

GEORGIA 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The trend in the government's respect for religious freedom did not change significantly during the year. Authorities failed to respond effectively to societal efforts to limit the rights of members of minority religious groups to worship. 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 candidates used religiously intolerant rhetoric in the parliamentary election campaign.

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 maintained regular contact with government and civil society representatives and actively supported religious freedom. The embassy hosted and participated in events promoting religious diversity and tolerance. Embassy representatives met regularly with religious and nongovernmental organization (NGO) leaders to promote religious freedom.

Section I. Religious Demography

The National Statistics Office estimates the population at 4.5 million. 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 Ajara and Chechen Kists in the northeast. Ethnic Armenians belong primarily to the Armenian Apostolic

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Church (AAC) and 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. “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 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 the sphere of 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 budget, receiving 22.8 million lari (\$13.75 million) during the year.

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.

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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.

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. The government failed to respond effectively in at least one instance to prevent individuals from disrupting entry into Islamic houses of prayer. Systemic issues remaining largely unchanged included the return and maintenance of disputed church property claimed by minority religious groups and currently held by government entities, the privileged legal and tax status of the GOC, and incomplete enforcement of separation of church and state in public schools.

The 2012 parliamentary election campaign included some statements by candidates that blended religious and ethnic intolerance. According to the National Democratic Institute's (NDI) June pre-electoral assessment, "Hate speech against religious and ethnic minorities can still be found in Georgian campaign rhetoric." The PDO reported that "hate speech and manifestations of xenophobia still remain problematic in all types of media." In a March radio broadcast, Murman Dumbadze, who became deputy parliament speaker in October, stated that Republican Party activist Giorgi Masalkini was not ethnic Georgian and therefore not bothered by the intended reconstruction of the Azizie mosque in Batumi.

In the context of the amended civil code, there were direct talks throughout the year between the GOC and the government on the preservation of the GOC's "special status," its rights as outlined in the concordat, the role of a parliamentary

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commission to monitor property transfers, and other GOC privileges found in the constitution and tax code.

Restitution of property confiscated during the communist regime 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. The joint government-GOC commission monitoring property transfers and determination of cultural monuments of religious significance included no minority religious group representation. There was no official mechanism to mediate property disputes among the GOC, minority religious groups, and the government.

Nongovernmental Organizations (NGOs) and members of minority religious groups expressed concern about the maintenance of church properties under dispute. Many of the properties were falling into disrepair, such as the Surb Nshan church in Tbilisi. On January 10, the dome collapsed after a fire weakened one of the columns, and on May 14, the bell tower collapsed. Claimed by both the GOC and AAC, this disputed property was last used for worship services in the pre-Soviet era.

In addition to five churches in Tbilisi and one in Akhaltsikhe, all jointly claimed by the AAC and GOC, the status of at least 30 other churches claimed by the AAC remained in dispute, as well as five churches claimed by the RCC but given to the GOC after dissolution of the Soviet Union. The Jewish and Muslim communities also disputed a number of mosques and synagogues under government ownership as cultural heritage sites.

Both synagogues in Tbilisi remained state property. One newly renovated synagogue continued to be leased to the Jewish community for the symbolic price of one lari (\$0.60) per month. The government had not returned a Catholic church in Rabati in the Akhaltsikhe region to the RCC by year's end, but leased it to the Catholic community at a nominal price for a term of 100 years.

The RCC reported that the GOC was renovating a historically Catholic church in Ude that was given to the GOC after the Soviet period, removing characteristic Catholic architectural elements and replacing them with Orthodox elements. A 2006 government declaration of the church as a cultural heritage site made the state responsible for preservation of the site's authenticity. On that basis the

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government intervened and required the GOC to ensure that renovations respected the building's original architecture.

During the year, the government granted 24 mosques status as cultural heritage sites, making the state responsible for their maintenance and ensuring no arbitrary architectural changes could be made.

In the Adigeni district, seven inactive mosques built by Meskhetian Muslims deported during the Stalin era were being used to keep cattle. According to the NGO Toleranti, the Muslim community was unsuccessful in efforts to reclaim those mosques, but used other active mosques in the region.

