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## **Religious freedom survey, October 2020**

***As parliamentary elections approach on 31 October, Forum 18's freedom of religion and belief survey analysis notes that systemic violations of human rights continue against those who do not belong to the dominant and politically influential Georgian Orthodox Church. Problems include blocking non-Georgian Orthodox communities gaining building permits, discrimination in favour of the Georgian Orthodox Church during the coronavirus pandemic, and discriminatory laws enabling the Georgian Orthodox Church alone to acquire state property and gain tax exemption.***

By Mariam Gvartadze and Eka Chitanava from the *Tolerance and Diversity Institute*

Forum18 (29.10.2020) - <https://bit.ly/37eet3U> - As Georgia approaches parliamentary elections on 31 October, Forum 18 notes that systemic violations of human rights continue against those who do not belong to the dominant and politically influential Georgian Orthodox Church. Among the issues are:

- pressure against those in the Georgian Orthodox Church in favour of freedom of religion and belief for all;
- the activities of the State Agency for Religious Affairs (SARI) to block freedom of religion and belief, for example blocking non-Georgian Orthodox communities gaining building permits;
- discrimination in favour of the Georgian Orthodox Church during the coronavirus pandemic;
- questioning by the State Security Service of a Muslim religious leader who protested against discrimination;
- government attempts to undermine the legal framework for the exercise of freedom of religion and belief;
- discriminatory laws enabling the Georgian Orthodox Church alone to acquire state property and gain tax exemption;
- non-implementation of laws protecting the exercise of freedom of religion and belief, especially when Muslims face violent protests;
- denials of building permits for non-Georgian Orthodox places of worship;
- non-return of historic religious buildings to non-Georgian Orthodox communities;
- transfer to the Georgian Orthodox Church of buildings of non-Georgian Orthodox Church communities;
- illegal censorship of non-Georgian Orthodox literature at borders;
- religious indoctrination in schools in favour of the Georgian Orthodox Church;
- obstacles to celebrating non-Georgian Orthodox holidays;
- and stopping all non-Georgian Orthodox communities from training clergy and theologians.

### **Context**

Georgia is located in the South Caucasus between Russia (which occupies the Georgian territories of Abkhazia and South Ossetia), Azerbaijan, Armenia, and Turkey. The Georgian Dream Party has been in power since October 2012, and it currently holds 91 out of the 150 seats in the unicameral parliament. Parliamentary elections will be held on 31 October.

Human Rights Watch noted that "political tensions and sustained protests over electoral reforms marked 2019 in Georgia. Police used excessive force to disperse a largely nonviolent protest in June, detaining and injuring scores, while authorities failed to pursue meaningful accountability for police abuse". It also noted "labor practices that undermine workers' safety, threats to media

pluralism, unjustifiably harsh drug laws, and discrimination against lesbian, gay, bisexual, and transgender (LGBT) people".

Georgia has a population of about 4 million people, around 80 per cent of whom are thought to self-identify with the Georgian Orthodox Church, around 10 per cent as Muslim, with smaller numbers self-identifying as Catholics, Protestants, Jehovah's Witnesses, and other beliefs or no belief. The Georgian Orthodox Church is highly influential in politics and society, and its Patriarchate and other leading figures are hostile to freedom of religion and belief for all. The Church's influence was reinforced by a 2002 Constitutional Agreement that the Tolerance and Diversity Institute notes takes priority over other domestic legislation, and which an Oslo Coalition on Freedom of Religion or Belief report found contradicts international human rights standards.

The country ranks 44 out of 180 countries measured in Transparency International's 2019 Corruption Perceptions Index. The Georgian Orthodox Church receives large state subsidies and many state privileges at both the national and the local level. There is a lack of transparency about both the amounts and the purposes of this state and municipal funding.

### ***Everyone's freedom of religion and belief***

Freedom of religion and belief is not limited to minorities. For example, there are within the majority belief community – the Georgian Orthodox Church – those who do not agree with the Georgian Orthodox Church's and the state's discriminatory approach and support the human rights of all. But because of pressure they feel they must remain silent when they disagree with the Church's public stance.

