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GEORGIA: "We want legal status!" say minority faiths

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

Leaders of many religious minorities have told Forum 18 News Service that they want legal status, as without this they cannot own property, maintain bank accounts, or go to law as communal entities. "All confessions were equal until the concordat with the Patriarchate was adopted," Tamaz Papuashvili of the State Chancellery told Forum 18, "then the Patriarchate was given special privileges." A seemingly disused Soviet-era legal quirk punishes refusal to register congregations and organising religious work with young people. But police recently cited it in a letter to Pentecostal Pastor Nikolai Kalutsky banning him from using his home for religious services without special permission and warning him that if he did this, he would be fined twice the minimum monthly wage. Kalutsky has been prevented from holding services at his home by self-styled Orthodox mobs. Baptist Bishop Malkhaz Songulashvili points out that major politicians have not publicly spoken up for religious freedom and believes the political climate has worsened since the election. "We question the genuineness of the pro-Western, democratic political forces – none of them have raised their voice against religious violence, for example," he told Forum 18.

"We have no legal status – this is our one single biggest problem," Antimos Natsulishvili (Bhuashana Das), leader of the Hare Krishna community in the capital Tbilisi, told Forum 18 News Service in the city on 6 November. "We're waiting for a new law on religion – to know what we are allowed to do and what we're not." His comments were widely echoed by leaders of almost all other religious minorities. Without a law on religion (the only former Soviet republic without one), Georgia has no mechanism for granting religious communities legal status – except for the Georgian Orthodox Patriarchate, which gained such status through a controversial concordat with the government in October 2002. Without legal status, religious communities cannot own property, cannot maintain bank accounts and cannot go to law as communal entities.

"All confessions were equal until the concordat with the Patriarchate was adopted," Tamaz Papuashvili, head of the Religion and National Development Department at the State Chancellery, told Forum 18 at his office in the State Chancellery on 6 November. "Then the Patriarchate was given special privileges." He says religious organisations' rights are not defended, making it an urgent need that the law be adopted. "Only with a religion law will other faiths get legal status."

"Certainly there must be a religion law," Pastor Gari Azikov of Tbilisi's Lutheran Church told Forum 18 in Tbilisi on 4 November. "There could have been one a long time ago." He said his Church and other religious communities are suffering without legal status and must have their legal rights and responsibilities defined in law.

"Of course we have spoken up for a law on religion," Fr Nairik Kushyan, a priest at the Armenian Apostolic cathedral in Tbilisi, told Forum 18 on 2 November. Asked why he believes there has not been one so far he responded: "Ask parliament. It doesn't depend on us." He complained that the Church's property cannot be held in its own name and the Church cannot maintain bank accounts. "All this stems from the lack of legal status. Every civilised state has a law on religion." He said religious faiths already exist de facto and a law would define what rights and obligations they have.

His view is echoed by Bishop Giuseppe Pasotto, head of Georgia's Latin-rite Catholic community. "It is very bad that no religious community has legal status," he told Forum 18 at his office in Tbilisi on 4 November. "Everything they do is unregistered. Officially the Catholic Church doesn't exist." He complained that if he wants to buy something for the church, he has to do so as an individual, not in the name of the Church. He said he personally owns the city's Catholic cathedral and the neighbouring offices, while the Vatican nunciature owns the St Peter and St Paul church elsewhere in the city. "I have many things, but they are not mine," he joked.

The Catholics tried to gain legal status by signing their own concordat with the government, but Orthodox opposition forced the government to back down (see F18News 25 September 2003 http://www.forum18.org/Archive.php?article_id=144). "There was nothing special in the concordat that isn't in the Georgian constitution," Bishop Pasotto insisted to Forum 18. "When the Orthodox concordat was signed it was said there would be similar agreements with other religious communities. But it has turned out differently." It seems the Catholics are relying on a religion law to resolve their difficulties.

"Without a religion law, many paths are closed," Fr Benny Yadgar, priest of Tbilisi's Assyrian Chaldean Catholic parish told Forum 18 on 4 November. "There should be such a law – Europe is watching." He cited the impossibility of buying land for a church office or building a church (see F18News 14 November 2003 http://www.forum18.org/Archive.php?article_id=184). He personally

bought a plot of land for the church in his own name but – like almost all other non-Orthodox faiths – has been unable to proceed.

Rabbi Avimelech Rosenblath of Tbilisi's synagogue told Forum 18 that his community finds the lack of registration an inconvenience. "We cannot have a community bank account, so we have to hold money in personal accounts," he told Forum 18 at his office on 3 November. "If we buy furniture, for example, it means we have to take money from our personal account to go to buy it." He says his community has not been obstructed in its activity. "But if the synagogue and other institutions could have legal status it would not harm us."