Restoration continued on religious properties previously returned, in part through government subsidies provided on the basis that the buildings were national cultural heritage sites. Several minority religious groups stated that the government did not provide such funding on a neutral and equitable basis. During the year, the Ministry of Culture provided 13 million lari (\$7.8 million) for restoration of religious buildings on cultural heritage sites. The ministry reportedly spent 3 percent of the funding, or 409,000 lari (\$245,000), to stabilize a central pillar of the Surb Nshan Church, one of the disputed church buildings claimed by the AAC. The Akhaltsikhe municipality funded the restoration of a mosque.

By year's end, the government had registered 14 minority religious groups as legal entities under public law, including three branches of the Catholic Church, two Muslim groups, Lutherans, Yezidis, two Jewish groups, the AAC, and Evangelical Baptists. Other minority religious groups not registered at the end of the year included the Seventh-day Adventists and Jehovah's Witnesses. Religious groups reported no problems obtaining registration.

In October local authorities in Signagi issued a construction permit to the Jehovah's Witnesses after a two-year delay.

In two cases reported by the Jehovah's Witnesses involving alternative service for compulsory active military duty, the Ministry of Defense denied initial requests for exemptions, but granted the requests in follow-up appeals. Authorities granted the appeal of one Jehovah's Witness in which the individual was fined for non-fulfillment of military or alternate service, but denied the appeals of three others.

Most prisons had GOC chapels, but no specific nondenominational areas for worship. Representatives from other religious groups complained that prisoners

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were not given adequate areas within penitentiaries to worship according to their beliefs. Muslim leaders reported Muslim prisoners were kept in their cells with other inmates on the Islamic holy day of Nowruz-Bairam, making worship impossible. Both the PDO and the Ministry of Corrections and Legal Assistance stated they were working to find a solution. Members of the Jewish and Muslim communities also reported prison authorities did not make kosher and halal dietary accommodations. Several religious groups reported that GOC priests actively proselytized in prisons.

The Parliamentary Human Rights Committee, reconstituted after October parliamentary elections, classified eight members of two fundamentalist groups, the Georgian Orthodox Parents Union and the Public Orthodox Christian Movement, as political prisoners and prisoners of conscience because their detention purportedly violated their freedom of expression and freedom of religion. In March 2011, the courts sentenced these eight individuals to four and a half years in prison for breaking into a television station and assaulting participants on a talk show on religious freedom. Two individuals were also charged with assaulting participants at a religious freedom rally and threatening to assault the rector of Ilia State University, which hosted the presentation of a book critical of the GOC. The PDO stated that attacks against minority religious groups decreased after the 2010 detention of these individuals and feared their classification as prisoners of conscience would encourage renewed harassment of minority religious groups.

Ministry of Internal Affairs officials reportedly initiated one criminal investigation for illegal interference with the performance of religious rites and opened five cases for religious persecution.

The PDO reported that members of minority religious groups lodged 11 complaints of governmental and societal violations against their religious rights during the year. Among them was an incident of a woman in the village of Orkhevi who attempted to convince her neighbors to join her in attacking the local Jehovah's Witnesses Kingdom Hall. Police intercepted her as she made her way through the village and defused the situation before it escalated further.

On May 31, Jehovah's Witnesses reported that a public school teacher took a student to the local GOC priest for baptism without parental permission, which reportedly took place with the knowledge of the school principal and staff. At year's end, a police investigation was still underway, and the Ministry of Education reported the teacher was reprimanded.

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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.

Members of minority religious groups reported several cases of high school religious history courses being taught as GOC catechism courses. The PDO received several complaints that schools displayed GOC religious objects. Some schools included GOC prayer rooms, and in other cases, Georgian Orthodox churches were located inside schools. Although the Ministry of Education's General Inspection Department was responsible for dealing with complaints of inappropriate teacher behavior, including violations of the religious freedom of students, leaders of minority religious groups reported families refrained from reporting problems because they felt the department was ineffective and feared their children would suffer backlash in the classroom.