For example, the Patriarchate has stated in 2019 that it wants a new Religion Law (see below). However, a Georgian Orthodox priest who wished to remain anonymous told Forum 18 that: "I do not see any need for the Georgian Orthodox Church to have a Religion Law, and I haven't heard other Georgian Orthodox wanting a law. Catholics and others such as Muslims have problems building places of worship, and these problems were created by many people, not by the absence of a Religion Law. Many people may not speak about these problems publicly, but it's true".

### ***The State Agency for Religious Issues***

Since its creation in 2014, the State Agency for Religious Issues (SARI) has systematically increased the obstacles to everyone being able to exercise freedom of religion and belief. This was evident from the start when, in 2015, it published a Strategy for the development of a religious policy. The document was openly discriminatory. "It is the major and traditional religions existing in Georgia, together with religious minorities and individuals, that can create particular benefit for the public," it stated. The division of religious communities into undefined categories of major, traditional, and minorities contributed to the already existing discriminatory environment<sup>1</sup>. The SARI Strategy also stated that "the religious policy of the state should be formulated in view of the discourse on internal and external security" – not a human rights based approach including the exercise of freedom of religion and belief by all.

Among the numerous highly problematic aspects of the strategy was a wish to pass a Religion Law which would, among other things, interfere with the autonomy of religious communities and restrict which communities might gain legal status. The SARI backed the passage of such a draft Religion Law by parliament in 2019. Rather than ensuring freedom of religion and belief for all, the state via the SARI focused on how to obstruct this freedom.

Among its activities obstructing Georgia's implementation of its legally binding international human rights obligations, the SARI has repeatedly since its inception: interfered to back municipal council decisions to block the building of new non-Georgian Orthodox places of worship by Muslims, Jehovah's Witnesses, and Protestants; and blocked Muslims and other communities from regaining their historical places of worship.

### ***Coronavirus***

Between 21 March and 23 May 2020, Georgia implemented a state of emergency limiting constitutional rights including the freedom of assembly. Under the Public Health Law, the state can ban any activity that creates a risk of spreading disease, and everyone has an obligation to stop

any activity if it endangers public health. At no time during the state of emergency did the state give guidance to religious communities on limiting the spread of the virus while respecting the right to freedom of religion and belief, despite a 23 March appeal from civil society organisations. Nor did the state – including the SARI – hold meetings with religious leaders to discuss how best to prevent the spread of the Covid 19 coronavirus, whilst respecting the constitutional right to freedom of religion and belief. Key recommendations of the National Center for Disease Control and Public Health included to observe social distancing and not to have any public meetings.

Most religious organisations voluntarily followed the health professionals' recommendations, and limited or temporarily suspended their meetings for worship. For example, Catholics, Protestants, and Muslims among others stopped meeting physically but held online meetings for worship instead. This included for Catholics and Protestants marking Easter online, and for Muslims marking the major festivals around Ramadan online. The Armenian Apostolic Church and the Jewish community limited the numbers of people at meetings for worship, and also required those present to keep social distance.

The police strictly enforced the regulations throughout the country, but the exception was the Georgian Orthodox Church which continued holding meetings for worship without social distancing. An example was the 7 April Feast of the Annunciation, which featured crowded churches despite strict enforcement of a lockdown on streets. The Church also continued to share bread and wine as communion as usual.

On 14 April, Prime Minister Giorgi Gakharia stated that: "We should do everything not to shut down the Church, this is our historical challenge. .. As you know, we are an Orthodox state".

Some state officials did criticise the situation, JAM News reporting that Deputy Prime Minister and Infrastructure Minister Maia Tskitishvili said that citizens who go to church at Easter are violating two separate regulations - the ban on gatherings of more than three people and the curfew. She emphasized that these restrictions apply to everyone, and clergy are no exception.

Amiran Gamkrelidze, head of the National Center for Disease Control and Public Health, told Rustavi 2 TV on April 16 that: "the next four days will be decisive .. Stay at home! Do not go to Churches! Pray from [your] houses! God will forgive us [for not visiting churches on Easter], as this will save lives of more Georgians". The government, however, exempted Georgian Orthodox Church clergy and other officials only from restrictions on movement and the use of public transport that were enforced from 17 to 27 April.

Also despite the recommendation from Georgia's most senior public health official, after private discussions between the government and the Georgian Orthodox Church, 19 April Easter liturgies were held (attended as usual by large numbers of people), although the Patriarchate did agree to social distancing in these meetings for worship.

