovah's Witnesses preferred to maintain their registration as NGOs rather than religious organizations.

Since the Evangelical Baptist Church was registered as a legal entity in 2012, it has been able to register its new property. The status of property built before 2012, however, remains in dispute.

The Public Defender's 2012 annual report, released in 2013, noted that as many as 40 cases of religious persecution and discrimination from 2009-2011 remained uninvestigated.

Government subsidies, provided on the basis that some religious buildings were also national cultural heritage sites, continued to fund the restoration of religious properties previously returned to their prior owners. Several minority religious groups stated the government did not provide such funding on a neutral and equitable basis.

The Ministry of Culture and Protection of Monuments provided 4.3 million lari (\$2.5 million) for the restoration of religious buildings on cultural heritage sites. The ministry allocated one percent of the funding, or 25,000 lari (\$14,367), for planning the restoration of the Shamkorets church. The restoration of the mosque in Akhaltsikhe was completed in 2012 with government funding.

Restitution of property confiscated during the communist era remained a contentious issue for religious groups other than the GOC. Officials from the Roman Catholic Church (RCC) and the AAC stated that property disputes were not resolved in a transparent legal process, but on a case-by-case basis distinctly favoring GOC claims. According to RCC and AAC officials, the government was often unwilling to resolve such disputes for fear of offending GOC constituents.

Five churches in Tbilisi and one in Akhaltsikhe, which had belonged to the AAC and GOC, were in dispute. Five churches claimed by the RCC, but given to the GOC after dissolution of the Soviet Union, were not in dispute. The AAC reported 30 other churches, claimed by the RCC, but given to the GOC after the dissolution of the Soviet Union, were not in dispute.

The government had not returned a Catholic church in Rabati in the Akhaltsikhe region to the RCC by year's end; rather, the church was leased to the Catholic community at a nominal price for a term of 100 years.

Members of minority religious groups expressed concern about the maintenance of church properties under dispute. Many of the properties were reportedly falling into disrepair, such as the Surb Nshan church in Tbilisi. This disputed property, claimed by both the GOC and AAC, had last been used for religious services in the pre-Soviet era. In January the Ministry of Culture and Protection of Monuments and the Armenian Ministry of Culture signed an agreement to establish a commission to rehabilitate AAC churches, with the participation of the GOC, ACC, and NGOs. Former Prime Minister Bidzina Ivanishvili's Kartu Fund will finance the commission's work.

The Muslim community disputed the government's continued ownership of a number of mosques as cultural heritage sites.

In September the investigative arm of the Ministry of Finance (MOF) deployed police officers to remove a mosque's minaret in the village of Chela, the construction of which, the ministry said, had violated import laws. Inhabitants of the area, mostly Muslims originally from the Adjara region, viewed the police action as an assault on the mosque and reacted with violent protests. The MOF said that materials used in the minaret had been obtained in Turkey and violated customs regulations. According to the ministry, the minaret's removal was necessary to examine the materials, following mosque leaders' failure to respond to a letter from the government informing them of these violations. Police arrested nine men who had protested against and confronted authorities during the minaret's removal. Of the nine arrested, police fined six men 400 lari (\$230) each, while three still faced criminal charges at year's end for resisting police.

Although the government later indicated it would return the minaret to the mosque, the minaret was stored in a field and covered with a tarp following the intervention of the GOC leadership. After discussions between the government and GOC leadership, two senior Orthodox clerics traveled to Akhaltsikhe to meet with a group of GOC congregants protesting the minaret's reinstallation and to call on them to disperse. Saying the minaret "will not be re-erected," the clerics praised the group, which was blocking the road in an attempt to prevent the minaret's return to Chela.

On November 28, however, approximately three months after its removal, members of the Muslim community reinstalled the minaret after receiving a building permit, approved by the local village council a day earlier. GOC congregants peacefully protested the minaret's reinstallation.