According to reports lodged with the PDO, some public school teachers criticized minority religious groups and students during classroom lessons. Representatives of religious groups other than the GOC and the PDO's Tolerance Center believed that such problems persisted despite some official complaints.

Seventh-day Adventists reported several cases in which teachers and principals refused to reschedule student exams given on Saturdays. In May a teacher and principal in Kheda reportedly refused to reschedule an exam at the request of one Adventist student, criticized the student's choice of religion, and gave the student a failing score on the test because she did not take the exam.

Many staff members in public schools tended to assume a student was Orthodox Christian. Some members of minority religious groups reported that parents found the school environment better for their children if they kept the family's religious affiliation private.

Abkhazia and South Ossetia remained outside the control of the central government, and reliable information from those regions was difficult to obtain. Jehovah's Witnesses in Abkhazia remained officially banned. 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; authorities reportedly harassed them on occasion.

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While Baptists, Lutherans, and Roman Catholics reported they were allowed to operate in Abkhazia, the GOC reported that it was not. The GOC and government officials alleged that the de facto Abkhaz authorities carried out restoration work on churches historically claimed by the GOC, including the Likhny Monastery, that eliminated Georgian architectural elements.

In South Ossetia, the de facto authorities did not permit services in GOC churches near the ethnic Georgian villages of Nuli, Eredvi, Monasteri, and Gera. In Akhagori 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 faced difficulties crossing the administrative boundaries and encountered difficulties visiting the gravesites of family members inside the territories, especially in South Ossetia. Authorities allowed visits on an inconsistent basis, such as on religious holidays.

In November Beka Mindiashvili, head of the PDO Tolerance Center, highlighted several continuing problems involving religious freedom, including unresolved ownership status of many churches confiscated during the Soviet period, an unequal tax regime favoring the GOC, and continuing challenges to separation of church and state in public schools, including proselytism in schools.

In July the Council of Religions, organized under PDO auspices, made a series of recommendations to government agencies, higher education institutions, and media organizations that included tax code reforms, penitentiary reform to allow space for worship for all inmates, increased cultural sensitivity of teachers and textbooks, a detailed plan to resolve disputed ownership of church properties, increased monitoring of intolerance in the media, and better coverage of religious issues by the public television channel.

High level government recognition of minority religious celebrations continued during the year. On Easter, President Saakashvili recognized the Catholic community for its contributions to the "development of culture, science, and art in our country." He also recognized the religious contributions of the Armenian community, stating, "The friendship of Georgian and Armenian people has survived centuries and our churches have contributed greatly to the Christian civilization of the world." In March he recognized Azeri Muslim's Nowruz Bairam celebration, stating, "I am proud that we are making a unified state, where

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representatives of all cultures, confessions, and ethnicity feel themselves as equal children of the country.”

On October 5, newly elected Prime Minister Bidzina Ivanishvili joined the Jewish community in celebrating Shabbat and noted the importance of tolerance in the country’s multicultural society, stating, “I am committed to making Georgia a place where all Georgians, regardless of their faith, are treated equally and with respect.” He also joined Tbilisi’s Jewish community for several Hanukkah celebrations.

Government Inaction

On November 2, police did not intervene as GOC priests and congregants in Nigvziani in the Guria region blocked individuals from entering a private home used as a Muslim prayer house and demanded the closure of the prayer house and the eviction of all worshipers. The local GOC priest stated, “We told them (the Muslims) that the locals would not allow any minarets and mass prayers in this village.” Eka Beselia, the newly appointed chairperson of the Parliamentary Human Rights Committee, called the action of the GOC clergy and congregants an “expression of different opinions,” and stated that the interests of all villagers should be protected.

The public defender’s 2011 annual report released during the year noted that as many as 40 cases of religious persecution and discrimination from 2008-2010 remained uninvestigated.

Improvements and Positive Developments in Respect for Religious Freedom

On March 27, the parliament amended the criminal code to make religious motives an aggravating factor for all crimes. Although authorities prosecuted no crimes under the new amendment during the year, the Georgian Young Lawyers Association stated that passage of the amendment could discourage such crimes.