One religious leader protested at the discriminatory treatment in favour of the Georgian Orthodox Church. On 15 April Mirtagi Asadov, leader of the Supreme Spiritual Administration of All Muslims of Georgia (which represents Shia Muslims), told Mtavari Arkhi TV that: "Both the mosque and the church are houses of God. Closing one and allowing the other to be left open is unfair. We closed the doors of the mosque, because we feel responsible to society. On April 25 Ramadan begins. Then we will open a mosque and see if they treat us with the same understanding as they would the church." He later stated his answer was purely rhetorical.

Commenting on Prime Minister Gakharia's statement that "we are an Orthodox state", Asadov said that "the prime minister's words are discriminatory, he divides the country's citizens into friends and foes, which is wrong."

On 17 April the State Security Service (SSS) summoned Asadov for questioning, allegedly for possible violations of Criminal Code Article 318 ("Sabotage"). The questioning covered protests which did not breach government regulations against the hardship caused by the lockdown and curfew, but Asadov thinks it was his comment on the Prime Minister's statement that caused the SSS to question him. The SSS investigation is still continuing, but Asadov has not been questioned again.

***State attempts to undermine freedom of religion and belief***

The Georgian Dream government has repeatedly tried to undermine the legal framework for the exercise of freedom of religion and belief, as well as ignored constructive civil society recommendations – for example from the Council of Religions at the Public Defender's Office - to facilitate improved implementation of Georgia's international obligations. The Council of Religions includes 32 religious and belief communities on a basis of equality, and the Georgian Orthodox Church refuses to participate in it.

In 2017, the Georgian Dream party presented to Parliament draft amendments to the Constitution which would have allowed restrictions on freedom of religion and belief based on vague criteria, including "state [national] security or public safety", a restriction on freedom of religion and belief international law does not allow. The ruling party's amendments also would have added new restrictions on freedom of religion and belief based on the vague and undefined criteria of "state [national] security or public safety", "the prevention of crime", and "the implementation of justice".

The Government's proposed changes to the Constitution were heavily criticised by human rights defenders and the Council of Europe's Venice Commission, as the changes would have seriously and against international law restricted the freedom of religion and belief and other fundamental freedoms as well as posing the risk of more arbitrary state interference in the exercise of those freedoms. After intense pressure from non-Georgian Orthodox religious communities, non-governmental organisations, lawyers and international organisations, the Government agreed to remove the changes which would have legitimised violations of Georgia's international human rights obligations in the area of freedom of religion and belief and retained the previous Constitutional provisions.

In 2019, ruling Georgian Dream Party Deputy Sophio Kiladze with the SARI began moves to introduce a Religion Law to Parliament. Deputy Kiladze, as Chair of Parliament's Human Rights and Civil Integration Committee, convened a meeting of a working group of religious communities, the Public Defender, and non-governmental organisations. The announced aim was to find possible solutions to challenges faced by religious communities.

However, as Bishop Rusudan Gotsiridze of the Evangelical-Baptist Church said: "It was claimed that the goal was to discuss problems, but leaders of religious communities who have strong ties with the SARI started claiming that they wanted a Religion Law. The Working Group seems to be a way of disguising where the demands for a Religion Law come from." The adoption of a special law on religion or introducing new regulations to the existing legal framework was raised at the very first meeting. Only the leaders of state-funded religious communities backed this, and there was strong disagreement within some of their communities about this.

Most religious communities do not see a need for a law or more regulations. They see a Religion Law as a state attempt to establish a hierarchy of state-favoured religious communities and to possibly remove legal status from religious communities the authorities dislike.

Deputy Kiladze's working group and the SARI totally ignored the already existing May 2017 recommendations from the Council of Religions under the Public Defender, drafted by religious communities and human rights defenders. These address how the government, state institutions including Parliament and the SARI, and the media can solve challenges to freedom of religion and belief.

The challenges the Council of Religions recommendations address include but are not limited to: effectively investigating crimes committed on religious grounds; unequal and discriminatory treatment of different religious communities in taxation and other matters; obstacles to the construction of non-Georgian Orthodox places of worship; returning buildings confiscated in Soviet times to their rightful owners; and the promotion of an environment that facilitates freedom of religion and belief in public schools.

