

## **Constitutional Agreement between State of Georgia and Georgian Apostolic Autocephaly Orthodox Church**

As an independent and democratic state, Georgia has re-established its historic place in the civilized world.

The Autocephalous Orthodox Church of Georgia is an Apostolic See and is inseparable part of the World Orthodox Church. It is Autocephalous since 5<sup>th</sup> century and its spiritual-administrative center and See is the City of Mtskheta; Patriarch's other Cathedras are also Tbilisi and Bichvinta;

Orthodoxy Christianity — one of Europe's traditional confessions— historically was the state religion in Georgia, which have formed centuries-old Georgian culture, national weltanschauung and values;

Vast majority of Georgian population are Orthodox Christians;

The Constitution of Georgia acknowledges exclusive role of Apostolic Autocephalous Orthodox Church in the history of the Nation and asserts its sovereignty from the State.

In accordance with Article 9 of Georgian Constitution

Georgian state (hereinafter the "State"), represented by President of Georgia and The Apostolic Autocephalous Orthodox Church of Georgia (hereinafter the "Church") represented by Catholicos-Patriarch of all Georgia do conclude presenting Agreement (hereinafter the "Agreement"):

### **Article I**

1. The State and Church hereby confirm their will to collaborate for the population welfare maintaining principle of mutual independence.
2. The State and Church shall be authorized to make agreements on joint interest fields, and adopt proper acts for their implementation.
3. Church is a historically originated public legal person – a full legal public person recognized by the State that exercise its activities according to the Ecclesiastical (Canon) Law, the Constitution of Georgia, the present Agreement, and Georgian legislation.
4. Church shall be presented without any special authorization by: Church Council, Catholicos Patriarch of All Georgia, Holy Synod of Georgian Orthodox Church, and Georgian Patriarchate (authorized persons: Senior Archbishop, and the Secretary); and in legal deals by Catholicos Patriarch.
5. Catholicos Patriarch of All Georgia is inviolable.
6. Great ecclesiastic holidays and Sundays shall be declared public holidays and days off as a rule.

### **Article II**

The State shall support protection of confession and Church secretes. A priest shall be obliged to keep information he gets as a confessor.

### **Article III**

The State shall recognize a wedding ceremony held by Church according to the law. During legal charges wedding registration data submitted by Public Registrar shall be accepted.

### **Article IV**

1. Ecclesiastics shall be free from draft.
2. The State in compliance with Church shall provide creation of priest institution at armed forces, prisons, and jails. The State shall adopt proper legal acts.

3. The State and Church shall be authorized to exercise joint social programmes for the population.

#### **Article V**

1. Educational institutions shall teach orthodox religion upon their choice. Curriculums drafting and changing, teachers' appointment and dismissal shall be subject to Church competence.
2. The State and Church shall mutually and equally accept diplomas, certificates, and scientific degrees issued by educational institutions according to the rules determined by law.
3. The State and Church shall be authorized to launch joint educational programmes. The State shall support functioning ecclesiastic educational institutions.

#### **Article VI**

1. Ecclesiastic property and other property accountability shall be protected by law. Church shall have possession of any property being subject to Georgian legislation.
2. Church shall own, possess, and manage its non-ecclesiastic property according to ecclesiastic norms and acting Georgian law.
3. Church shall not exercise business activity directly.
4. Financial sources for Church shall be voluntary donations, incomes from business activities, investments, grants, assistances, and other incomes get according to the acting legislation.
5. All ecclesiastic goods produced, imported, and delivered by Church, also donations, non-economic property and land premises shall be duty free.
6. The State in agreement with Church shall issue permissions and licenses on using official ecclesiastic terminology and symbols, also producing, importing and delivering ecclesiastic goods.

#### **Article VII**

1. The State shall recognize orthodox churches, monasteries (acting and non-acting), their remains and land premises they are built on all over Georgia to be in possession of Church.
2. Security, care and utilization of all abovementioned buildings and premises shall be determined by state authorities concerned according to the acting legislation and in compliance with Church.

#### **Article VIII**

1. The State shall recognize ecclesiastic treasure protected by State security (kept at museums and treasury, those except owned privately) to be in possession of Church.
2. The abovementioned ecclesiastic treasure (except sacral relics) as a part of the National Treasure shall be joint property being subject to acting law.

#### **Article IX**

1. The State and Church shall jointly protect and care for security and protection of ecclesiastic buildings and treasure of historic-architectural and archeological-architectural values.
2. The State in compliance with Church shall adopt additional rules on utilization of ecclesiastic treasure for museums and treasuries, also projects for rehabilitation, restoration, conservation or painting of churches of cultural and historic values according to acting law.

#### **Article X**

The State shall take responsibility to negotiate with other states on protection, care and ownership of all Georgian orthodox churches, monasteries, remains, other ecclesiastic buildings, and ecclesiastic items being on their territories.

#### **Article XI**

1. The State shall acknowledge material and moral damage to Church during loosing state independence in XIX-XX centuries (especially in 1921-1990). Being factual owner of part of bereft property, the State shall take responsibility to partly compensate material damage (Order 1183 issued by the Council of

Ministers of Soviet Socialist Republic of Georgia on 24 December 1990).

2. There shall be formed a target commission within one month term since signing the present Agreement. The commission shall study compensation forms, amount, terms, property and land plots transfer procedures and other details, and make drafts of proper legal acts.

#### **Article XII**

1. The present Agreement shall consist of hereby written text and “Terms Explanation”.

2. Changes and amendments to the present Agreement shall only be done by mutual agreement of the parties concerned proved by signatures and adopted by the Parliament of Georgia and Holy Synod of Georgian Orthodox Church.

3. The present Agreement shall be signed by the President of Georgia and Catholicos Patriarch of All Georgia.

4. The present Agreement shall come into effect after ratification by the Parliament of Georgia and Holy Synod of Georgian Orthodox Church.