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International Religious Freedom Report 2008

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The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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 religious freedom.

There were some reports of societal abuses or discrimination based on religious affiliation, belief or practice. Abuse of religious minorities, including violence, verbal harassment, and disruption of services and meetings, continued to decrease. Both government officials and religious leaders attributed this decline to more vigorous government prosecution of those who harass or attack religious minorities.

The U.S. Government discusses religious freedom 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, which are not fully under the control of the Government of Georgia.

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). Membership in the GOC continued to increase. Non-Georgian Orthodox groups accept the territorial jurisdiction of the GOC and generally use the primary language of their communicants (e.g., Russian, Armenian, or Greek). There remains a small number of mostly ethnic Russian adherents of three dissident Orthodox schools--the Molokani, Staroveriy (Old Believers), and Dukhoboriy (Spirit Wrestlers).

The Armenian Apostolic Church (AAC), the Roman Catholic Church (RCC), Judaism, and Islam have traditionally 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) and belong predominantly to the AAC; they constitute the majority of the population in the southern Samtskhe-Javakheti region.

Approximately 10 percent of the population is at least nominally Muslim. There are three main ethnic Muslim populations: Azeris, Georgian Muslims of Ajara, and 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. There are an estimated 10,000 Jews. Protestant and other nontraditional denominations have become more active and prominent but constitute less than 1 percent of the population.

Section II. Status of Freedom of Religion

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The Constitution recognizes the special role of the GOC in the country's history but also stipulates the independence of church from 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 abuses of power and are punishable by higher fines and/or longer terms of imprisonment.

The Human Rights Protection Unit in the legal department of the Prosecutor General's Office (PGO) is charged with protecting human rights, including religious freedom. The Ombudsman (Public Defender) also monitors complaints of restrictions on religious freedom. The Ministry of Internal Affairs and the PGO remained active in the protection of religious freedom. Minority religious groups, such as the Jehovah's Witnesses, expressed satisfaction with the PGO commitment to protecting religious freedom.

The Government observes all major Orthodox holy days as national holidays. These include Orthodox Christmas, Epiphany, Good Friday, Orthodox Easter, Easter Monday, the Day of Apostle Andrew, the Day of Virgin Mary, Svetitskhovloba, and St. George's Day. 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.

Under a 2005 law, religious groups other than the GOC may register with the Government as either unions or foundations to receive legal status and tax benefits. 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. There were no reports of any groups being refused registration during the reporting period.

Article 18 of the Law on General Education specifies that "pupils, parents and teachers enjoy freedom of religious belief, denomination, and conscience according to the rule established by law and have the right to choose and change any religious denomination at will."

A 2005 law separating state schools and religious teaching narrowed the interpretation of the government concordat with the GOC regarding teaching Orthodoxy as an elective part of the school curriculum. The law states that such Orthodox teaching may only take place 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. Such classes were taught by lay theologians rather than priests. Religious minorities broadly welcomed the change to school religious education, but, along with nongovernmental organizations (NGOs), observed that practice did not always keep pace with the law.

Public schools offered an elective course on religion in society, which covered the history of major religions. Parents complained that the course's teachers and textbooks focused solely on the Orthodox Church. In July 2007 the Ministry of Education (MOE) suspended work on a new curriculum that was to have addressed the public's complaints. The curriculum was abandoned principally because the group could not agree on a curriculum and the ministry determined it would not have adequate resources to train sufficient teachers for the course. Ministry officials hope to restart the effort to develop this curriculum during the coming year.

By law, the GOC has a consultative role in curriculum development but no veto power. 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.

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 reporting period.

There were no reports that the MOJ refused to approve applications for registration; however, some religious communities continued to express dissatisfaction with the status that registration provided. The RCC and the AAC remained opposed to registering as civil organizations, stating that they prefer to be recognized explicitly as churches or granted a distinct status as a group based on religion. The Muslim community had also not registered.

Government authorities argued 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. 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. Registered religious groups receive substantially the same legal protection of their property rights and tax status as the GOC, although authorities conceded that there may be confusion on the part

of potential beneficiaries and government implementers. Only largely symbolic preferences remained, befitting the GOC's status under the concordat, such as exemption from initial payment of the value-added tax (versus paying and receiving reimbursement) and exemption from profit on sales of religious artifacts.

