

GEORGIA 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for the freedom of religion and the separation of church and state; however, laws and policies favor the Georgian Orthodox Church (GOC), granting it privileges not accorded to any other religious group. During the year, there were reports of forced religious conversion and at least one incident of violence between police and religious protesters. The government promised to provide restitution to victims of police violence in earlier years following a ruling by the European Court of Human Rights (ECHR). The government instituted a National Strategy for the Protection of Human Rights and a corresponding action plan aimed at fostering religious tolerance and ending discrimination on religious grounds. The government established the State Agency on Religious Affairs and provided it with funds to compensate four religious groups for damages inflicted during the Soviet period. Religious organizations and nongovernmental organizations (NGOs) criticized a lack of transparency in the selection process, as other religious groups were not chosen to receive compensation. Local authorities at times failed to respond to societal efforts to limit the rights of members of minority groups and the government failed to return or maintain property claimed by minority religious groups held by government entities. Religious minorities also reported discrimination on the basis of religion in educational institutions. Restrictions on religious activities in the regions of Abkhazia and South Ossetia, which remained outside the control of the central government, impacted the GOC and Jehovah's Witnesses, in particular.

The Jehovah's Witnesses reported an increase in physical assaults and harassment, including one case where an individual died following surgery to address injuries suffered in an altercation. Representatives of minority religious groups reported a widespread belief that they posed a threat to the country's cultural values and said they encountered resistance to their religious activities. A report by the Tolerance and Diversity Institute (TDI) stated GOC clergy contributed to hostile societal attitudes towards minority religious communities. On September 10, opponents of a new residential madrassah for children in Kobuleti blocked the school's entrance and prevented its operation.

The U.S. Ambassador and embassy officials promoted dialogue between the government and minority religious groups that emphasized societal tolerance, and traveled throughout the country to meet with minority religious communities. Embassy representatives closely engaged with religious

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communities and government officials concerning a number of cases involving religious freedom abuses, including the nailing of a pig head to a religious school door in Kobuleti and the planned construction of a community center at a disputed site in Mokhe.

Section I. Religious Demography

The U.S. government estimates the total population at 4.9 million (July 2014 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 between 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 Shia 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, both of which are predominantly Sunni. 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 Framework

The constitution declares “complete freedom of religion” and provides for the freedom of expression on the basis of religion. It recognizes the special role of the GOC in the country’s history, but stipulates the independence of the church from the state. The law provides for freedom of religious belief, denomination, and conscience, including the right to choose and change religious affiliation.

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A concordat between the government and the GOC confers unique status on the GOC; the government does not have a concordat with any other religious group. The concordat grants rights not given to other religious groups which include 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. Property law grants the GOC an exclusive right to purchase state property and to privatize state-owned agricultural land free of charge.

In order to acquire the status of a Legal Entity of Public Law (LEPL) or of a non-commercial religious organization, the law requires religious organizations to register with the government. To register, an organization must have historic ties to Georgia and recognition from Council of Europe member states as a religious organization, but the law does not stipulate who determines what constitutes "historic ties." In addition, an organization registering for LEPL status must submit to the Public Registry a document with information regarding its objectives and procedures, and a list of its founders and governing body.

The law on private NGOs defines the activities and rights of denominations registered under LEPL status, and does not provide these groups with any benefits or state funding.

The tax code considers religious activities not to be economic activities, and grants religious groups partial tax exemptions for donations. Taxes paid by religious groups other than 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 fines, 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. In cases of religious persecution, an individual may be imprisoned for up to three years depending upon the use or threat of violence, his or her official position, and damages caused. In cases of unlawful interference in the right to perform religious

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rituals involving the use or threat of violence, offenders may be imprisoned for up to two years, or in cases where the offender holds an official position, for up to five years. Interference in the establishment of a religious organization is punishable by fine, correctional work for a term of up to one year, or imprisonment for up to two years.

Pursuant to the law, the Prosecutor General's Office (PGO) prosecutes human rights violations involving religious freedom. The Human Rights Unit within the PGO monitors 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, public schools cannot be used for the purposes of religious indoctrination, proselytizing, or forcible assimilation. The law states students have the right to pursue religious study and practice religious rituals "of their own accord" for the purpose of acquiring religious education, but only after school hours. Outside instructors, including clergy, may only attend or direct student religious education or activities if they are directly invited to do so by the students themselves. School administration and teachers may not be involved in this process.

