

GEORGIA 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for “complete freedom of religion,” separation of church and state, and equality for all regardless of religion. It prohibits persecution on the basis of religion. Laws and policies grant the Georgian Orthodox Church (GOC) privileges not accorded to any other religious group, including legal immunity for the GOC Patriarch and a consultative role in education. During the year, the government investigated 19 cases involving alleged crimes committed on the basis of religious intolerance. Nongovernmental organizations (NGOs) and the Public Defender’s Office (PDO) reported a lack of effective investigations into crimes motivated by religious hatred remained a major problem. The government announced the opening of the first Muslim prayer house for members of the armed forces, but only the GOC continued to have chapels in prisons. Some NGOs and minority religious groups continued to report government resistance, at both the national and local level, to the construction of buildings for religious purposes by minority religious groups. Local courts in Rustavi and Batumi ruled in favor of minority religious groups in two building construction cases. Religious organizations and NGOs criticized the State Agency on Religious Issues (SARI, also known as State Agency for Religious Affairs), which dispensed the government’s compensation for “the material and moral damages inflicted upon religious groups during the Soviet period” and functioned as its consultative body on religious property issues. NGOs and minority religious groups also expressed continued concern over what they said was favoritism towards the GOC in the restitution of buildings confiscated by the state in the Soviet era, and said the government continued inadequately to address acts of religious intolerance and discrimination in favor of the GOC in public schools.

Restrictions continued on religious activities in the regions of Abkhazia and South Ossetia, which remained outside the control of the central government. According to a SARI report, GOC clergy were unable to conduct religious services in Abkhazia and in both South Ossetia and Abkhazia GOC religious statues and church frescoes had been defaced. According to media sources, the Jehovah’s Witnesses were not recognized as an official religious group in South Ossetia and were banned in Abkhazia.

There were reports of violence against religious minorities. Jehovah’s Witnesses reported 11 physical assaults on its members. Representatives of minority religious groups continued to report what they termed a widespread societal belief

about minority religious groups posing a threat to the GOC and to the country's cultural values. The NGO Media Development Foundation (MDF) documented at least 69 instances of religiously intolerant remarks in national media.

The U.S. Ambassador and embassy officers continued to meet regularly with senior government officials, including SARI leadership, the prime minister's adviser for human rights and gender equality, and the president's adviser for minority issues, to encourage dialogue between the government and minority religious groups. In February and November the Ambassador met with the GOC Patriarch to stress the importance of the GOC's role in promoting religious diversity and tolerance. The Ambassador and embassy officers traveled throughout the country to meet with minority religious groups, and in April the embassy sponsored the participation of four civil society representatives in a program in the United States on religious freedom and community outreach to build societal resistance to violent extremism.

Section I. Religious Demography

The U.S. government estimates the total population at 4.9 million (July 2016 estimate). According to the 2014 census, Georgian Orthodox Christians constitute 83.4 percent of the population, followed by Muslims at 10.7 percent and members of the Armenian Apostolic Church (AAC) at 2.9 percent. According to the census, Roman Catholics, Kurdish Yezidis, Greek Orthodox, Jews, growing numbers of "nontraditional" religious groups such as Baptists, Jehovah's Witnesses, Pentecostals, and the International Society of Krishna Consciousness (ISKON), and people who profess no religious preference, constitute the remaining 3 percent of the population.

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 are predominantly Shia Muslims and 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. Ethnic Georgian Sunni Muslims, originally from Adjara, migrated to Samtskhe-Javakheti in the 1980s. Ethnic Armenians belong primarily to the AAC and constitute the majority of the population in Samtskhe-Javakheti.

According to a census reportedly conducted in 2011 by the de facto government of Abkhazia, there are 241,000 residents of Abkhazia. A survey reportedly conducted in 2003 by the de facto government listed 60 percent of respondents as Christian, 16 percent as Muslim, 8 percent as atheists or nonbelievers, 8 percent as followers of the pre-Christian Abkhazian religion, and 1 percent as Jehovah's Witnesses, Jews or other religions, with the remaining 6 percent undecided.