The Tolerance Centre under the auspices of the Public Defender, which coordinates the work of the Council of Religions, also strongly opposes a Religion Law. The Council of Religions convened eight meetings to discuss the threat of such a Law, bringing together most of the Council's 32 religious communities and organisations with lawyers and human rights defenders. Neither Deputy Kiladze nor SARI Chair Zaza Vashakmadze have proposed implementing the Council of Religions' recommendations as – in Kiladze's words - "solutions to the existing problems".

## **Discriminatory laws**

Even though the Constitution establishes high standards for human rights protection, Georgia's legal framework still includes some laws and regulations that unjustifiably restrict rights of non-Georgian Orthodox communities and create unequal conditions. These inequalities affect both the acquisition of property by religious communities and tax regulations.

In 2018, the Constitutional Court granted two complaints of religious communities on tax inequality and discriminatory provisions of the State Property Law. The Court ruled that Tax Code Article 168(2)B was discriminatory and unconstitutional under the Constitution's Article 14 ("Equality before the law"). This Tax Code Article gives VAT exemption to the construction, restoration and decoration of churches and other places of worship run by the Patriarchate of the Georgian Orthodox Church.

The Constitutional Court also ruled as unconstitutional the part of the State Property Law which allows the transfer of state property free of charge to the Georgian Orthodox Church only.

In relation to both issues, the Court stated that discrimination could be eliminated by fully revoking the privileges, or by granting them to equivalent bides (such as other religious communities) as well. However, Parliament had not by the Court's deadline of 31 December 2018 taken any measures to implement the Court's judgments. The parts of the laws which the Court had found unconstitutional were therefore revoked. Under Georgian law, this means that no religious community – including the Georgian Orthodox Church – can legally receive these privileges.

Since these Court judgments, state property has not been transferred to the Georgian Orthodox Church free of charge. However, state property has been transferred to the Church under Article 3 of the State Property Law at a token sum such as 1 Lari.

Other parts of the State Property Law allow discriminatory treatment of non-Georgian Orthodox Church communities, as do other laws and legal agreements.

The Tax Code exempts only the Georgian Orthodox Church from taxes on property or land used for non-profit purposes (Article 201, Part 1(A)). Under the state's Constitutional Agreement with the Georgian Orthodox Church, only the Georgian Orthodox Church is exempt from paying import tax and VAT on imported items.

On 7 May 2019, nine religious communities appealed to the Constitutional Court to find as discriminatory the parts of the Tax Code which exempt only the land of the Georgian Orthodox Church from taxation. This case is pending.

Also under the State Property Law, only the Georgian Orthodox Church can acquire: non-agricultural state-owned land through a direct sale (Article 3(1)), agricultural state-owned land with a fee or free of charge (Article 3(2)), and state-owned property through an exchange of an equivalent property into state ownership (Article 3(5)).

On 12 August 2019, nine religious communities also appealed to the Constitutional Court to declare as discriminatory those parts of the State Property Law (Articles 3(1)(2)(5)) which prevent non-Georgian Orthodox communities from acquiring or exchanging state-owned property confiscated from them in the Soviet period. This case is pending.

Despite these Constitutional Court cases and judgments, in April and May 2020 during the coronavirus-related state of emergency, the ruling Georgian Dream Party introduced draft changes to the State Property Law giving the Georgian Orthodox Church only the right to receive from the state land classified as forest near churches and monasteries and forest land it already uses. Each individual parcel of land received is limited to 20 hectares (just over 49 acres). Despite protests from civil society, Parliament passed the changes which enter into force on 1 January 2020.

In addition, the State Property Law bans the free of charge transfer of ownership or commercial sale of state-owned religious buildings (whether or not they are being used), the ruins of such buildings, and the land on which they are located (Article 4(1), Para L). This stops non-Georgian



Orthodox religious communities from receiving property that belonged to them before the Soviet period.

Large scale state funding of the Georgian Orthodox Church and transfers of state land to the Church continue. There is a lack of transparency about both the amounts involved and the purposes of these donations.