On May 2, parliament adopted antidiscrimination legislation, which bans discrimination based on religious belief and affiliation, among other grounds.

Government Practices

There were reports of forced religious conversion and at least one incident of violence between police and religious protesters. The government promised to provide restitution to victims of police violence in earlier years following a ruling by the ECHR. The government instituted a strategy and implemented programs in support of religious minorities, but received criticism from religious groups and NGOs. The government failed to return or maintain property claimed by minority religious groups currently held by government entities. Muslim and Jewish groups, as well as the Catholic, Evangelical, Baptist, and Armenian Orthodox Churches criticized government policies in this regard. There were also complaints the government inadequately addressed acts of religious intolerance and separation of state and church in public schools.

The Council of Europe's commissioner for human rights issued a report in May stating it had received accounts of schools indoctrinating and forcing children

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belonging to other religions, mainly Muslims from Adjara, to convert to Orthodox Christianity. There was also a report of a teacher physically and verbally abusing a student not adhering to the Orthodox faith.

In October a dispute over a building that once operated as a mosque led to a protest and altercation between protesters and police in Mokhe, Adigeni municipality of Samtskhe-Javakheti. Local authorities had selected the location, claimed by both the Muslim and Christian communities in the village, as a site for a new community center and library. NGOs reported authorities used unnecessary force against protesters, and criticized the lack of a government policy regarding restitution of property rights for religious buildings. Prime Minister Irakli Garibashvili called the violence in Mokhe “unacceptable” and charged the State Agency on Religious Affairs with making a recommendation for resolving the issue. In December the state agency established a special commission to clarify the history of the property. According to Zaza Vashakmadze, head of the state agency, the commission would include 11 members representing Orthodox Christians, Muslims, the government’s Monument Protection Agency, and regional and local governments. At year’s end, the commission had not reached a decision regarding the property, and construction at the site remained suspended.

In practice, the Public Registry registered all organizations that requested registration. By year’s end, the government had registered 52 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 PDO’s Tolerance Center reported members of the Jehovah’s Witnesses filed 65 complaints of government and societal infringements of their rights, including verbal and physical abuse, obstruction of religious services, difficulties related to construction permits, and damage and vandalism of properties. According to TDI, the number of offenses in the first five months of 2014 almost equaled the total from 2013, a year which had a fourfold increase compared to 2012.

The PGO initiated 11 criminal investigations of incidents involving religious intolerance against Jehovah’s Witnesses. The PGO also investigated four cases regarding illegal interference with the performance of religious rites and two in connection with physical assault. Three individuals were found guilty of persecution on the basis of religion, one of whom was sentenced to two years of

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conditional imprisonment. In addition, the PGO initiated investigations into incidents of reported damage to property belonging to Jehovah's Witnesses.

NGOs criticized the government for failing to carry out effective investigations in previous cases motivated by religious hatred. The public defender's 2013 annual report, released in 2014, stated the reason for the display of intolerance towards Muslims was the "permissive" attitude towards such crimes suggested by the stipulations of the criminal code, a similar attitude on the part of state authorities, as well as a sense of impunity and, in some cases bias, on the part of offenders.

On October 7, the ECHR ruled government authorities in 2000-2001 had created a climate encouraging widespread religiously-motivated violence against Jehovah's Witnesses and failed to take the necessary measures to ensure that Jehovah's Witnesses were able to exercise their right to freedom of religion. This violence included a case in 2000 in which masked policemen beat approximately 50 worshippers during a religious assembly in Zugdidi, and burned down religious buildings belonging to group. Following the ECHR ruling, the government released a statement promising to provide restitution to victims, as laid out in the ECHR judgment, and underlined its commitment to the ECHR and its international obligations.

In accord with a resolution passed by parliament on January 27 allowing the government to compensate Islamic, Jewish, Roman Catholic, and Armenian Apostolic religious organizations registered as LEPLs for "the material and moral damages inflicted upon them during the Soviet period," on March 13 the State Agency on Religious Affairs was instructed to disburse 3.5 million lari (\$1.9 million) in coordination with the Ministry of Finance. In December the government reduced the figure to approximately 1.7 million lari (\$909,000) due to insufficient funds in the budget. According to the Roman Catholic Church (RCC), they received 200,000 lari (\$107,000) from the government, the Muslim community received approximately 1 million lari (\$535,000), the AAC approximately 300,000 lari (\$160,000), and the Jewish community approximately 130,000 lari (\$70,000).