According to a 2015 census reportedly taken by the de facto government of South Ossetia, there are 53,000 residents of South Ossetia. Estimates are the majority of the population practice Christianity followed by Islam and the "Right Faith," a revival of the pre-Christian ethnic Ossetian religion.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for "complete freedom of religion" and equality for all regardless of religion. The constitution prohibits persecution on the basis of religion and prohibits compelling anyone to express his or her opinion about religion. The constitution also prohibits public and political associations which stir up religious animosity. The law provides for freedom of religious belief, denomination, and conscience, including the right to choose and change religious affiliation.

The constitution recognizes the special role of the GOC in the country's history, but stipulates the GOC shall be independent from the state and relations between the GOC and the state shall be governed by a constitutional agreement (also called a concordat). The concordat grants rights not given to other religious groups, including legal immunity for the GOC Patriarch, exemption of GOC clergy from military service, and a consultative role in government, especially in education. The concordat states some of its provisions, including the GOC's consultative role in education, require additional legislation before they may be implemented.

A religious group may register with the government's National Agency of the Public Registry (NAPR) as a Legal Entity of Public Law (LEPL) or as a nonprofit organization, both of which offer essentially the same benefits, including legal recognition when conducting activities, partial tax exemptions, and the right to own property and open bank accounts. Unregistered religious groups may carry out religious activities but do not receive the legal status or benefits conferred on registered groups.

To register as an LEPL, an organization must have historic ties to the country or legal recognition from Council of Europe member states as a religious organization, but the law does not state who determines what constitutes “historic ties.” In addition, an organization registering for LEPL status must submit to the NAPR information regarding its objectives and procedures and a list of its founders and governing body. The civil code defines the activities and rights of denominations registered under LEPL status. Groups registering as nonprofit religious organizations do not have to demonstrate historical ties to the country or recognition by Council of Europe members but are required to submit to the NAPR similar information about their objectives, governing procedures, and names of founders and members of their governing body.

The tax code considers religious activities not to be economic activities, and grants registered religious groups’ partial tax exemptions for donations. Religious groups other than the GOC pay 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 maintenance of religious buildings.

According to property law, no religious organization registered as an LEPL, except the GOC, may acquire nonagricultural state property through a direct sale. A denomination registered as a nonprofit organization may purchase state property. The law also grants the GOC the right to acquire state-owned agricultural land free of charge, while other religious groups must pay for land.

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, although the code provides no definition for the meaning of “establishment” in this formulation. 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 fines or longer terms of imprisonment if committed by force or arms, or by insulting the dignity of a victim. In cases of religious persecution, the perpetrator 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 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 up to one year, or

imprisonment for up to two years.

Pursuant to the law, the Chief Prosecutor's Office (CPO) prosecutes human rights violations involving religious intolerance. The Human Rights Unit within the CPO monitors the protection of religious freedom, while the PDO serves as the country's human rights ombudsman and monitors complaints of restrictions on religious freedom. The Tolerance Center, under the PDO, coordinates the PDO's Council of Religions and Ethnic Minorities, carries out educational activities, and monitors and analyzes cases of religious and ethnic discrimination and xenophobia.

SARI distributes the government's compensation to Islamic, Jewish, Roman Catholic, and AAC religious organizations registered as LEPLs for "the material and moral damages inflicted upon them during the Soviet period." According to SARI, its mandate is to promote and ensure a peaceful coexistence on the basis of principles of equality and tolerance. In its draft strategy on religious policy, published in February 2014, SARI stated its key responsibilities include researching the existing religious situation and reporting to the government; preparing recommendations and draft legal acts for the government; serving as a consultative body and intermediary for the government in disputes arising between religious associations; and issuing recommendations to relevant state institutions on the construction of religious buildings, the determination of their location, and the transfer of such properties to religious organizations.