### ***Non-implementation of laws protecting the exercise of freedom of religion and belief***

Restricting freedom of religion and belief is punishable in law. The Criminal Code prohibits unlawful obstruction to holding worship and religious rites, discrimination against a person due to their faith or religion, and interference with the establishment of a religious community. Violations are punishable by fines, imprisonment, or both. Furthermore, crime committed with a motivation of religious intolerance is regarded as an aggravating circumstance for all crimes.

However, the law is not always enforced. For example there have been in recent years serious violations of Muslims' freedom of religion and belief, which have occurred throughout Georgia in: Nigvziani (in 2012); Tsintskaro (in 2012); Tsikhisdziri (in 2013); Samtsatskaro (in 2013); Chela (in 2013); Kobuleti (in 2014); in Mokhe (in 2014); and in Adigeni (in 2016).

Typically in these cases, Muslims were prevented from carrying out religious rituals and keeping their places of worship, some Muslims being banished from their homes and verbally abused by some of the Georgian Orthodox population. The state and agencies such as the police take no effective action to stop such actions and punish the perpetrators. In the village of Chela the state even dismantled the minaret of the village mosque and not only tolerated but even fostered the violence. According to victims and witnesses, as the minaret was being demolished police used physical violence, causing injuries of varying degrees of severity against Muslims who tried to protest. Similarly, police also violently attacked Muslims in the village of Mokhe when they protested against the demolition of their mosque.

These criminal acts committed in Samtatskaro in 2013, Chela in 2013, Mokhe in 2014, and Kobuleti in 2014 as well as other cases remain unsolved in 2020, with perpetrators apparently including police officers remaining unpunished. Police did not recognize the Muslims involved as victims of crime, and details of the progress or results of allegedly ongoing investigations have not been made public. The authorities have even declared some of the cases closed.

The forced resignation of Vagif Akperov, the former Sheikh of the state-funded Administration of All Muslims of Georgia, is a clear case of the state's intrusion into the autonomy of religious communities. On 27 December 2013 he was summoned to the Interior Ministry where, according to him, he was threatened with the dissemination of his personal information and ruining of his reputation if he did not resign. Interior Ministry staff present at the meeting also hinted that his family would experience certain problems if he refused to resign, continued to attend a mosque, or talked to human rights organisations and the media about this state pressure. As a result of the pressure, Akperov wrote a resignation letter dictated by Interior Ministry officials.

In April 2016, after a joint appeal of the Public Defender and Akperov, the Prosecutor's Office launched an investigation into the alleged abuse of power by a state official. As of October 2020, no one has been charged and the case remains open.

### ***Denials of building permits for non-Georgian Orthodox places of worship***

Non-Georgian Orthodox religious communities repeatedly face obstruction from local municipal councils and national state bodies such as the State Agency for Religious Issues to building new places of worship. Such problems affect communities such as Muslims, Jehovah's Witnesses, Catholics and Protestants. Typically, local Georgian Orthodox clergy and congregation members oppose proposals to build non-Georgian Orthodox places of worship. Then the local council finds excuses to obey Georgian Orthodox demands, even if the demands go against a court decision, often using spurious reasons to deny the building permit application. State authorities also often tell non-Georgian Orthodox communities to stop trying to build a place of worship on their own land and find some other land to build on. Georgian Orthodox hostility has led to extreme physical violence against those they dislike.

One prominent illustration of this problem is the denial from 2013 onwards of permission for a mosque Muslims in Batumi want to build. In 2017, the Foundation for the Construction of a New Mosque in Batumi applied to Batumi Council for a permit to build a mosque on a plot the Foundations owns. Batumi Council denied the construction permit. The Foundation appealed against the decision that year in Batumi City Court, and in September 2019 the Court upheld part of the appeal and established that discrimination against Muslims was a factor. The Court returned the case to Batumi Council for reconsideration, but the Council appealed against the Court's decision to Kutaisi Appeal Court. On 4 December 2019 the Foundation lodged an appeal for Batumi Council to be ordered to issue a construction permit. The case is still pending.

### ***Non-return of buildings, giving the Georgian Orthodox non-Georgian Orthodox buildings***

Another systemic problem religious communities face is the restitution of their property confiscated during the Soviet era. Since Georgia regained its independence in 1991, only the Georgian Orthodox Church has regained any property confiscated during the Soviet period. This takes place under the terms of the Constitutional Agreement with the Georgian Orthodox Church. No law or regulation governs the restitution of places of worship and similar confiscated property to other religious or belief communities.