Religious organizations and NGOs questioned the process by which the government chose the four religious groups eligible to receive funds for these damages and criticized the exclusion of other faiths. The RCC initially declined to accept the funding until the denominations not named in the resolution received

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compensation as well, but later accepted the funds when the State Agency on Religious Affairs promised two other denominations would receive funds in 2015.

Until this decision, the GOC had been the only religious group with a line item in the government's annual budget. During the year the GOC received 25 million lari (\$13.4 million) in government funds.

A joint government-GOC commission monitored property transfers and determined which cultural monuments were of religious significance, while the State Agency on Religious Affairs issued non-binding recommendations. No religious minority groups were represented on the commission.

The government continued to subsidize the restoration of certain religious properties considered national cultural heritage sites, which were appropriated by the state during the Soviet era and returned to their prior owners. The Ministry of Culture and Protection of Monuments provided 1,447,338 lari (\$774,000) during the year for the restoration of religious buildings on cultural heritage sites. Several minority religious groups said the government did not provide such funding on an equitable basis. According to the Ministry of Culture and Protection of Monuments, the government began rehabilitating an Islamic mausoleum and spent 90,144 lari (\$48,000) on non-Orthodox churches, including 20,000 lari (\$11,000) on monitoring the conditions of Armenian and Catholic churches, and 70,144 lari (\$38,000) on the reinforcement of Surb Nshan Church in Tbilisi.

Officials from the RCC and the AAC said property disputes were not resolved in a transparent legal process and favored the GOC. At the end of the year the RCC reported the Rustavi municipality had refused to provide the RCC with a construction permit to build a church. The AAC requested restitution of five churches in Tbilisi and one in Akhaltsikhe, all of which were currently registered as state property and which were claimed by both the AAC and the GOC. In addition, 30 other churches claimed by the AAC, as well as five churches claimed by the RCC but given to the GOC after dissolution of the Soviet Union, were also in dispute.

The Council of Europe's commissioner for human rights reported concerns about the maintenance of church properties claimed by the AAC, and stated that many of them had fallen into disrepair. On September 19, the roof of the Surb Minas Church in Tbilisi collapsed. According to the AAC, representatives of the State

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Agency on Religious Affairs said the state would build a new roof for the church in 2015.

The Jewish community disputed the government's ownership of a number of synagogues registered as cultural heritage sites. Both synagogues in Tbilisi officially remained state property. Representatives of the Jewish community stated synagogues in Oni, Kutaisi, and Akhaltsikhe Rabat territory required urgent restoration.

The Muslim community disputed the government's ownership of a number of mosques in Kvemo Kartli, Adigeni, and Adjara. In Batumi, Muslim community leaders and local and central government authorities were unable to reach a mutually-agreeable solution to address overcrowding in the Batumi mosque, which was state-owned property.

According to the PDO, non-Orthodox Christian churches faced government resistance when registering property rights for places of worship, and it blamed the influence of the GOC for government officials' resistance. In January the Ministry of Economy and Sustainable Development denied the Evangelical Protestant Church in Gori its request to purchase a building where it operated, claiming that as a LEPL, the church could only purchase land if the government's share of the land was less than 25 percent, a requirement waived for the GOC.

On June 4, the municipality council of Terjola suspended a construction permit for the Jehovah's Witnesses to build a Kingdom Hall. The Jehovah's Witnesses community reported this suspension was the result of pressure from local GOC clergy and parishioners, and said following the suspension Kakha Makaridze, Deacon Spiridon Tskipurishvili, Temur Gamezardashvili, and others from the area "made threats and acts of aggression" against the community.

The Evangelical Baptist Church was able to register new property because it registered as a legal entity in 2012; however, the status of property built before 2012 remained in dispute.