Although the law states public schools may not be used for the purposes of religious indoctrination, proselytizing, or forcible assimilation, the concordat gives the GOC the right to teach its religion in educational institutions and authorizes the state to pay for GOC religious schools. The law states students have the right to pursue religious study and practice religious rituals in schools "of their own accord" for the purpose of acquiring religious education, but only after school hours. The law cites no special regulations for private religious schools. 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.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Although the CPO reported it had investigated 19 cases involving crimes potentially based on religious intolerance, NGOs and the PDO continued to state

the government was ineffective in its investigation of crimes motivated by religious hatred. NGOs and minority religious groups continued to express concern over government actions, at both the national and local level, resisting the construction of places of worship for minority religious groups and showing what they said was favoritism towards the GOC in the restitution of buildings confiscated by the state in the Soviet era. They also criticized SARI's distribution of compensation funds for damages sustained in the Soviet era. Despite the government resistance, there were some court rulings in favor of the rights of minority religious groups to build places of worship and schools and at least one group, the Jehovah's Witnesses, opened a new place of worship. The government opened the first Muslim prayer house for members of the armed forces, but only the GOC continued to have chapels in prisons. The government included a section on the protection of religious minorities in its 2016-2017 Human Rights Action Plan. Some NGOs and the PDO said the government inadequately addressed acts of religious intolerance and discrimination favoring the GOC in public schools.

The CPO investigated 19 cases involving alleged crimes committed on the basis of religious intolerance during the year. The 19 cases involved one beating, five of illegal interference with the performance of religious rites, twelve of persecution, and one of damage or destruction of property. According to the CPO, 12 individuals were prosecuted for crimes based on religious intolerance, including 10 individuals for persecution and two individuals for illegal interference with the performance of religious rites. Four cases were terminated without further action.

The Tolerance and Diversity Institute (TDI), an NGO, reported a lack of effective investigations into crimes motivated by religious hatred. The PDO's annual report again stated the ineffective investigation of crimes probably committed on religious grounds remained a major problem.

According to NAPR's website, it had accepted all registration applications submitted by religious organizations during the year but did not specify how many. SARI reported at year's end, a total of 39 religious organizations were registered as LEPLs and "dozens" of religious organizations as nonprofit organizations.

Most prisons reportedly continued to have GOC chapels but no areas for nondenominational worship. According to SARI, Roman Catholic, AAC, Baptist, Muslim, and Jewish religious services remained available upon request in the military and in prisons.

On March 6, former Defense Minister Tina Khidasheli announced the opening of the first prayer house for Muslims serving in the armed forces. She also announced two additional Islamic prayer houses would be established.

According to the Tolerance Center, non-GOC churches continued to face government resistance when attempting to obtain construction permits for churches, and it continued to attribute the resistance to what it termed a general societal bias in favor of the GOC.

After the Rustavi City Court in June ruled the Rustavi municipality should grant the Roman Catholic Church (RCC) a permit to build a church, in November the Rustavi municipality appealed the ruling, according to the Human Rights Education and Monitoring Centre (EMC), which represented the RCC in the case. As of year's end, the appeal remained under consideration at the Tbilisi Court of Appeal with no trial date set.

The Jehovah's Witnesses completed construction on their kingdom hall in Terjola and began to use it for services following a 2015 Kutaisi Court of Appeal order requiring the municipal council of Terjola to re-issue a construction permit it had previously suspended. According to the Jehovah's Witnesses and EMC, the court of appeal did not rule on the issue of whether the municipal council had acted in discriminatory fashion in suspending the permit initially. The Supreme Court did not accept appeals from both the Jehovah's Witnesses and the Terjola municipality to hear arguments to determine whether discriminatory conduct had occurred.

SARI continued to chair the Recommendatory Commission on the Study of Property and Financial Issues of Religious Organizations, which issued nonbinding recommendations on property issues involving religious organizations. According to TDI, the commission continued to issue recommendations only on properties claimed by a single religious group and did not address the transfer of properties which were in dispute between two or more religious groups.

The AAC continued to request restitution of three churches in Tbilisi and one in Akhaltsikhe, all of which had been registered as state property and claimed by both the AAC and the GOC. The AAC reported it operated 57 churches in the country but did not have formal ownership of any of them.

