

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 government of President Mikheil Saakashvili, elected in January 2004, the number of reported incidents of violence against minority religious communities has markedly decreased. In January 2005, two leaders of 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 Human Rights Ombudsman have advocated on behalf of 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, 14 religious communities were able to obtain legal status 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, major 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 2006.

The precipitous drop in the number of violent attacks on religious minorities and the sentencing of the ringleaders of the violence represent significant improvements for religious freedom in Georgia. Under the Shevardnadze government, members of minority religious groups, 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 over 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.

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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. In November 2003, after years of government delay and inaction and only days after the fall of the Shevardnadze government, a court in Rustavi sentenced Bluashvili and four associates to suspended prison terms ranging from two to four years for their role in leading the two attacks against Jehovah's Witnesses. In November 2005, after Jehovah's Witnesses rented a hall in Rustavi to conduct meetings, Bluashvili and members of his group threatened the owner of the meeting hall, who then cancelled the contract with the group. Pending investigation of the November incident, Bluashvili was re-arrested and sentenced to pretrial detention. Upon his appeal of the new detention, a court overturned the sentence of pre-trial detention and again released him, awaiting trial. In April 2006, a Rustavi court reinstated the sentence, but Bluashvili failed to appear at the hearing and as of this writing one year later, was still being sought by authorities. Mkalavishvili was also tried and convicted on criminal charges, though only after somewhat drawn-out legal proceedings. He and an associate were sentenced in January 2005; Mkalavishvili received a six-year term and his associate a four-year term.

Despite improvements, other religious freedom concerns remain. Although the primary leaders of the violent



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mob attacks against members of religious minorities have been convicted, many others 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. In October 2006, the news service Forum 18 reported that Georgian courts have tried and sentenced only nine perpetrators in 12 violent mob attacks against religious minorities, and only two of these defendants have received prison sentences. Jehovah's Witnesses, the victims of most mob attacks in Georgia, have reportedly turned to the European Court of Human Rights in Strasbourg, where four of their cases are under consideration. Moreover, occasional mob attacks on religious minorities still occur. According to Forum 18, in September 2006 a hostile mob invaded and damaged a new religious and cultural center under construction by the Assyrian Catholic community in Tbilisi.

There are various concerns about the status of the GOC, to which 65 percent of the country's population claims adherence. Article 9 of Georgia's constitution recognizes the "special importance of the GOC in Georgian history." In October 2002, the Georgian government signed a "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 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. Reports continue, however, of social pressure against students who are members of religious minorities, including Yezidis, an ancient religion with a majority of ethnic Kurdish adherents, who refuse to take part in GOC religious education.

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. Roman Catholics, Baptists, Pentecostals, the Armenian Apostolic Church, and the True Orthodox

Church reportedly continue to face GOC pressure, condoned by government officials, preventing them from building houses of worship. The GOC 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 have not reported difficulties in this regard. Other Orthodox communities, for the most part ethnic Russian adherents from three dissident Orthodox denominations—the Molokani (an Orthodox heterodox pacifist group), Staroveriy (Old Believers), and Dukhoboriy (Spirit Strugglers)—as well as some other minority Christian groups, report periodic difficulties from local officials and the GOC in building places of worship or displaying their literature in bookstores. An affiliate organization of the Jehovah's Witnesses has been allowed, however, to register as a civic association, which should ease problems with regard to the import of religious literature.

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In April 2005, a new law was passed allowing religious communities to register as non-commercial organizations. This new law was in response to the fact that the GOC was the only religious community to have legal status in Georgia. As a result, the Church of Jesus Christ of Latter Day Saints (Mormons), Seventh Day Adventists, and 12 other religious denominations were approved for registration. While this remedy generally is considered a satisfactory mechanism to grant legal personality to some religious groups, Muslims, the Roman Catholic and Armenian Apostolic churches, and some other groups reportedly are trying to devise a different arrangement with the government better to accommodate their internal hierarchical structures. The leaders of 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. The absence of formal legal status, however, generally has not prevented most religious communities from functioning through affiliated registered non-governmental organizations. Members of various religious minority communities have noted the positive role played by the government's Human Rights Ombudsman in advancing their rights in accordance with international law. In December 2005, for example, the 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 due to the historic role of the GOC.

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. The State Department has reported that public opinion polls continue to show that most 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. Some GOC representatives have argued that foreign Christian religious workers should confine their activities to regions of Georgia where Muslims are the majority of the population. The government human rights 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 Georgia and other post-Soviet countries for impoverished parents to place their children in orphanages on a temporary basis).

COMMISSION RECOMMENDATIONS

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 all religious communities to gain legal personality under Georgian law in a manner that reflects internal structural characteristics of the communities and is consistent with international human rights standards;
- fund 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; and
- encourage the Organization on Security and Cooperation in Europe (OSCE), the OSCE Field Presence in Tbilisi, and the OSCE Panel of Experts on Religion and Belief to conduct activities in Georgia to increase public and official awareness of the importance of freedom of religion or belief and tolerance.