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.

Some unregistered groups reported difficulties importing religious materials. Leaders of the Tbilisi Mosque, for example, which has refused to register under the current law, said that prohibitive tariffs have discouraged them from importing religious literature from neighboring Azerbaijan or Turkey.

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 Georgian Supreme Court's ruling that revoked the group's registration. The group is now registered under the 2005 law and reports it is satisfied with its legal status.

Minority religious groups continued to report difficulties obtaining the necessary permits to build or occupy new houses of worship or to regain control of facilities confiscated during the communist era. While members of Jehovah's Witnesses no longer considered it necessary to hold services in private homes for security reasons, they continued to complain about delays in obtaining permits to build and occupy places of worship. In May 2008 Jehovah's Witnesses began court action to obtain the municipal permits needed to complete a new building in the town of Tsalanjikha.

Jehovah's Witnesses leaders stated they were routinely denied access to halls that seat more than 200 persons and the PGO had not brought charges against any individuals for these denials. Jehovah's Witnesses leaders stated they did not plan to press for prosecution but hoped to resolve the issue by receiving permission to build their own large hall.

Plans to build a Jehovah's Witnesses community center in the Avlabari region of Tbilisi were halted by municipal officials who questioned whether the group legally obtained the property. As of May 2008 the group had still not been granted a preliminary construction permit, the first step toward beginning the project. At the end of the reporting period, the city of Tbilisi was considering an application by the Jehovah's Witnesses to purchase a plot of land near the Tbilisi Sea (reservoir) for the construction of a large assembly hall.

Restitution of property confiscated during the communist regimes remained a contentious issue. During the period covered by this report, the Government did not return any churches, mosques, synagogues or meeting halls. The main mosque and two synagogues in Tbilisi were operated by their respective religious communities but remained state property. However, restoration continued of GOC churches previously returned, in part with government subsidies on the ground that the buildings are national cultural heritage sites. The Government also provided subsidies for the maintenance and preservation of mosques on similar grounds. Under an agreement with Turkey, the Ministry of Culture was expected to begin renovation of a Muslim prayer hall in Kobuleti during 2008. Other minority religious groups claimed that state funding is not provided on a neutral and equitable basis. The AAC complained that the church it operates in Tbilisi, which AAC leaders said serves 100,000 congregants, had not received funding because the AAC has refused to register with the Government. The Ministry of Culture stated it cannot fund a renovation project there as long as the church has no legally registered owner.

Officials of 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, and they argued that the Government was unwilling to resolve disputes over the ownership of disputed church properties for fear of offending GOC constituents. To illustrate the difficulty they had in getting political leaders to address their concerns about disputed property, Catholic leaders said that when they invited the leaders of the main parties competing in the May 2008 parliamentary elections to address their congregants, the party leaders refused, stating that they could not risk being seen as anti-Orthodox prior to the polls.

An RCC-GOC commission formed to discuss disputed churches made no progress during the period covered by this report. In contrast to previous reporting periods, however, disputed ownership did not lead to interfaith disturbances (see Section III). There were, however, several peaceful protests in April and May 2007 outside the disputed Norashen Church on Leselidze Street in Tbilisi. The church is claimed by the AAC and GOC. In April 2008 a priest from an adjoining GOC church began construction of a fence around one side of the church, which the AAC protested. As of June 2008 the construction of the fence had been suspended pending a decision by municipal authorities regarding its legality.

The RCC, AAC, and several Protestant denominations continued to have difficulty obtaining permission to construct new churches, due to the reluctance of local authorities to antagonize locally powerful conservative GOC supporters;

however, the GOC itself did not formally oppose new church construction by other religious groups when such construction did not modify or obstruct GOC sites.

Minority religious leaders continued to complain that some public school teachers and local Orthodox priests continued to criticize minority religious groups and interfaith marriages. Some teachers reportedly ridiculed Catholic and Protestant students, discouraging Orthodox followers from interacting with them.