The Armenian Apostolic Church, the Catholic Church, the Evangelical-Lutheran Church, and the Jewish and Muslim communities have all found that they cannot regain their historical property. The main obstacle to religious communities – particularly the Armenian Apostolic Church and the Catholic Church – regaining their own property is resistance from the Georgian Orthodox Church. Often the Georgian Orthodox Church claims it owns this property, even if the evidence of both the architecture and historic documentation proves this is not the case. The state always backs the Georgian Orthodox Church in such cases, and has also given the Georgian Orthodox Church property which it can be proved belongs to other religious communities.

The state has not compiled a publicly accessible inventory of confiscated property, or calculated the damages sustained by religious communities under the Soviet regime. Nor has the state developed any policy for the return of religious communities' property. There are no legal regulations which would allow religious communities to legally demand that their property be returned, or for fair compensation to be provided.

Combined with the state's discriminatory actions in favour of the Georgian Orthodox Church, the absence of a restitution policy compounds the discrimination faced by all non-Georgian Orthodox religious communities when they attempt to regain their own historical property.

Instead of a restitution policy, the Government via the State Agency for Religious Issues (SARI) in 2014 started funding four non-Georgian Orthodox religious communities (Muslim, Jewish, Roman Catholic and Armenian Apostolic). The basis for this was Article 2(1) of the resolution establishing the SARI, which states that the government "is committed" to partially compensate religious communities against losses sustained during Soviet times.

These four religious communities were allegedly selected by the SARI based on three characteristics which do not necessarily relate to past confiscation of property: the current size of a particular religious community, the number of clergy, and the number of places of worship. For example, a religious community which has suffered a large number of past confiscations may have few places of worship today. As more religious communities than the four state-funded communities experienced confiscations and other losses, this is itself an indication of the state's discriminatory approach.

Even communities receiving state funding do not necessarily receive back their past confiscated property. For example, in 2017 the state gave the Tandoyants Surb Astvatsatsin Armenian Apostolic Church in Tbilisi to the Georgian Orthodox Church. The Georgian Orthodox Church immediately and illegally started building work causing even more harm to the already seriously damaged church.

The Armenian Apostolic Church's attempts to legally challenge this blatant injustice have been rejected with the claim that it could not show proof of its current ownership of the building. As the church was state-owned – as a result of Soviet-era confiscation – before the state gave it to the Georgian Orthodox Church this was an impossible demand from the court. However, there is

extensive documentary and archaeological evidence that the church was the property of the Armenian Apostolic Church before it was confiscated. The Church's legal struggle to regain its own property is continuing.

The majority of places of worship of non-Georgian Orthodox communities are historical monuments, but despite this are decaying due to the state's neglect. For instance, the Armenian church of Surb Nshan in Tbilisi is under state ownership and in a very poor state of repair. In 2016 Tbilisi Council allowed a neighbouring landowner to start construction of a building which threatened further damage to the Church. In January 2019 Tbilisi City Court refused to recognise the Armenian Apostolic Church as a party whose rights and interests have been violated, preventing it from bringing a legal case about its own Church. In June 2020 Tbilisi Appeal Court upheld this.

### ***Illegal censorship of non-Georgian Orthodox literature at borders***

When people from non-Georgian Orthodox religious communities, especially Muslims, enter Georgia, customs officials often illegally check any religious texts they may have. Custom officials also impose the similarly illegal demand that permission to import texts is given by either the Georgian Orthodox Church, or for Muslims the state-funded Administration of All Muslims of Georgia.

Despite the Public Defender in 2017 making recommendations to end these illegal actions by state officials, the discriminatory practice of creating obstacles for non-Georgian Orthodox religious communities and individuals importing religious books still exists.

For example, in December 2019, customs officials halted customs clearance of Ahmadi Muslim texts, demanded that the Ahmadi Muslim Association have written permission to import the books from the state-funded Administration of All Muslims of Georgia, and insisted that the texts of Ahmadi Muslim books must be checked by customs officers.

