

2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Removed from the Commission's Watch List

Georgia

Georgia's former government under President Eduard Shevardnadze exhibited a slow and inadequate response to three years of vigilante violence against members of some of the country's religious minorities. However, under the new government of President Mikheil Saakashvili, the number of reported incidents of violence against minority religious communities markedly decreased in 2004. Moreover, in January 2005, two of the leaders of this vigilante violence were sentenced to prison for their involvement in the attacks. In the past year, President Saakashvili, the National Security Council Secretary, and the Government Ombudsman have all advocated religious freedom and spoken out in support of minority religious groups. In late 2004, Georgian officials permitted the Jehovah's Witnesses Watchtower Bible and Tract Society to operate legally in the country for the first time. Under a new registration process established by parliament in April 2005, two religious communities were approved for registration as non-commercial organizations. While the Georgian Orthodox Church (GOC) remains the only religious group with formal legal status as a religious organization and other religious freedom issues remain unresolved in Georgia, significant improvement in religious freedom conditions led the Commission to remove Georgia from its Watch List in 2004.

Georgia's 1995 Constitution mandates the separation of church and state, guarantees religious freedom, and forbids "persecution of an individual for his thoughts, beliefs or religion." In practice, however, violations of religious freedom have occurred, especially at the regional level, where local officials have restricted the rights of members of mainly non-traditional religious minorities, who in past years were subjected to societal violence. However, according to the State Department, increased investigations and prosecutions of the perpetrators led to further improvements in the status of religious freedom in 2005.

The precipitous drop in the number of violent attacks on religious minorities and the sentencing of the ringleaders of the violence represent improvements for religious freedom in Georgia. Under the Shevardnadze government, minority religious groups in Georgia, including Baptists, Roman Catholics, Hare Krishnas, Jehovah's Witnesses, and members of Orthodox churches that do not accept the primacy of the GOC Patriarchate, were subjected to more than 100 violent vigilante attacks. Jehovah's Witnesses, as well as members of independent Orthodox churches, were particularly targeted. Local police were implicated in these attacks, as they often refused to intervene to protect the victims. What began in 1999 as a series of isolated attacks in the capital of Tbilisi escalated by 2002 into a nation-wide scourge of widely publicized mob assaults against members of religious minorities.

The main instigators of these attacks were the defrocked GOC priest Basil Mkalavishvili and director of the Orthodox "Jvari" Union, Paata Bluashvili, the latter of

whom was reportedly supported by some in the GOC hierarchy. After years of government delays and inaction, in November 2003, only days after the Shevardnadze government fell, a court in Rustavi sentenced Bluashvili and four associates to suspended prison terms, ranging from two to four years, for their role in spearheading the violence in two attacks against Jehovah's Witnesses. Mkalavishvili has also been convicted on criminal charges, though only after somewhat drawn-out legal proceedings. Mkalavishvili and an associate were sentenced in January 2005; Mkalavishvili received a six-year term and his associate a four-year term. Their lawyers reportedly plan to appeal the sentences.

Despite improvements, some religious freedom concerns remain. Although the primary leaders of the violent attacks against members of religious minorities have been convicted, many other of the people accused of participating in this violence—including local police officials—have not been held to account by the Georgian authorities, reportedly due to fears of offending the GOC hierarchy. Moreover, Orthodox communities other than the GOC and some other minority Christian denominations periodically encounter difficulties from local officials and the GOC in building places of worship or displaying their literature in bookstores.

There are a number of concerns involving the status of the GOC, to which 65 percent of the country's population claim adherence. Article 9 of the Constitution recognizes the "special importance of the GOC in Georgian history." In October 2002, the Georgian government signed an agreement, or concordat, with the GOC, granting the Church some approval authority over state school textbooks, the construction of religious buildings, and the publication of religious literature by other religious groups. Although the agreement was reaffirmed in January 2005, a new law passed in April 2005 provided for the separation of state schools and religious teaching and narrowed the application of the concordat, such as limiting teaching by the GOC to after-school hours and eliminating school and teacher involvement.

In recent years, Assyrian Chaldean Catholics, Lutherans, Muslims, Old Believers, Jehovah's Witnesses, and Roman Catholics have stated that the GOC Patriarchate has often acted to prevent them from acquiring, building, or reclaiming places of worship. The Patriarchate has also reportedly denied permission for Pentecostals, the Salvation Army, and the True Orthodox Church to print some religious literature in Georgia, although Assyrian Chaldean Catholics, Baptists, Roman Catholics, and Yezidis (an ancient religion with a majority of ethnic Kurdish adherents) have not reported difficulties in this regard. An affiliate organization of the Jehovah's Witnesses has been allowed to register as a civic association, which should ease problems with regard to the import of religious literature.

In April 2005, a new law was passed allowing religious communities to register as non-commercial organizations. As a result, both the Church of Jesus Christ of Latter Day Saints (Mormons) and the Seventh Day Adventists were approved for registration. While this remedy generally is considered a more or less satisfactory way to grant legal

personality to religious groups, Roman Catholic and Armenian Apostolic churches reportedly are trying to devise a different arrangement with the government. They, along with Muslims, oppose registering as non-commercial organizations, preferring to register only as public religious bodies. This would give them the same status as that of the GOC, the only religious community in the country that enjoys such a distinction and one that it gained as a result of its 2002 concordat with the Georgian government. The leaders of many other religious minority groups are also still seeking recognized legal status, a prerequisite for the community collectively to own property or organize most religious activities. However, the absence of formal legal status generally has not prevented most religious communities from functioning through affiliated registered non-governmental organizations. According to the State Department, in December 2005, the government's human rights ombudsman issued a report calling for equal recognition under the law for all religions, a suggestion to which some Members of Parliament reportedly objected.

Despite general tolerance toward minority religious communities viewed as traditional to Georgia, opinion polls and the Georgian media reflect significant societal intolerance towards Protestants and other religions relatively new to Georgia. Public opinion polls continue to show that a majority of Georgians view minority or new religious groups as a threat to the GOC and national cultural values, and that violence against and the prohibition of such groups would be acceptable, according to the State Department's 2005 human rights report. Some GOC representatives have argued that foreign Christian missionaries should confine their activities to regions of Georgia where Muslims are the majority of the population. The government ombudsman has also reported hostility towards non-Orthodox religious communities, including reports that children in state orphanages are sometimes baptized by GOC clergy without their parents' permission (it is not uncommon in many countries of the former Soviet Union for poorer parents to place their children in orphanages on a temporary basis).

With regard to Georgia, the Commission recommends that the U.S. government should:

- encourage the Georgian government to continue to investigate and prosecute those individuals, including local officials, who are alleged to have been complicit or engaged in violence against members of religious minority communities;
- encourage the Georgian government to establish a mechanism to enable religious communities to gain legal personality as public religious bodies under Georgian law, consistent with international human rights standards; and

- direct funding to initiate programs in Georgia for journalists, religious leaders, and members of non-governmental organizations to promote religious tolerance and provide education on international standards on freedom of religion or belief.