Beginning in late May in Samtatskaro in the eastern Kakheti region, GOC congregants prevented the local Muslim population from holding Friday prayers in its new house of prayer. The GOC congregants allegedly threatened to burn down the local imam's house and drive him from the village. According to local government officials, the majority of the village did not approve of the new house of prayer, saying that the small size of the local Muslim population did not warrant it. Despite then-Prime Minister Bidzina Ivanishvili's messages to local government officials to respect

the Muslim population's freedom of religious expression, local Muslims reported they did not feel safe using the new prayer house. While the Prosecutor General's Office (PGO) initiated an investigation into the incident, the PDO criticized the government for failing to hold a party responsible, which, it said, would create a culture of impunity and encourage similar violations. The investigation into the incidents in Samtatskaro continued without police charging anyone with a crime at year's end.

EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia Thomas Hammarberg stated in his report on human rights that the reaction of the local authorities to violations of religious expression in Chela, where the minaret was recently reinstalled, and elsewhere had been "inadequate." Furthermore, his report stated, "the perception of implicit complicity between the aggressors and the authorities, including law enforcement, may have contributed to repetition and expansion to other villages of such incidents."

GOC priests led a counter-demonstration of hundreds of people to the May 17 International Day Against Homophobia and Transphobia rally. Counter-demonstrators incited violence against demonstrators, many of them members of the Lesbian, Gay, Bisexual, and Transgender (LGBT) community. There was widespread television coverage of the event, and two priests were arrested on criminal charges of violating the right to assembly. The Tbilisi City Court dropped the charges against one priest, Antimoz Bichanashvili, an archpriest at Tbilisi's Holy Trinity Cathedral. The trial of Iotam Basilaia, father superior at the Iione-Tornike Eristavi Monastery, and three other defendants was still in progress at year's end. Civil society groups criticized the judiciary for being slow to prosecute, despite the existence of evidence against some of the violent protesters.

The government informally met with representatives of the Jewish community and the GOC-aligned NGO "21st Century" to discuss the possible transfer of government owned synagogues to the Jewish community.

The Jewish community disputed the government's ownership of a number of synagogues registered as cultural heritage sites. According to the Jewish community, these synagogues belong to it and not to the government.

Both synagogues in Tbilisi officially remained state property. The government, however, terminated the nominal fee it had charged for the symbolic, 25-year lease on the synagogue primarily used by the European Jewish community and gave the Jewish community control over it, although it remained subject to state oversight. The Jewish community was reportedly satisfied with the agreement. With the support of the GOC, the Jewish community and the government began negotiations regarding a similar agreement on the synagogue primarily used by the Georgian Jewish community in Tbilisi, as well as other synagogues in Gori, Akhaltsikhe, and Batumi.

The PGO initiated one criminal investigation for illegal interference with the performance of religious rites and opened three cases for religious persecution. In addition, the PGO initiated investigations into several incidents of reported damage to property belonging to Jehovah Witnesses. The PDO's Tolerance Center reported that members of the Jehovah's Witnesses filed 33 complaints of government and societal violations against their religious rights during the year. The PDO continued to study five complaints from the Muslim community. The AAC, the Pentecostal Church, the Seventh-day Adventists, and the Georgian Protestant Church also filed complaints.

The PDO noted continuing cases of teachers promoting GOC theology through religion courses, classroom prayer, and the display of icons and other religious symbols in schools. GOC priests in Adigeni, however, stated that they teach math and other subjects, but not religion, to students at a local public school.

Members of minority religious groups, including Evangelical Baptists and Muslims, reported several cases of high school religious history courses taught as GOC catechism courses. The PDO received several complaints that schools displayed GOC religious objects, including crucifixes. Some schools included GOC prayer rooms; in other cases, Georgian Orthodox churches were located inside schools. Although the Ministry of Education's (MOE) general inspection department was responsible for dealing with complaints of inappropriate teacher behavior, leaders of minority religious groups stated that families refrained from reporting problems due to concerns about the department's effectiveness and fears of retribution against their children. Some members of minority religious groups, including Evangelical Baptists, reported that parents found the school environment better for their children if they kept the family's religious affiliation private.