The Muslim community continued to dispute the government's ownership of mosques in Kvemo Kartli, Adigeni, and Adjara. Muslim community leaders and local and central government authorities remained unable to reach a mutually

agreeable solution to address overcrowding in the mosque in Batumi, which was state-owned property. The government drafted blueprints to remodel and expand the existing mosque, but as of year's end no agreement had been reached on remodeling the building. The All Muslims of All Georgia organization (AMAG) acquired its first madrassah, located in Batumi, with government funds. NGOs and Muslim community leaders stated the government continued to exert direct influence over AMAG.

In October media reported local law enforcement officials had blocked the entrance of a building in the village of Mokhe in Samtskhe-Javakheti, ownership of which was claimed by local Muslims as a 20th century mosque and also by the GOC community as the site of a former church, after representatives of the Muslim community started gathering there daily to perform prayers. SARI reported it had organized five official meetings and 10 unofficial meetings as of October in an effort to reach a consensus solution to the issue. In December a SARI commission on the status of a building issued a report recommending several places in the center of the village be offered to the Muslim community for constructing a new mosque and the existing disputed structure be given the status of a cultural heritage building. The PDO stated the SARI commission report did not resolve the two-year dispute between local Muslims and Christians, and stated the commission had not accomplished its stated goal of establishing the origin and ownership of the building. There was no further action on the case as of the year's end.

The government continued to pay subsidies for the restoration of religious properties it considered to be national cultural heritage sites. The Ministry of Culture and Protection of Monuments provided 557,000 lari (\$209,000) during the year for the restoration of religious buildings on cultural heritage sites but did not provide a breakdown of how the money was spent.

In September the Batumi City Court ruled residents of Kobuleti had discriminated against Muslims in 2014 by nailing a pig's head to the front door of a planned Muslim boarding school and by erecting a cross near the property, thereby delaying the school's opening. The court ruled the individuals involved in the vandalism were obligated to provide compensation. As of October, the boarding school's administrators stated they intended to open the facility in 2017. The court did not rule on whether the Ministry of Internal Affairs also had engaged in discriminatory behavior towards Muslims in the 2014 incident by failing to stop the actions of the residents. EMC appealed the court's lack of a ruling on the behavior of the Ministry of Internal Affairs. EMC expected the appellate court to rule on its appeal shortly after the end of the year.

NGOs continued to report cases of religious discrimination in schools, including incidents involving the promotion of GOC theology in religion courses, GOC prayers conducted in classrooms, and the display of icons and other religious symbols in schools, despite prohibition of proselytization in the law. In its annual report, the PDO stated students adhering to minority religions not observing the same religious rituals as the GOC did not feel free to disclose their religion and felt forced to participate in the GOC religious rituals against their will. The Ministry of Education's general inspection department continued to be responsible for dealing with complaints of inappropriate teacher behavior.

In August the Union of All Muslims of Georgia (an NGO), the Evangelical Baptist Church of Georgia, the Pentecostal Church of Georgia, the Evangelical Lutheran Church of Georgia, and the Redeemed Christian Church of God in Georgia, represented by the Tbilisi Free University Law Clinic and TDI, all filed a constitutional claim regarding discrimination by the government in transferring state property to non-Orthodox religious organizations. At year's end, the Constitutional Court had not started discussing the claim.

In December the Constitutional Court began hearing an October 2015 case brought by the Caucasus Apostolic Administration of Latin Rite Catholics, the Evangelical-Baptist Church of Georgia, the Union of All Muslims of Georgia, the Pentecostal Church of Georgia, the Trans-Caucasian Union of Seventh-day Adventist Church, the Word of Life Church of Georgia, the Holy Trinity Church, and the Church of Christ to obtain equal tax status for all religious organizations. The court postponed deliberations shortly after they began, reportedly due to the absence of a relevant expert. TDI, which represented the claimants along with the Constitutional Law Clinic of the Free University, said the hearing was expected to continue in 2017.

