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GEORGIA: Will non-Orthodox faiths ever get legal status?

By Felix Corley, Forum 18

The lack of legal status for non-Orthodox religious communities has led to difficulties carrying out their activities, especially over building and opening new places of worship, minority religious leaders have complained to Forum 18 News Service. "Of course this is not right," declared Pentecostal Bishop Oleg Khubashvili. "There is no religion law so there is no legal status. We want legal recognition as a Church." True Orthodox priest Fr Gela Aroshvili believes the Orthodox Patriarchate will never allow other religious communities equal rights. "When the Patriarchate got its concordat it became a monopolist and was able to obstruct everyone else," he told Forum 18. But Metropolitan Daniil (Datuashvili) of the Patriarchate rejected suggestions that his Church opposes legal status for other faiths. "On the contrary, the Orthodox Church wants all of them to get legal status as religious organisations."

In the wake of the Georgian government's refusal to sign an agreement with the Vatican granting legal status to the Catholic Church (see separate F18 article), the head of a Pentecostal association Bishop Oleg Khubashvili stressed that no religious groups apart from the Orthodox Church have any legal rights as a religious community. "Of course this is not right," he told Forum 18 News Service from the capital Tbilisi on 25 September. "There is no religion law so there is no legal status. We want legal recognition as a Church." The Orthodox Church gained such legal status after it signed a controversial concordat with the state last October, a concordat drawn up with as much secrecy as the stalled Vatican agreement.

Despite fierce Orthodox opposition to the Vatican agreement, Metropolitan Daniil (Datuashvili) of the Orthodox Patriarchate rejected suggestions that his Church opposes legal status for other faiths. "On the contrary, the Orthodox Church wants all of them to get legal status as religious organisations. The Church is absolutely not against that," he claimed to Forum 18 from Tbilisi on 25 September. "The Orthodox Church demands this from the government as soon as possible."

In his radio interview on 22 September, President Eduard Shevardnadze maintained that a new religion law would "remove all controversial issues from the agenda". He said a new text was with the State Chancellery, but it would "take some more work". He pledged it would be ready to present to parliament after the elections, which are due on 30 November.

Bishop Khubashvili told Forum 18 that without legal status as a religious community his Church's activity is limited. It cannot buy land to build churches and cannot get permission to build on land it owns. "We got permission to build a headquarters for our association in Tbilisi three years ago," he pointed out, "but criminal elements didn't want us to build it. We couldn't build as we had no guarantee of security."

One Catholic official who preferred not to be named told Forum 18 from Tbilisi on 24 September that in the absence of legal status his Church could not get back churches built by the Catholic community before the communist period and now in the hands of the Orthodox, such as those in Gori and Kutaisi. "Normally we should have the right to build new churches, but each time there are protests from the Orthodox," he complained. "Officially there is no ban on new Catholic churches, but in practice there is. The agreement would have put an end to this."

Others question whether it is right for the government to sign an agreement regulating the life of one religious community. "It is difficult to say if it is good or bad that the Vatican agreement was not signed," Genadi Gudadze, leader of the 15,000-strong Jehovah's Witnesses in Georgia, told Forum 18 on 25 September. He believed this was a distraction from the main problem that no religious communities had legal recognition apart from the Orthodox Patriarchate.

His ambiguous stance was echoed by Fr Gela Aroshvili, leader of one of three True Orthodox parishes in Georgia under the jurisdiction of Metropolitan Ephraim of Boston. "If they sign an agreement with the Catholics they should sign an agreement with all religious communities so that they all get the same rights," he told Forum 18 on 25 September. "Otherwise there will be two monopolists, not just one."

He believed that the agreement's failure came as a result of Catholic attempts – along with those of the Baptists, Armenians, Lutherans, Muslims and Jews – to try to gain their own status with the government in return for failing to oppose the concordat between the Orthodox Patriarchate and the government. "When the Patriarchate got its concordat it became a monopolist and was

able to obstruct everyone else," he told Forum 18.

Fr Aroshvili describes the Catholic Church as a "strong competitor" for the Orthodox. "The Patriarchate takes money from people, while the Catholic Church does the opposite – it gives humanitarian aid and supports hospitals." He believed there was a real danger for the Patriarchate that the "much richer" Catholic Church would be able to use this to gain converts.

In the absence of a religion law (uniquely among former Soviet republics) and the possibility for non-Orthodox communities to gain legal status as religious groups, some faiths – such as Khubashvili's Pentecostal association – have been able to register as social organisations. "We have been able to register an educational and cultural association," Fr Aroshvili declared of his True Orthodox Church, "but religious activity is not itself covered by this."

Even such registration can be difficult. The Jehovah's Witnesses registered two such associations, but in 2001 a Tbilisi court stripped them of this registration, saying such status was not designed for religious groups. Gudadze told Forum 18 that their challenge to this legal decision is due to be heard soon at the European Court of Human Rights in Strasbourg.

Bishop Khubashvili was sceptical that the long-promised religion law will be adopted soon. "We have seen many drafts, some good, some unacceptable. There is no concrete draft at present – or at least no-one has shown it to us." Gudadze was equally sceptical. "There are thousands of drafts, but none has any freedom in it. They've been speaking about it for so many years."

Georgia has seen a sustained campaign in recent years against religious minorities conducted by self-appointed Orthodox vigilantes. Baptists, Pentecostals, Old Believers, True Orthodox and Jehovah's Witnesses have seen places of worship attacked or destroyed, literature burnt and believers physically attacked. No one has been punished despite numerous protests from within Georgia and abroad.

Gudadze told Forum 18 that violence against Jehovah's Witnesses has lessened in recent months since one of the organisers of the violence, Old Calendarist priest Fr Basil Mkalavishvili, went into hiding in June to evade a court order that he should be held in preventive custody for three months (see F18News 5 June 2003).

However, despite more than one hundred documented violent incidents in the past four years, Orthodox leaders find it hard to admit the extent of the violence, or the role of the Orthodox Church in it. Metropolitan Daniil repeated his denials to Forum 18 on 25 September that there is a problem with religious violence, claiming that there were only a few "isolated incidents", often provoked by the "wrongdoing" of the "totalitarian sects" themselves. He said he did not hear Bishop Zenon's words at the demonstration against the Vatican agreement on 19 September that the agreement was part of a Western and Masonic plot and that Catholics should be driven out of Georgia.

The Special Rapporteur on the freedom of religion or belief of the United Nations Human Rights Commission, Abdelfattah Amor, visited Georgia from 31 August to 7 September, where he heard accounts of the religious violence from religious groups that have suffered. However, he described his discussions as "confidential" and declined to make any public statements while in the country.

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