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GEORGIA: Legal improvements, but little practical improvement

By Felix Corley, Forum 18 (<https://www.forum18.org>)

"Definite improvements for religious minorities have taken place in the legal field, but on the ground little real improvement has taken place," Levan Ramishvili, of the Liberty Institute told Forum 18 News Service. He was commenting on changes to laws covering religious communities' legal and tax status, as well as a new law affecting school religious education. These de jure changes have been broadly welcomed by minority religious communities, but some are unhappy at being treated as NGOs or private legal persons. But de facto the changes have yet to make a significant impact. Fr Gabriel Bragantini of the Catholic Church commented on education that "In Tbilisi it may be better, but elsewhere it's still as it was before." Emil Adelkhanov, of the Caucasus Institute for Peace, Democracy and Development, stressed that religious minorities must exercise their rights and noted that religious freedom improvements could be reversed. He called for international pressure to be maintained and cited survey results, which found that nearly 47 per cent would support destroying the literature of religious minorities such as Baptists and Jehovah's Witnesses.

"Definite improvements for religious minorities have taken place in the legal field, but on the ground little real improvement has taken place," Levan Ramishvili, head of the Tbilisi-based Liberty Institute human rights group, told Forum 18 News Service from the Georgian capital on 18 May. After long discussion of how religious communities should be offered the possibility to gain legal status as religious organisations, parliament on 6 April approved amendments to the civil code, allowing them to register with the Ministry of Justice. President Mikheil Saakashvili signed the amendments into law on 27 April.

Also in April 2005, parliament removed Article 199 of the Administrative Violations Code, a Soviet-era article which allowed religious communities to be fined for activities such as not being registered and organising youth meetings. "Religious organisations will be put on an equal footing with secular non-profit groups – registration will be voluntary and not mandatory, as the Administrative Violations Code used to require," Ramishvili told Forum 18. "They will be able to register as a union or a foundation."

But some religious communities are unhappy with the status that registering under the civil code will provide. Sozar Subari, the human rights ombudsperson, told Forum 18 that the Catholics, Muslims and Armenian Apostolic Church particularly opposed the idea of registering as if they were non-governmental organisations. "They want the civil code to be changed again to allow them to register as public religious organisations," he told Forum 18 from Tbilisi on 2 May.

Levon Isakhanyan, spokesperson for the Armenian Apostolic diocese of Georgia, describes the possibility of registering the diocese as a private legal person as "unacceptable". "It is unacceptable for the Armenian, Catholic, Muslim and other traditional faiths," he told Forum 18 from Tbilisi on 18 May. He said the issue was raised in April, when a delegation from the Church headquarters in Echmiadzin, Armenia, visited Georgian government and Orthodox Church representatives in Tbilisi.

Since gaining independence from the Soviet Union in 1991, no religious community had any form of legal status until a controversial 2002 concordat between the Orthodox Church and the state granted the Orthodox Patriarchate legal status and numerous privileges denied to all other religious communities. When the Vatican and the Georgian state were on the point of signing a concordat in September 2003, which would have granted the Catholic Church legal status, huge Orthodox-led street demonstrations led to the abrupt cancelling of the signing ceremony (see F18News 25 September 2003 http://www.forum18.org/Archive.php?article_id=144).

A new Law on General Education, which separates state schools and religion teaching, was also adopted. This narrows the interpretation of article 5.1 of the state concordat with the Orthodox Church, which allowed teaching of Orthodoxy as an elective part of the school curriculum, also giving the Orthodox Church control of the curriculum, and appointments and dismissals of teachers. The new law states that such Orthodox teaching may only take place after school hours and cannot be controlled by the school or teachers. Also, outsiders, including clergy, cannot regularly attend or direct students' extracurricular activity or students' clubs or their meetings.

Religious minorities have broadly welcomed the changes to school religious education. In recent years, many had been unhappy that such religious education took the form of narrow Orthodox education and compulsory prayers in the local Orthodox church (see

F18News 19 November 2003 http://www.forum18.org/Archive.php?article_id=189). However, as human rights activists and religious minority leaders point out, practice has not always kept pace with the law. "The education law has been adopted and the legal framework changed, but this has not yet been implemented," Ramishvili of the Liberty Institute told Forum 18.

Fr Gabriel Bragantini, who heads the Catholic diocese of Kutaisi [Kut'ai'si] in western Georgia, complains that school religion lessons in his area are still Orthodox denominational lessons. "Teachers speak only of the Georgian Orthodox Church," he told Forum 18 from Kutaisi on 18 May. "All children have to go to the lessons. In Tbilisi it may be better, but elsewhere it's still as it was before."

These legal moves follow a new Tax Code adopted by parliament last December, which grants certain tax exemptions to religious organisations. "However, the Patriarchate has more privileges than other religious organisations," Ramishvili of the Liberty Institute noted.

Despite these legal changes - which come after nearly a decade of discrimination against religious minorities and a five year reign of terror against Protestants, True Orthodox, Catholics and Jehovah's Witnesses from 1999-2003 - religious minorities still face intermittent threats, obstruction to their right to meet for worship and a de facto ban on building new places of worship (see forthcoming F18News article).

Emil Adelkhanov, of the Tbilisi-based Caucasus Institute for Peace, Democracy and Development, welcomes the possibility for religious communities to gain legal status. But he stresses that they themselves have to take the initiative to exercise their rights. "The problem is that such a law works if not only minorities want it to work," he told Forum 18 on 17 May. Many religious minority leaders told Forum 18 they were unaware of the changes to the civil code which make registration possible.

Adelkhanov believes that the government has the incentive to "please Europe" at the moment. "But our experience has shown that Europe can be indulgent, and the authorities know that quite well." He fears that slow improvements in the religious freedom climate could be reversed. "As long as the mentality of the general population remains the same, there is no guarantee that the story won't recur after the incentive given by Europe is gone - after the immediate goals have been achieved."

He points to the depth of popular hostility to religious minorities and cites a 2004 survey carried out by the Tbilisi-based International Centre on Conflict and Negotiation. Nearly 47 per cent of respondents said they would support destroying religious minorities' literature, while only 10 per cent would defend religious minority rights.

Nearly 44 per cent of respondents believed that were Georgia to adopt a religion law, it should ban the activity of "sects", such as the Baptists and Jehovah's Witnesses, with a further 34 per cent believing it should restrict their activities. More than 20 per cent of the population believed such a law should ban the activities of Catholics, Muslims and other faiths regarded as more traditional, with a further 38 per cent believing it should restrict their activity. Only 25 per cent believed such "traditional" faiths should be fully protected with only just over 6 per cent believing that "sects" should also be fully protected.

For background information see Forum 18's Georgia religious freedom survey at http://www.forum18.org/Archive.php?article_id=400

A printer-friendly map of Georgia is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=georgi>

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