### ***Schools and textbooks***

The Law on General Education, adopted in 2005, recognises religious neutrality and non-discrimination as one of the core principles of public schools. However, there are frequent and systemic practices of religious indoctrination in favour of the Georgian Orthodox Church, such as teachers being forced to attend Georgian Orthodox Church lectures and celebrate in schools Georgian Orthodox holidays..

Similarly, school textbooks often fail to represent Georgia's historic religious, ethnic, and cultural diversity and encourage hostile stereotyping against beliefs and ethnicities identified in textbooks as non-Georgian. These can include Georgian communities with a history of many centuries in Georgia. However, in 2019 the Education, Science, Culture and Sport Ministry invited human rights experts to work together with specialists in the field and under the coordination of Public Defender to evaluate all textbooks for 12 to 13-year-olds submitted for Ministry review in 2019, and all textbooks for 13 to 14-year-olds submitted for Ministry review in 2020.

The submitted textbooks were assessed to ascertain to what extent they, among other criteria, met human rights and non-discrimination criteria. This has led to improvements, as discriminatory terms and narratives have been removed.

### ***Obstacles to celebrating non-Georgian Orthodox holidays, exam obstacles for non-Georgian Orthodox***

The law regulating labour relations defines seven secular and 10 Georgian Orthodox Church religious holidays. No holidays celebrated only by non-Georgian Orthodox communities living in Georgia are legally recognised as public holidays, and no alternative legal provision is made for these holidays to be marked. This causes problems such as difficulties in celebrating non-Georgian Orthodox holidays, and for Jewish and Seventh-day Adventist school students taking centralised state examinations on Saturdays.

On 30 June 2020, two university applicants who are members of the Seventh-day Adventist Church appealed to the Education, Science, Culture and Sport Ministry's National Assessment and



Examinations Center (NAEC) to reschedule their exam as they cannot sit it on Saturday because of their religious belief. A Jewish university applicant also made a similar appeal. The NAEC denied the requests.

The university applicants took the case to court, asking for the NAEC to reschedule the united national exam to Friday 17 or Sunday 19 July, or to another day that is not a Saturday. On Thursday 16 July Tbilisi City Court ordered the NAEC to reschedule the applicants' exams to 17 or 19 July. The Court based its interim decision on the Constitution's protection of human rights, and the NAEC rescheduled the exams for the Adventist and Jewish applicants for 19 July. A further review of the case is pending.

### ***Banning non-Georgian Orthodox communities from training clergy and theologians***

According to the Higher Education Law, only the Georgian Orthodox Church can establish a higher theological educational institution and offer bachelors, masters, and doctoral degrees in theology. This obstructs other religious communities from training clergy and offering theological education.

For example, in 2016 the Supreme Spiritual Administration of All Muslims of Georgia (which represents Shia Muslims) requested permission from the Education, Science, Culture and Sport Ministry's National Centre for Educational Quality Enhancement to open an Islamic institution to offer degree-level theological education. Permission was refused, as the Higher Education Law allows only the Georgian Orthodox Church to do this.

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## **Restrictive anti-pandemic measures reveal confrontation between Georgian government and Orthodox Church**

By Beka Chedia

The Jamestown Foundation (21.04.2020) - <https://bit.ly/2VkQtGU> - On April 19, Georgians celebrated Orthodox Easter. But this year, the date highlighted a confrontation between the national authorities and the governing institution of the Orthodox Church of Georgia (the Patriarchate). As worshippers flocked to attend Easter vigils, virologists expressed concern that the holiday might turn out to be a dramatic turning point in the government's efforts to limit the deadly outbreak of COVID-19.

Due to the quickly spreading coronavirus pandemic, a state of emergency has been in effect in Georgia since March 21. However, the Georgian Orthodox Church all along refused to acquiesce to the emergency orders forbidding public congregations of more than three people (Matsne.gov.ge, March 23) and the curfew, in effect between 9:00 P.M. and 6:00 A.M. (1tv.ge, March 23). Instead, priests urged believers to come to church to celebrate Easter. As a result, Orthodox Patriarch Ilia II and Prime Minister Giorgi Gakharia sat down, on April 13, to try negotiate a way for the Georgian faithful to still be able to celebrate the holiday without breaking the law (Civil.ge, April 14).

