

25 November 2005

GEORGIA: Religious minorities still second-class faiths?

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

Only two in-country non-Orthodox religious communities in Georgia – the Mormons and the Muslims – have received state registration, Forum 18 News Service has found. The Jehovah's Witnesses were only registered as a branch of their US headquarters. Registration – which grants rights to own property communally, run bank accounts, and have a legal personality – is only possible as a non-commercial organisation, not a religious community. In addition to their unhappiness with the exclusive privileges the state has given the Georgian Orthodox Church, some religious communities – among them the Armenian Apostolic Church, the Catholic Church and the Muslims – want registration to be possible as religious communities. Hostility towards any non-Georgian Orthodox Church community is widespread, preventing the building of places of worship and even, according to Ombudsperson Sozar Subari, leading to compulsory baptisms of children without their parents' permission.

Seven months after non-Orthodox religious communities in Georgia were permitted to gain legal status, Gia Gogiberidze, head of the Justice Ministry department that deals with legal registration, has confirmed to Forum 18 News Service that only two in-country religious organisations have received registration. These are the Church of Jesus Christ of Latter-day Saints (LDS Church, commonly known as the Mormons) on 4 September 2005 and the Congress of Georgian Muslims on 2 September. The Jehovah's Witnesses were able to register the Watchtower Society in November 2003, but only as a branch of their US-based headquarters.

Without legal status, religious communities cannot own property communally, run communal bank accounts, or go to court as a community. This leads to some strange anomalies. "It is completely unacceptable that the Armenian Apostolic cathedral in Tbilisi is owned personally by the archbishop," a priest of the Armenian Church told Forum 18 from the church headquarters at Echmiadzin in Armenia on 21 November. "We want legal status as a fully-fledged religious community. It is only right and proper."

Registration of religious organisations became possible – for the first time in 15 years - after parliament on 6 April 2005 approved amendments to the Civil Code, allowing religious communities to register with the Ministry of Justice. President Mikheil Saakashvili signed the amendments into law on 27 April. However, religious organisations gain registration only as non-commercial entities, a status that some religious communities – among them the Armenian Apostolic Church, the Catholic Church and the Muslims - regard as demeaning (see F18News 24 May 2005 http://www.forum18.org/Archive.php?article_id=568).

These communities want to have status as public legal personalities, a status granted only to the Georgian Orthodox Patriarchate in a controversial 2002 Concordat between the Orthodox Church and the state. The Concordat not only granted the Orthodox Patriarchate legal status, but also 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).

The first Protestant church to apply for legal status as a non-commercial organisation - a Pentecostal church in the capital Tbilisi [T'bilisi] - is still waiting for registration after a state notary refused to authorise the application. However, the Justice Ministry's Gia Gogiberidze pledges that the obstruction by the notary has been resolved. "There can't be such obstructions," he told Forum 18 from Tbilisi on 24 November. "All notaries must sign registration applications – and if they refuse, applicants can go to any other notary. If one won't do it another will."

Lack of legal status for non-Orthodox communities reflects deep-rooted public hostility to them, which has seeped into official attitudes, and has given hostile officials one excuse for refusing such communities permission to engage in high-profile public religious activity and build or regain places of worship.

Despite the end of the reign of terror against religious minorities - which saw more than a hundred physical and often brutal attacks on Protestants, Catholics and Jehovah's Witnesses - since the fall of former president Eduard Shevardnadze in November 2003, mob attacks on religious minorities still occur (see eg. F18News 14 January 2005 http://www.forum18.org/Archive.php?article_id=489 and 25 May 2005 http://www.forum18.org/Archive.php?article_id=569).

Beka Mindiashvili, head of the Equality Department at the Human Rights Ombudsperson's office, told Forum 18 that, after the

Jehovah's Witnesses bought a house in June in the centre of Kutaisi [Kut'ai'si] in central western Georgia, a 50-strong mob spent the next few weeks besieging the house, attacking individual Jehovah's Witnesses and damaging the property. "Even now they can't carry out any repairs to turn the building into a prayer house," he told Forum 18 from Tbilisi on 24 November.

It also remains unknown whether religious minorities can now build places of worship after years of a de facto ban by the Georgian Orthodox Patriarchate.

The Madli (Grace) Pentecostal church in the Tbilisi suburb of Gldani lodged its application with the notary, Mzia Arsenishvili, in September 2005, but she refused to sign it, claiming that only the Orthodox Church exists throughout the world and that she would not process applications by other faiths.

But the church's pastor Zaal Tkeshelashvili told Forum 18 that after his church complained to the Ombudsperson's Office, the Justice Ministry removed Arsenishvili from office for one year. "They confirmed this in a 16 November letter to me," he told Forum 18 from Tbilisi the following day. "They said I should go to another notary for the required signature." Tkeshelashvili said his church now has to start the documentation from scratch.

Gogiberidze from the Justice Ministry confirmed Arsenishvili's removal from her post, for refusing to sign the Madli church's documents. "We were very worried about this obstruction to its registration," he told Forum 18. "The justice minister too was concerned." He pledged that if the church submits its documents again it will receive legal status.

Ombudsperson Sozar Subari believes the registration problem is now resolved. "This was a problem of one official," he told Forum 18 from Tbilisi on 24 November. "After we took up the issue with the Justice Ministry they resolved it." But he pledged to keep watching applications by other religious communities. "I will get involved if other problems arise."

Other Protestant communities told Forum 18 they were waiting to see if the Madli church's application is successful before lodging their own applications. But Fr Gela Aroshvili, a priest of the True Orthodox Church under the jurisdiction of Metropolitan Ephraim Spanos of Boston, says his communities are not hurrying to register. "We've suffered many obstructions over the years and this won't give us any status. We don't need it," he told Forum 18 from Tbilisi on 24 November.

Mindiashvili of the Ombudsperson's Office believes that registering religious communities as non-commercial organisations is a "more or less liberal solution" to the lack of legal status, but admits it is not ideal. "Of course it is discrimination that one religion – the Georgian Orthodox Church – has a higher status than others." He said that while he has detected little discontent with the new registration terms from Protestants and other minorities, the Catholics and Armenians have been public about their objections.

Gogiberidze of the Justice Ministry said he was aware of some communities' unhappiness about the lowly legal status offered and conceded this could be regarded as discrimination, but insisted he was an official who merely carried out the law. He also assured Forum 18 that no specific denominations are banned from registration.

Religious minorities have also been concerned about enforced instruction in the Georgian Orthodox faith in state schools, with parents unable to gain exemption for their children from being given such instruction and taken from school to pray in Orthodox churches (see F18News 19 November 2003 http://www.forum18.org/Archive.php?article_id=188). Ombudsperson Subari told Forum 18 that the amendment to the Education Law in April, which banned such practices, has led to some improvement. "The problems are not at the same level as before, but our office will be conducting monitoring on this issue early in 2006."

He said his Office is now in the middle of a one-month monitoring of children's homes in Tbilisi. "In some cases children were being baptised by Orthodox priests on the initiative of a teacher, or the home's director, and the child's parents – if there are any – were not being asked for their permission for the baptism," Subari told Forum 18. (END)

For the comments of Georgian religious leaders and human rights activists on how the country's legacy of religious violence should be overcome, see http://www.forum18.org/Archive.php?article_id=499

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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