The government distributed 25 million lari (\$9.4 million) to the GOC in compensation for "the material and moral damages" inflicted upon it during the Soviet period. In addition, in accordance with a 2014 resolution by parliament allowing the government to compensate Islamic, Jewish, Roman Catholic, and Armenian Apostolic religious organizations registered as LEPLs, SARI disbursed compensation funds totaling 4.5 million lari (\$1.7 million) to those four religious groups in coordination with the Ministry of Finance. NGOs continued to question the criteria by which the government selected the four denominations and to criticize the exclusion of other faiths.

SARI reported this year's government disbursements as follows: 2,750,000 lari (\$1,000,000) to the Muslim community, represented by the AMAG; 550,000 lari (\$207,000) to the RCC; 800,000 lari (\$300,000) to the AAC; and 400,000 lari (\$150,000) to the Jewish community. In making the disbursements, SARI again stated the compensation was "partial and of symbolic character," and maintained the government continued to take into account level of damage and "present day negative conditions" of denominations during the selection process.

In June the government approved a 2016-2017 Human Rights Action Plan, which included a section on the protection of religious minorities. Specific objectives included improving religious tolerance among public servants, revising the existing legal framework for the protection of individual and collective rights of freedom of religion and belief, and the implementation of secularism and religious equality in the education system. TDI expressed concern over the recommendation in the action plan to revise the existing legal framework regarding freedom of religion and belief, saying the majority of religious organizations believed discrimination stemmed from the failure of the government to implement existing legislation, and not from a lack of legal regulations.

As of the end of the year, the government continued its investigation into two November 2015 incidents at the Jehovah's Witnesses Kingdom Hall in Vazisubani, a Tbilisi suburb, in which bullets were fired at the building. No individuals were harmed in either incident.

Abuses by Foreign Forces and Nonstate Actors

Abkhazia and South Ossetia remained outside the control of the central government, and reliable information from those regions continued to be difficult to obtain.

According to the de facto "constitution" adopted in Abkhazia, all people there are equal before the law regardless of religious beliefs, everyone there has a right to freedom of religion, and it is forbidden to form associations or parties aimed at sowing religious discord.

According to media sources, in South Ossetia the de facto government did not recognize Jehovah's Witnesses as an official religious group, while the de facto government in Abkhazia continued to impose a ban on the group. In October media sources reported the de facto South Ossetian government stated up to 1,000 Jehovah's Witnesses were in the territory and it was considering legislation to ban

the distribution of Jehovah's Witnesses literature as "extremist." The de facto government was also reportedly considering the introduction of legislation to impose fines from 50,000 to 100,000 rubles (\$819 to \$1639) on individuals renting property to religious groups.

According to a SARI report, as well as media and online accounts, there were efforts by local religious figures in Abkhazia to make the region's churches autocephalous, although some local religious officials wished to resubordinate the GOC churches in the region under the Russian Orthodox Church, while others wished to resubordinate the churches under the Ecumenical Patriarchate of Constantinople.

The de facto government authorities in the Gali district of Abkhazia reportedly did not permit GOC clergy to conduct religious services in any of the four GOC churches and ethnic Georgians were unable to attend services in their own language. According to a SARI report, the ethnic Georgian population in the district reportedly traveled to Zugdidi and attended worship secretly at night, especially during major holidays, because the GOC clergy was not permitted to conduct services openly.

According to a SARI report, in three out of the four districts of South Ossetia (Tskhinvali, Znauri, and Java), GOC churches reportedly broke away from the GOC and merged with the Greek Orthodox Church. In the fourth district, Akhalkgori, only two GOC clergy, the Metropolitan of Nikozi and Tskhinvali Diocese, Isaiah Chanturia, and one priest, Antoni Chakvetadze, reportedly were available to provide worship services at eight operating GOC churches.

Individuals living outside Abkhazia and South Ossetia reported continued difficulties crossing into these territories, including for the purpose of visiting the gravesites of family members.

According to SARI, there remained the potential local authorities in South Ossetia might whitewash or otherwise deface GOC religious statues in Samachablo and frescoes at Tiri Monastery.