The compromise consisted of parishioners being allowed to fill the churches on April 19, until 9:00 P.M., and then stay inside and pray until the end of the nightly curfew, at 6:00 A.M. Relatively few Georgians actually came out to attend church, thus generally allowing those who did to safely practice legally proscribed social distancing inside larger places of worship (Agenda.ge, April 20). And for the first time in the country's history, its political leaders chose not to celebrate Easter mass at the main cathedral in Tbilisi.

The ruling Georgian Dream government has repeatedly shown deference toward the Church. And in recent weeks, despite urging citizens not to celebrate Easter at religious sites this year and to stay in their homes, the state authorities notably refused to close churches. The government only tried to indirectly restrict the Church's freedom of action

during the Easter holiday. For example, public servants were warned that if they attended Easter celebration, they could lose their jobs (Interpressnews.ge, April 17). Additionally, the government forbade the movement of cars throughout the country from April 17 to April 21. But the Patriarchate immediately protested this decision, declaring that “these bans were not agreed with us” (Facebook.com, April 17). Moreover, one of the country’s most influential Orthodox clergymen, the metropolitan of Bodbe, Archbishop Jacob, exclaimed, “I do not threaten, but who dares to stand against me on the street?” (Interpressnews.ge, April 17). Consequently, the authorities backed down and made another concession: the automobile bans would not affect the clergy.

Archbishop Jacob, meanwhile, entered into a direct confrontation not only with the authorities but also with doctors, who categorically warned against citizens attending church services during the Easter weekend. Namely, the metropolitan demanded that the director of the National Center for Disease Control and Public Health as well as his deputy apologize for their coronavirus-related recommendations (1tv.ge, April 17).

Such interference by the Church in public affairs skirts legal boundaries, as the Georgian constitution quite clearly defines the separation of religion from the state. And yet, the relationship between the Patriarchate and the Georgian authorities has a long and peculiar history: sometimes they acted as allies, and other times as rivals. Multiple crises arose under both the current and former ruling factions. In each case, however, the root of the disagreement had to do with a fight for influence and power.

The Orthodox Church is one of the most powerful institutions in Georgia and, as an organization, it is heavily funded by the state budget. But its role in society particularly increases during election campaigns due to the Church’s strong sway over the population. According to the Pew Research Center, Georgia is the most religious country in Europe (Pewforum.org, October 24, 2018). More than 80 percent of Georgians identify with the Georgian Orthodox Church, under the leadership of Patriarch Ilia II. And as revealed in polling conducted by the International Republican Institute (IRI), the Georgian Church, as a social institution, enjoys the greatest confidence among the population, surpassing such political institutions as the president, parliament or political parties (Iri.org, November 18, 2019).

Accordingly, both the government and most political actors and parties in the country have regularly sought to attract support from the clergy (see EDM, April 15, 2013). Indeed, the current ruling party, Georgian Dream (GD), came to power in the 2012 parliamentary elections with the active backing of the Church (see EDM, March 14, 2013). During the 2018 presidential election, then-GD endorsed candidate Salome Zurbishvili provoked a conflict with Church leaders by declaring that, if elected, she would prohibit the clergy from interfering in politics (Imedineews.ge, September 19, 2018). Thanks to the campaign and “administrative resources” assistance from the ruling party, she still eked out a victory at the polls (see EDM, October 31, 2018 and December 3, 2018). But soon thereafter, President Zurbishvili apparently set out to prove her loyalty to the Church. In particular, around the Easter holiday in April 2019, she joined provocative rallies, involving Georgian Orthodox clergy, at the Davit Gareja (Keshkichidag) monastery complex, which straddles the Georgian-Azerbaijani border (see EDM, May 14, 2019). Moreover, on June 1, 2019, holding a wooden cross and in prayer, Georgia’s head of state walked the route taken by Saint Nino in the fourth century, when the historical figure entered Georgia to Christianize the local population (Interpressnews.ge, June 1, 2019).

Georgia’s next parliamentary elections are scheduled for October 2020 (assuming the pandemic does not hinder the vote), and the support of the Church will again be vitally important for the ruling elite. Therefore, the situation that transpired this past week between the authorities and the Church, during the celebration of Orthodox Easter in a

pandemic, could undermine the idea of a secular state and further chip away at the liberal-democratic orientation of the country.

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