Seventh-day Adventists reported several cases in which teachers and principals refused to reschedule student exams given on Saturdays, which is the group's Sabbath. According to the Seventh-day Adventists, school principals cannot reschedule exams set by the MOE without MOE permission. In one example, a teacher and principal in Kheda, located in the Adjara region, reportedly refused to reschedule an exam at the request of one Seventh-day Adventist student. They criticized the student's choice of religion, and gave the student a failing score on the test because she did not take the exam. The student was allowed to retake the test after representatives from the Seventh-day Adventist community reported the case to the PDO, which then reported it to the MOE.

High level government recognition of minority religious celebrations continued during the year. Former Prime Minister Ivanishvili greeted Catholics on Easter and hosted Muslim leaders at an iftar during Ramadan. On October 15, he joined Muslims for a celebration at the central mosque in Tbilisi.

The National Parliamentary Library held an event for International Holocaust Remembrance Day. The meeting, memorial ceremony of candle lighting, and exhibition were organized by the International Foundation LEA, the Council of Jewish Women in Georgia, and the Jewish Information Center.

The Ministry of Defense provided religious sensitivity training to members of the Georgian armed forces. In September, before deployment to Iraq in support of the International Security Assistance Force mission in Afghanistan, a battalion visited the Juma mosque in Tbilisi. Sheikh Vagip Akperov introduced troops and the Minister of Defense to the traditions of Islam. In October Minister Alasania met with representatives of religious minority groups as part of his ministry's efforts to respect the rights of minority soldiers, and to familiarize soldiers with the majority religion in the country to which they were being deployed.

Abkhazia and South Ossetia remained outside the control of the central government, and reliable information from those regions was difficult to obtain. While Baptists, Lutherans, and Roman Catholics reported they were allowed to observe their religions in Abkhazia, the GOC reported that

it was not. In South Ossetia, the authorities did not permit services in GOC churches near the ethnic Georgian villages of Nuli, Eredvi, Monasteri, and Gera.

The GOC and Georgian government officials said that the de facto Abkhaz authorities carried out restoration work on churches historically claimed by the GOC, including the Likhny Monastery in Gudauta, Abkhazia, to modify the architecture to eliminate Georgian characteristics.

Some Jehovah's Witnesses communities established a working relationship with local authorities, which allowed them to hold some public religious assemblies and conventions. In South Ossetia, Jehovah's Witnesses were not officially recognized and conducted religious services privately; de facto authorities reportedly harassed them on occasion. In Akhgori in South Ossetia, local authorities informed Jehovah's Witnesses they could no longer conduct religious activities and their literature had been placed on the list of "extremist literature."

Individuals living outside Abkhazia and South Ossetia continued to face difficulties crossing the administrative boundaries and encountered difficulties visiting the gravesites of family members inside of the territories, especially in South Ossetia. Authorities allowed visits on an inconsistent basis, such as on religious holidays.

Seventh-day Adventists reported they had church members living in South Ossetia and Abkhazia, but maintained no contact with them. The Evangelical Baptist Church had churches in the occupied territories, but they were operating under the jurisdiction of the Russian Evangelical Baptist Church.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. According to a number of representatives of minority religious groups, some Georgians viewed minority religious groups as a threat to the national church and to the country's cultural values. On September 15, Patriarch Ilia II, the head of the GOC, was quoted in the media as saying that, while there had been a lot of discussion of the need to protect the rights of minorities, "often the majority is more oppressed" than the minorities.

In July in Samtatskaro, GOC congregants reportedly intimidated the local Muslim population by surrounding the imam's house, threatening him and his family and warning them to stop gathering in their new prayer house. Unknown individuals from the GOC reportedly physically assaulted the imam's wife. According to the Ministry of Internal Affairs (MOIA), an investigation into the incident continued at year's end.