In Abkhazia SARI reported GOC churches were in a "deplorable state" and local authorities had erased frescoes in almost all of them.

Section III. Status of Societal Respect for Religious Freedom

The Jehovah's Witnesses reported continued interference with their religious activity, including 11 physical assaults. In one of these incidents, in July, two female Jehovah's Witnesses were sharing a Bible verse at Alexandre's Square when a passerby began kicking and verbally attacking them, ripping their clothes. The police were notified and the case remained under investigation as of the end of the year. In another of these incidents unknown assailants threw stones at members of the group.

Representatives of minority religious groups continued to report what they termed a widespread societal belief about minority religious groups posing a threat to the GOC and to the country's cultural values. Some NGOs reported GOC clergy continued to contribute to hostile societal attitudes towards minority religious communities.

In October during Pope Francis's visit, the media reported some protestors, including a small number of GOC clergy, greeted the pope with signs calling him the anti-Christ and other derogatory names. Other GOC representatives called the pope a "heretic", "the greatest enemy of orthodoxy, greater than Islam" and "a wolf in sheep's clothing". Several Western media outlets also reported the GOC leadership "snubbed" Pope Francis by not attending the papal Mass in Tbilisi on October 1. The GOC Patriarch, however, met Pope Francis upon his arrival and issued a statement condemning the Orthodox priests who criticized the pope's visit.

Minority religious communities, including Muslims, Jehovah's Witnesses, Catholics, and Protestants, continued to report resistance to their establishing places of worship and religious schools.

From January to October, the most recent period for which data was available, the MDF documented at least 69 instances of religiously intolerant statements on TV, online, and printed media by media representatives, political parties, clergy, public organization, and others. The instances included 31 "Islamophobic" or "Turkophobic" statements related to the construction of new mosques, 18 anti-Catholic statements in connection with the pope's visit, six statements against the Jehovah's Witnesses, three against the Evangelical Baptist Church of Georgia, and 11 against other religious groups.

The Jehovah's Witnesses reported seven cases of damage to their property and three incidents of vandalism. On May 25 and August 10, individuals threw stones at the Kingdom Hall of Jehovah's Witnesses in Kvemo Kartli, damaging the facade

and the building's siding each time. Police identified the perpetrator of the May incident and questioned him, but no charges were brought against him. The police continued to investigate the August incident.

Section IV. U.S. Government Policy

The Ambassador and U.S. embassy officers regularly met with officials from the government, including SARI, the prime minister's adviser on human rights and gender equality, and the president's adviser on national minorities to encourage dialogue between the government and religious minorities. Embassy officers also continued to meet with the PDO and with officials in its Tolerance Center in this connection.

The embassy continued to meet with NGOs concerned with religious freedom issues, including 21st Century Union, EMC, and TDI, as well as with religious community leaders, to promote religious tolerance and the integration of religious minorities into society.

The Ambassador and embassy officers met with leaders from traditional and nontraditional denominations. Embassy officers, including the Ambassador, visited the Pankisi Gorge, Akhalkalaki, Kvemo Kartli, and Adjara regions on several occasions to hold meetings with local religious leaders from the Sunni Muslim, Armenian Orthodox, and Shia Muslim communities. In the meetings, embassy officials promoted interfaith understanding, dialogue, respect, and the peaceful coexistence of all religions.

In February and November the Ambassador met with GOC Patriarch Ilia II. In both meetings, the Ambassador stressed the importance of the Church's role in promoting religious diversity and tolerance, especially during the parliamentary elections cycle.

In March the Ambassador hosted representatives of the RCC, Evangelical Baptist, Seventh-day Adventist, Pentecostal, AAC, Yezidi, Jewish, Muslim, and Lutheran communities to discuss their ability to practice their religious beliefs freely.

In April the embassy sponsored the participation of four civil society representatives in a program in the U.S. on religious freedom and interfaith issues to learn about how community outreach programs can build societal resistance to violent extremism.

In October embassy officers visited the planned Kobuleti boarding school to show support for the school's administrators and the local Muslim community.