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.

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The Jehovah's Witnesses reported six new cases of societal abuse. Although police opened investigations in these cases, the investigations were never completed. On May 31, two assailants punched and kicked a member of the Jehovah's Witnesses as he left a religious meeting in Rustavi. Although his family filed a complaint and the assailants later confessed and apologized, the police investigator reportedly refused to pursue the criminal charges, stating the apology was adequate.

Jehovah's Witnesses also reported that on July 4, unknown individuals damaged a security camera installed outside one of their buildings. Although Jehovah's Witnesses representatives reported the incident to police and provided footage from the camera that clearly revealed the faces of the individuals, the police did not conduct a follow-up investigation.

In June GOC and local government leaders led protest rallies in Batumi against the proposed reconstruction of the Azizie Mosque. Originally built by the Ottomans in 1868, the mosque burned down in the 1940s. The protests followed reports of allegedly secret negotiations between Turkey and Georgia to rebuild the mosque.

Some religious groups reported that GOC priests warned leaders of local minority congregations that after the October 1 parliamentary elections they would no longer be allowed to hold services in their respective villages. Evangelical Baptist leaders reported that in August or September a Georgian Orthodox priest told a member of the congregation in Kakheti that the Baptists would be "kicked out" after the elections.

There was a significant surge in xenophobic statements against religious and ethnic minorities during the period before parliamentary elections on October 1 and immediately after the election. The new government took office on October 25. The PDO and NGOs reported that GOC clergy members, some opposition party activists who were subsequently elected to parliament, and members of the academic community were among those who made statements against religious minorities.

On November 29 and 30 in Tsinksaro in the Kvemo Kartli region, a group of Orthodox Christians threatened local Muslims, telling them to stop gathering in their prayer house. The individuals threatened to burn down the local mufti's house and expel him from the village. The villagers reportedly shouted, "No need for a mosque in a place where Christian families live; you'll see what we are planning to do next Friday; you'll get war." Police intervened and the local

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Muslim community held prayers the following day. Prime Minister Ivanishvili issued an official statement following that incident stating, “Freedom of religion is the constitutional right of every citizen of this country and our government will not allow that this right to be restricted for anyone. The law enforcement agencies will investigate every wrongdoing and those guilty of this shameful confrontation will be punished most severely.”

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 and embassy representatives made public statements supporting religious freedom and promoted dialogue between the government and minority religious groups aimed at furthering societal tolerance.

On several occasions the ambassador met with GOC Patriarch of All Georgia Ilia II to discuss the role of the GOC. On April 19, the ambassador met with local Muslim leaders at the Marneuli mosque to discuss religious tolerance and acceptance as well as the contribution of the Muslim population to society. On April 24, the ambassador attended a candle lighting ceremony hosted by the PDO to commemorate Holocaust Remembrance Day.

During an October 19 meeting, the ambassador and Mufti Jemal Paksadze discussed the need for religious tolerance and freedom; the importance of all religious groups, including Muslims, to be able to freely practice their faith; approaches to disputes with Christian groups; and the potential construction of a new recreation center next to the Batumi mosque. In October the U.S. special representative to Muslim communities discussed religious freedom with Muslim and academic leaders and students, and gave an interview to a local Azeri-language television channel stressing the important role Muslim communities play in society.

On December 1, a Department of State official visited churches jointly claimed by the AAC and GOC and discussed the disputes with NGO representatives.

On December 10, the ambassador led a roundtable discussion in honor of Human Rights Day that included the importance of religious freedom.

Following the December incident in Tetrtskaro when Muslims were barred from entering their house of prayer, the ambassador traveled to the village and met with

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local Muslim community leaders to hear their concerns and expressed support for the right to worship freely.

Embassy officials promoted dialogue between the government and minority religious groups that emphasized societal tolerance and integration into society. The embassy provided small grants to local NGOs that included support for religious minority women in the political and economic spheres, civic education initiatives that supported religious minorities, and initiatives that targeted improvement of communication channels between government institutions and members of minority religious groups.