Bishop Pasotto said a number of religious communities – including the Jews, Muslims, Armenians, Lutherans, Baptists and Catholics – approached various political parties ahead of the 2 November parliamentary election to find out their views on a religion law. "All agreed verbally that the religion law needed to be adopted after the election," Bishop Pasotto reported.

However, Bishop Malkhaz Songulashvili, head of the Baptist Church, points out that no major politicians have publicly spoken up for religious freedom and believes the political climate has worsened since the election. "We question the genuineness of the pro-Western, democratic political forces – none of them have raised their voice against religious violence, for example," he told Forum 18 on 7 November. "I'm disappointed."

Although President Eduard Shevardnadze promised on 22 September that parliament would consider the draft of the new religion law immediately after the 2 November election (see F18News 25 September 2003 http://www.forum18.org/Archive.php?article_id=145), the political upheavals in the wake of the disputed poll – with almost daily opposition demonstrations on the streets – make the early adoption of a law doubtful.

Many religious minorities believe that now the Patriarchate has legal status it has no desire to see a religion law adopted. "I don't believe there'll ever be a religion law. I know from my experience," Azikov maintained. "The Patriarchate has no interest in this and in parliament there are people who oppose the presence of other faiths in the country."

But Papuashvili of the State Chancellery denies that the Patriarchate will be in a position to obstruct the process. "The Ministry of Justice is working on the religion law and it will soon be sent to parliament," he told Forum 18. He said once the law is adopted religious organisations themselves will have the power to defend themselves in law against those physically attacking them and obstructing their lawful activity. "It will give them the possibility to resolve these problems."

Some are sceptical that even if a new religion law is adopted the dominance of the Orthodox Patriarchate will be redressed. "The law will apply to all, but we won't be equal," Giorgi Salarishvili, an associate officer of the Salvation Army, told Forum 18 on 3 November. "There will still be restrictions on us. I'm not expecting a religion law that gives equal rights to all faiths."

The Jehovah's Witnesses are equally sceptical. "We reviewed last year's draft law and saw it as a tool to continue harassment through the legal system," their lawyer Manuchar Tsimintia told Forum 18 on 3 November. "They were obviously hoping to do legally what they can't do illegally." He sees little hope that a new text presented to parliament will be any better.

Equally pessimistic is Nikolai Kalutsky, pastor of a Russian-language Pentecostal church in Tbilisi that has been prevented from meeting at his home for the past six months by self-styled Orthodox mobs. "Even if a democratic religion law is adopted, I don't expect any improvement in our situation," he told Forum 18 on 2 November. "The most important thing is to have legal status, to be able to go to court to defend ourselves. But who knows if they would defend us? And even if they did, who would enforce the decisions?"

Members of the True Orthodox Church under the jurisdiction of Metropolitan Ephraim of Boston – while favouring a religion law "provided the text is good" - reject the idea of registration as a religious organisation as long as the Patriarchate's concordat remains in force. "In a country with a concordat such registration would do no good," Fr Gela Aroshvili told Forum 18 in Tbilisi on 3 November. "We would be subordinate to the concordat and registration would only lead to interference in our activity."

He said his Church had taken part in discussions on the draft religion law prepared by the Justice Ministry in 2002. "All agreed the draft law was too pro-Patriarchate and draconian and had to be changed," Fr Aroshvili maintained. He said the Patriarchate then lost interest in a religion law, the concordat was adopted and therefore no religion law will ever be passed.

One group that is indifferent to the impossibility of gaining registration are the congregations of the Council of Churches of Evangelical Christians/Baptists, which reject registration in all the post-Soviet republics where they operate. "We have no problems with the government," Pastor Sergei Osipov, pastor of their Russian-speaking congregation in Tbilisi, told Forum 18 at the church on the edge of the city on 5 November. "We leave them alone and they leave us alone."

Despite the absence of a religion law, a quirk of the legal system allows believers to be punished for violating the religion law. Article 199 of the Code of Administrative Offences – lifted entirely from the Soviet-era administrative code – punishes those who refuse to register their congregations and those who organise specialised religious work with young people.

In the absence of a religion law, it would appear that the article had fallen into disuse – except that the local police cited this article in a 25 August letter to Pastor Kalutsky banning him from using his home for religious services without special permission. He was warned that if he went ahead with such meetings (though he cannot because of self-styled Orthodox mob pressure), he would be fined twice the minimum monthly wage.

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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