The PDO continued to receive complaints regarding religious discrimination in schools from the Muslim community, the AAC, the Pentecostal Church, the Seventh-day Adventists, and the Georgian Protestant Church, as well as reports of multiple cases where teachers promoted GOC theology through religion courses, classroom prayer, and the display of icons and other religious symbols in schools.

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Members of minority religious groups, including Evangelical Baptists and Muslims, reported several cases of GOC catechism courses being taught as high school religious history courses. Although the Ministry of Education's general inspection department was responsible for dealing with complaints of inappropriate teacher behavior, leaders of minority religious groups stated families refrained from reporting problems due to concerns about the department's effectiveness and fears of retribution against their children.

The government adopted a National Strategy for the Protection of Human Rights for 2014-2020, which prioritized freedom of religion and the protection of religious minorities. The government also approved a corresponding 2014-2016 action plan, which outlined tasks to be implemented by relevant government bodies to carry out its strategy. Objectives included establishing legislative guarantees against the discrimination of religious groups, prevention and effective investigation of crimes motivated by religious hatred and intolerance, reinforcement of the principle of secularism in the civil service, compensation for damages inflicted upon religious organizations, promotion of religious equality through the education system, and raising public awareness and levels of tolerance.

In February the government established the State Agency on Religious Affairs to coordinate with the prime minister on religious policy matters such as education, property, and funding. The TDI, in its *Study of Religious Discrimination and Constitutional Secularism* released during the year, said the state had founded the state agency without consulting a wide range of religious organizations, the public defender, or NGOs focused on protecting religious minorities' rights. NGOs and religious groups criticized the state agency for not hiring religious minorities and for a lack of transparency in its decision making processes.

Most prisons had GOC chapels but no specific nondenominational areas for worship.

High-level government recognition of minority religious celebrations continued. Prime Minister Garibashvili sent an Easter message to Catholics and hosted Muslim leaders at an iftar during Ramadan. On October 4, he joined Muslims for a celebration at the central mosque in Tbilisi on the Eid al-Adha holiday.

The PDO's Tolerance Center; the Live, Educate to be Aware International Foundation; and the Council of Jewish Women in Georgia organized an event supported by the United Nations Association of Georgia for International

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Holocaust Remembrance Day, which was attended by representatives from state institutions, including President Margvelashvili.

On October 20, Prime Minister Garibashvili, former Prime Minister Bidzina Ivanishvili, Minister of Culture Mikheil Giorgadze, and Tbilisi Mayor Davit Narmania helped open the David Baazov Museum of History of Georgian Jews after 60 years of inactivity.

On December 16, Prime Minister Garibashvili lit the first candle of Hanukkah at the main Synagogue in Tbilisi. In his speech, he extended well wishes to the Jewish community on the holiday and noted “the year marked 26 centuries of friendship between Georgians and Jews.”

Abuses by Rebels, Foreign Forces or Terrorist Organizations

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 engage in a range of religious practice 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.

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; the de facto authorities reportedly harassed them on occasion. In Akhagori in South Ossetia, local authorities continued to prevent Jehovah’s Witnesses from conducting religious activities and listed their literature as “extremist.” Jehovah’s Witnesses remained officially banned in Abkhazia.

Individuals living outside Abkhazia and South Ossetia continued to face difficulties crossing their 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

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Church had churches in the occupied territories, but they were operating under the jurisdiction of the Russian Evangelical Baptist Church.

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

Section III. Status of Societal Respect for Religious Freedom

The Jehovah's Witnesses reported an increase in physical assaults and harassment. Representatives of minority religious groups reported a widespread belief that minority religious groups posed a threat to the GOC and to the country's cultural values. TDI's report on the needs of religious organizations in the country included a survey in which respondents stated the GOC clergy contributed to hostile societal attitudes towards minority religious communities.

The Jehovah's Witness community reported 25 cases of physical assault against community members between January and August, and an increase in incidents of harassment, persecution, and intimidation, including threats of physical violence, attempts to tear down public witness stands, and efforts to prevent the group from distributing its literature.

On June 17, during a physical altercation near a Kingdom Hall in Kutaisi, Givi Jelia broke Jehovah's Witness Bachana Janiashvili's nose. The Jehovah's Witnesses reported Jelia and another man had verbally and physically assaulted the Witnesses because of their religion, but the prosecutor's investigation determined the conflict was not a case of religious intolerance. The prosecutor charged both parties with inflicting bodily injury on the other. According to the Jehovah's Witnesses, during surgery to address his injuries, Janiashvili experienced acute respiratory failure and died. The prosecutor dismissed the case against Janiashvili following his death. On October 7, Jelia was convicted of inflicting light bodily injury.