Seventh-day Adventists reported examples of the publication of information by private sources that promoted religious intolerance. In September the newspaper *Kvela Siakhle*, which has a limited circulation, published an article entitled, "The Attack of the Satans," stating that the Seventh-day Adventist Church "preaches free sex, homosexuality, and creates pornography sites."

The Jehovah's Witnesses reported eight new cases of societal abuse, including vandalism of church property that included the Kingdom Hall in Lagodekhi in the Kakheti region. On February 17, three teenagers threw bricks and concrete at the building during a meeting. While the church filed a complaint with authorities, the MOIA reported it notified the church in March that there was insufficient evidence to open a criminal case.

There was one reported incident of anti-Semitism. On December 4, a group of approximately 20 people protested a Hanukkah celebration in Tbilisi's Freedom Square, which President Giorgi Margvelashvili attended. The protesters reportedly whistled during President Margvelashvili's speech, shouted at him to not participate in the candle-lighting ceremony, and called him "Judah" for participating in the celebration. Police arrested two protesters on charges of hooliganism after they damaged the stage erected for the celebration. Police fined the two men 100 lari (\$57). Following the event, a group of GOC priests and parishioners held a church service in front of the Israeli Embassy to protest the arrest of the two men. According to the media, the GOC protesters claimed that, by openly marking their religious holiday in the main square of Tbilisi, the Jewish community was insulting Jesus Christ and their religion. In response to the celebration's disruption, the GOC Patriarch released a statement that distanced itself from violent activity, calling it "unacceptable," and reaffirmed the legal right of freedom of expression.

Section IV. U.S. Government Policy

The U.S. embassy regularly engaged with representatives of parliament, religious groups, and NGOs to promote religious tolerance. Senior U.S. government officials, including a Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor, and embassy representatives made public statements supporting religious freedom and promoted dialogue between the government and minority religious groups aimed at furthering societal tolerance.

In June following the incidents in Samtatskaro in which local GOC congregants reportedly barred Muslims from entering their house of prayer, embassy officials traveled to the village and met with community leaders to hear their concerns and expressed support for the right to worship freely.

On July 26, embassy officials visited representatives of the AAC in Akhalkalaki and discussed restrictions on religious freedom.

On August 15, embassy officials traveled to Marneuli to meet with local Muslim leaders to discuss incidents of religious intolerance. Embassy officials also met with local NGOs representing the Azeri Muslim population regarding freedom of religion.

In September embassy officials spoke to the MOF and MOIA about the embassy's concern over the removal of the Chela mosque's minaret by members of both ministries.

In September a Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor met with the Patriarch of All Georgia Ilia II to discuss the importance of tolerance and nonviolence, and led a religious roundtable, which was attended by representatives of the GOC, Jewish, Muslim, Catholic, and AAC communities. The roundtable included a discussion of instances of religious intolerance during the presidential campaign period.

In September the Ambassador traveled to Batumi to address religious freedom concerns with local religious leaders. While there, he met with the co-leader of the Department of Muslims of Georgia to discuss the importance of religious tolerance and freedom as well as the incidents of religious intolerance in Samtatskaro and Chela. On September 26, the Ambassador led an interfaith dialogue, which representatives from the GOC, Jewish, Muslim, and Catholic communities as well as local NGOs attended. The imam from the Chela mosque was also present. The dialogue focused on the

concerns of the local religious community and the removal of the minaret from the mosque in Chela.

Embassy officials promoted dialogue between the government and minority religious groups that emphasized societal tolerance and integration into society. The embassy gave small grants to local NGOs to support programs for religious minority youth, free legal aid for religious minorities, civic education initiatives that supported religious minorities, and religious minority awareness programs for police personnel, journalists, and students.

In November embassy officials traveled to Chela in the Samtskhe-Javakheti region to meet with members of the local government and representatives from the Muslim and GOC communities. During the trip, embassy officials expressed concern over the removal of the mosque's minaret and urged its reinstallation.