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 Ombudsman characterized this problem as especially common in Adjara, where Muslim students are frequently the target of religious pressure from Orthodox teachers. The MOE has 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 General Inspection Department stated that only one complaint of a violation of religious freedom was filed. This complaint was filed in April 2008 by a Jewish teacher who felt her religion had led to mistreatment by her colleagues. An investigation by the General Inspection Department was underway at the end of the reporting period.

Jehovah's Witnesses leaders reported that harassment at school of their children's faith decreased significantly during the reporting period. They credited intervention by the Ombudsman's office and the actions of the General Inspection Department of the MOE. Community leaders said they had received no complaints during the reporting period of Jehovah's Witnesses' children being harassed or discriminated against in school by teachers or students.

The separatist Abkhazia and South Ossetia regions remained largely 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 but was not enforced. The group reported that it continued to hold services in Abkhazia, but limited its activities because of the decree. 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. On April 10, 2008, de facto Abkhaz authorities detained a GOC priest, Roman Kardava, in the city of Gali, and forced him to leave Abkhaz-controlled territory. The Abkhaz authorities justified the expulsion by saying that the priest was engaged in "political activities" and argued that it was "normal" to expel a representative of what they consider to be a "foreign" church. The incident and its justification illustrate that religious freedom remains under serious threat in Abkhazia. The Georgian Government objected to this expulsion and reported it to the UN, the OSCE, and the U.S. Embassy.

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.

Abuses of Religious Freedom

Minority religious groups complained that local police did not always respond promptly to their complaints.

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.

Improvements and Positive Developments in Respect for Religious Freedom

During previous reporting periods, minority groups complained of difficulties making ecclesiastical prison visits. During the period covered by this report, an intervention by the Ombudsman with the Directorate of Prisons led to improvements in this area. At the request of the Directorate of Prisons, the Religious Council of the Ombudsman, which includes a wide range of religious groups, compiled a list of clergymen who are expected to be granted prison access for ecclesiastical visits. This procedure is designed to balance the interests of religious access and security.

Current history and geography courses provide some coverage of world religious groups. The MOE is introducing new textbooks in these courses to replace older textbooks that contain themes or materials considered inappropriate under legislation promoting religious freedom. The new textbooks include materials on religious groups other than the GOC and discuss various religious groups in a neutral fashion. During 2007 and 2008 new textbooks were introduced for grades 2, 8, and 11. In the national history and geography curriculum, schools must teach religious beliefs 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 guidelines state that such texts and themes are to be integrated with civic and moral teachings to emphasize interfaith tolerance and mutual understanding. Plans call for civic curriculum guidelines to make religious tolerance an element of mandatory civic training in the seventh through ninth grades. The MOE reports that the implementation of these plans, however, has been delayed because

resources have been focused on other elements of the national curriculum.

Section III. Societal Abuses and Discrimination

There were continued reports of societal abuses or discrimination based on religious affiliation, belief or practice; however, religious minorities reported reductions in incidents of harassment, violence, or other direct pressures. Despite a general tolerance toward minority religious groups "traditional" to the country, including Catholics, Armenian Apostolic Christians, Jews, and Muslims, many citizens were apprehensive toward "nontraditional" religious minorities, which were perceived as taking advantage of the populace's economic hardships by gaining members through economic assistance. Some persons also view minority religious groups as a threat to the national church and the country's cultural values.

A number of religious minorities reported continuing media hostility, although most attributed it to the attitudes of individual media reporters rather than a systematic, organized media campaign. Some religious minority leaders noted that the media simply ignored their communities, providing no coverage of their activities.

During the period covered by this report, several cases of interference, threats, intimidation, and violence were investigated. According to data provided by PGO, 24 cases involving some type of infringement of religious freedom were investigated between July 2007 and May 2008. Of these cases, 3 resulted in court verdicts, 3 were awaiting trial, 13 remained under investigation, and 4 cases were terminated for lack of evidence that a crime had been committed. The PGO confirmed that the majority of these cases involved harassment of Jehovah's Witnesses in the Tbilisi area. Jehovah's Witnesses provided a list of 18 incidents involving harassment that they reported to authorities, 9 of which were in Tbilisi. Both PGO and Jehovah's Witnesses leaders characterized these incidents as relatively minor and involving only a few individuals.