On July 7 in Tbilisi, five men destroyed the books of three proselytizing Jehovah's Witnesses, overturned their cart, and beat one of the Witnesses who, according to authorities, sustained light injuries. The police obtained a video of the incident but could not identify the suspects, who at year's end remained at large.

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Minority religious communities reported resistance when establishing places of worship and religious schools. On September 10, opponents of a new residential madrassah for children in Kobuleti slaughtered a pig in front of the school building and nailed the pig's head to the school's front door. Prime Minister Garibashvili, the PDO, civil society representatives, and religious community leaders condemned the incident. GOC officials also condemned the pig's head incident, but said the construction of a Muslim boarding school in a predominantly Christian area was against the will of the majority. Subsequent to the incident, protesters blocked the school entrance and prevented administrators and students from accessing the building. Protests continued through October and at year's end the school was not operating. The PDO called on law enforcement agencies to identify the perpetrators and bring them to justice, but at year's end the investigation was still ongoing.

Following the Kobuleti incident, the Media Development Foundation reported an increase in hate speech targeting the Muslim community. In one case, Elizbar Javelidze of the conservative group Public Assembly complained about mosques "every 10 steps," and called the structures "a tool to banish Christianity."

Members of non-Orthodox Christian churches told TDI of societal resistance to their activities. The Pentecostal Church was unable to secure a location to host a festival. A personal dispute reportedly escalated into an altercation involving religious slurs outside the AAC's Surb Etchmiadzin Church in Tbilisi.

Section IV. U.S. Government Policy

Embassy officials met with and wrote to government officials from the PDO, the president's adviser on minorities, PGO's Human Rights Unit, and the Ministry of Internal Affairs (MOIA) to express concern following incidents involving minority religious groups in Kobuleti and Mokhe. During these meetings, the Ambassador and embassy officials encouraged dialogue between the government and minority religious groups that emphasized societal tolerance and integration into society.

On July 3, the Ambassador and embassy officials took part in an interfaith iftar hosted jointly by the Georgian Muslim Union and the Evangelical Baptist Church of Georgia, which brought together leaders of the country's diverse Muslim community, the Evangelical Baptist Union of Georgia, and government representatives.

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In July following the altercation at the Surb Etchmiadzin Church in Tbilisi, embassy officials met with members of the Armenian community and the PDO to investigate the situation and hear their concerns. Embassy officials also met with government representatives from the State Agency on Religious Affairs, the president's adviser on minorities, and MOIA to stress the need for sensitivity to religious tolerance issues and to call for an efficient and thorough investigation.

In September embassy officials spoke to Muslim community leaders, the PDO, and the MOIA following the incident in Kobuleti when a pig's head was nailed to a madrassah door. The Ambassador sent the minister of internal affairs a letter calling for a thorough and transparent investigation to identify the perpetrators and to apply appropriate legal mechanisms in accordance with the criminal code.

In October the Ambassador traveled to Batumi to discuss with local religious leaders religious freedom concerns regarding the Kobuleti incident and the Muslim community's struggle to receive adequate space for worship, either by receiving permission to expand the current mosque or to build a new one. While there, he met separately with the Georgian Muslims Union, the Muslim Department of Georgia, and the GOC to hear their views regarding government engagement with the Muslim community, and to discuss the importance of religious tolerance and freedom.

In October embassy officials spoke daily with NGOs, the PDO, the Muslim community, and the MOIA in the weeks following an altercation between law enforcement and protesters over the planned construction of a community center at a disputed site in Mokhe. The Ambassador sent a letter to the governor of the region encouraging government engagement with the local community to find a solution preserving the historical and religious heritage of Mokhe, while simultaneously upholding the principles of equality and freedom of religion.

The embassy provided small grants to local NGOs to support programs for religious minority youth, free legal aid for religious minorities, strengthening the capacity of religious minority groups, and civic education initiatives supporting religious minorities. These grants also supported religious minority awareness programs for journalists and students.