On March 23, 2007, Iuri Okujava assaulted two Jehovah's Witnesses who had come to his home to proselytize. On December 5, 2007, he agreed to a plea bargain in which he will serve a 2-year sentence for interfering in the practice of religion (Article 155(1) of the Georgian Criminal Code).

On September 16, 2007, Z. Sikharulidze committed assault and battery against two Jehovah's Witnesses when they visited his Tbilisi home to proselytize. After a police investigation, prosecutors charged Sikharulidze with interference in the practice of religion. He subsequently agreed to a plea bargain which included a 1-year suspended sentence.

During the reporting period, several stone-throwing incidents occurred outside a Jehovah's Witnesses hall in the Gldani district of Tbilisi. Community leaders said the frequency and intensity of these incidents decreased. Jehovah's Witnesses leaders expressed general satisfaction with the response to these incidents by the police, although they added that the intervention of PGO and the Ombudsman were still sometimes necessary to get timely police action. Nevertheless, the Jehovah's Witnesses' leaders believed that government efforts to protect them from such harassment improved during the period covered by this report.

GOC supporters threw rocks as part of an anti-Catholic demonstration in September 2006 protesting the visit of a prominent Roman Catholic archbishop to the Assyrian Catholic church in the Saburtalo District of Tbilisi, and an explosive device was reported seen but not found when police investigated. Roman Catholic leaders reported no subsequent violent incidents at this Assyrian Catholic Church, but complained that GOC supporters continued to protest peacefully outside the facility.

The GOC continued to complain that the ROC's Moscow Theological Seminary was training Abkhaz priests for service in Abkhazia. Despite the fact that the ROC recognizes Georgia'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.

The RCChurch reported that in the southern region of Adygai, as well as in the city of Akhaltsikhe, Catholics faced a hostile social climate.

During previous reporting periods, incidents of abuse were committed by or attributed to a small group of GOC extremists, who were subsequently repudiated by the GOC and prosecuted. The GOC excommunicated Paata Bluashvili, and on May 30, 2007 he was convicted of abuse and sentenced in absentia to 7 years in prison. Another extremist, Mkalashvili, 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.

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.

Two incidents were reported by the Jewish community during the reporting period. On April 21, 2008, three Jewish graves located in the village of Peria, Khelvachauri District, Adjara were desecrated. The perpetrators drew swastikas

on the headstones of these graves. Relatives of those buried there and the cemetery administration removed the swastika markings, but took photos as evidence. A police investigation into the incident was opened under Article 258 (3) of the Criminal Code (desecration of graves). The perpetrators had not been identified and the investigation was ongoing at the end of the reporting period. Jewish leaders viewed the desecration as an isolated incident involving a few individuals; they reported that it had been more than a decade since any similar incident had occurred in the country.

On April 1, 2008, an anti-Semitic leaflet accusing Jews of plotting to "shed the blood" of Georgians was distributed in Tbilisi metro stations. The leaflet, issued by the political movement "Axali Sitkva," called for its readers to "say no to Jewish mason spies!" and claimed that "other people's property to a Jew is like an abandoned thing; the owner of it is the Jew who will appropriate it. For the Jew to acquire it, Georgians' blood should be shed in the streets." Tbilisi Jewish leaders reported that this was an isolated incident which they attributed to attempts by some political actors to manipulate nationalist sentiment prior to the May 2008 parliamentary elections.

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 continued to decline. There were seven complaints of violence against religious minorities directed to the Ombudsman during the second half of 2007, and two similar complaints received by the Ombudsman through early May 2008.

During his January 2008 second inaugural address in Tbilisi, President Saakashvili spoke out in favor of religious tolerance, particularly as it applies to interethnic societal tensions. Several religious minority leaders were also invited to attend the inauguration.

Section IV. U.S. Government Policy

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

The Embassy funded several projects to foster religious tolerance, including research grants, visitor program presentations, and speaker program sponsorships. 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, designed to empower citizens and organizations to effectively discuss, debate, and resolve a range of matters related to building a cohesive multiethnic and 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 also supports a weekly talk/variety show on public television dedicated to integration and tolerance issues. On February 2, 2008 the show devoted one of its weekly programs to a session on religious tolerance that featured prominent religious leaders from across the country.

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