



TOLERANCE AND DIVERSITY INSTITUTE (TDI)



Kingdom of the Netherlands

GOALS AND OBJECTIVES

Tolerance and Diversity Institute (TDI) was founded in July 2013. The goals of the organization are as follows: protection of freedom of religion and beliefs for all; promotion of a culture of tolerance in society; protection and advocacy of people and groups discriminated on religious, ethnic, and racial grounds; promotion of civic integration; research and analysis of the state policy with regards to religious freedom, minority rights and the prohibition of discrimination.

Areas of Work

LEGAL AID, STRATEGIC LITIGATION AND ADVOCACY

One of the primary directions of TDI's work is the protection of religious freedom and the elimination of religious, ethnic, and racial discrimination through strategic litigation, free legal aid, and advocacy of equality. Since 2016, TDI's legal team has been actively working to achieve these goals.

Moreover, TDI's lawyers continuously organize meetings with local religious and ethnic groups in many regions of Georgia (primarily Kvemo Kartli, Samtskhe-Javakheti, and Adjara) to discuss/promote efficient advocacy and legal aid.

Statistics on strategic litigation and legal aid provided by TDI from January 2016 to October 2018:

- ✚ Up to 700 legal consultations;
- ✚ Forty-four representations in common and constitutional courts;
- ✚ Thirty representations with the Public Defender (Ombudsman) of Georgia, as well as administrative and law enforcement bodies;
- ✚ Nine successfully completed strategic litigations; and
- ✚ Based on TDI's applications and litigation, the Public Defender (Ombudsman) of Georgia issued four recommendations and general proposals to various public institutions.

As of November 2018, TDI has 17 pending strategic cases in courts.

TDI, through strategic litigation, solves several systemic problems including:

TAX INEQUALITY AND PROPERTY ACQUISITION

Religious organizations have been demanding the eradication of inequality and discrimination in Georgian legislation for years. These issues have been echoed in reports and recommendations of the Public Defender of Georgia, the Council of Religions under the auspices of the Public Defender, as well as international and local organizations.

- ✦ On 3 July 2018, the Constitutional Court of Georgia satisfied two claims of religious organizations. The Court ruled that Article 14 of the Constitution of Georgia (right to equality/prohibition of discrimination) had been violated and that some of provisions of the Tax Code and the Law on State Property were unconstitutional and created unequal conditions for religious organizations:
- ✦ The Court ruled that the provision in the Tax Code that exempts only the Georgian Orthodox Church from value added tax in the process of reconstructing, building, and painting churches and temples, was unconstitutional.
- ✦ The Court ruled that the provision of the Law of Georgia on State Property that allowed only the Patriarchate of Georgia to receive state property free of charge, while not giving a similar allowance to other religious organizations, was also unconstitutional.

In both cases, TDI and the Constitutional Law Clinic of Tbilisi Free University represented the the plaintiffs.

PROPERTY-RELATED ISSUES OF RELIGIOUS ORGANIZATIONS

RESTITUTION OF PROPERTY CONFISCATED DURING THE SOVIET PERIOD

When Georgia was under the rule of the Soviet Union, religious communities were deprived of property including houses of worship. Since the dissolution of the Soviet Union and the restoration of the independence of Georgia, some religious organizations have still not been able to retrieve their historical property.

The issue of property restitution in Georgia is crucial for the Armenian Apostolic, Catholic and Evangelical-Lutheran Churches, as well as Muslim and Jewish communities. Many such properties, most of which are cultural heritage monuments, have fallen into disrepair and some have even been destroyed or demolished.

TDI carries out strategic advocacy regarding the recognition of damage inflicted upon various religious communities under Soviet rule and works on the elaboration and implementation of restitution policy. TDI has prepared a policy document which analyses the needs of various religious organizations in Georgia with regards to restitution policy, which overviews relevant international experience, and which offers specific recommendations to the State.

TDI¹ represents the interests of the Georgian Diocese of the Armenian Apostolic Orthodox Church in court. In July 2017, the Government of Georgia handed over the damaged Tandoyants Surb Astvatsatsin (Tandoyants Holy Virgin Mary) Church building, located at Aghmashenebeli str. #38, and its nearby territory to the Patriarchate of the Georgian Apostolic Autocephalic Orthodox Church. Numerous sources confirm that, prior to the Soviet occupation, this church belonged to the Armenian Apostolic Church. Prior to the transfer, the State had neglected to study the history or cultural resonance of the church.

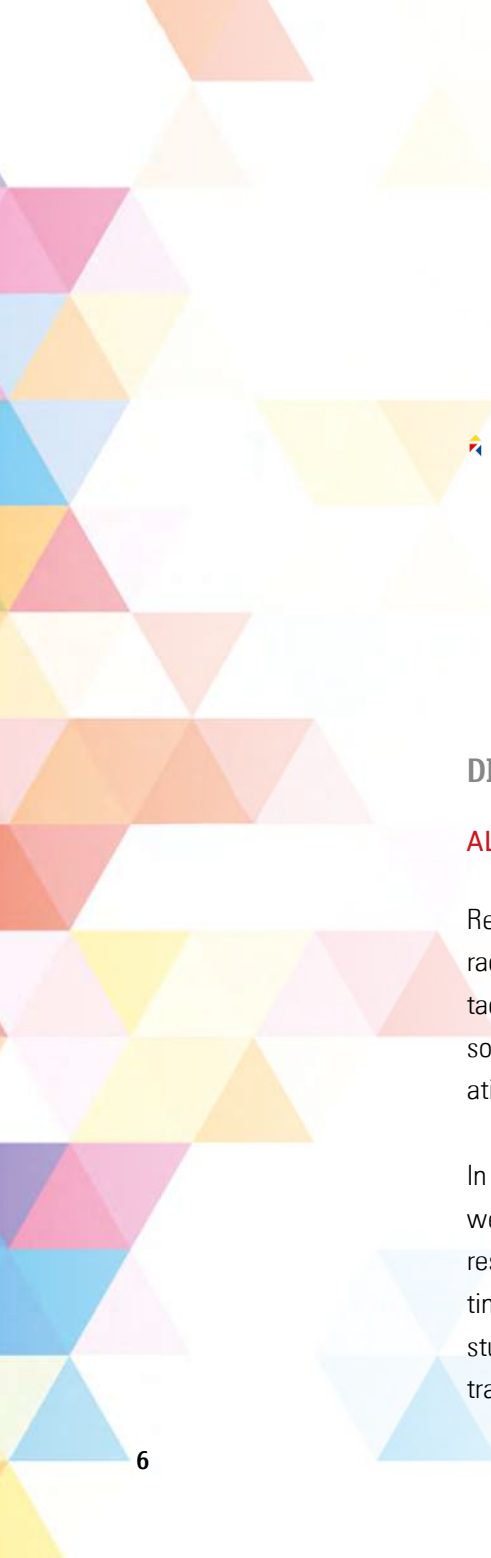
In the absence of a state policy on the restitution of property confiscated during Soviet rule, the litigation in this particular case carries a powerful precedent.

CONSTRUCTION OF HOUSES OF WORSHIP

Religious organizations face obstacles in the process of constructing new houses of worship, especially regarding administrative procedures in the process of obtaining a construction permit from the local self-government.

🚩 In 2017, Tbilisi City Hall obliged a religious organization to present a recommendation from the LEPL State Agency for Religious Issues to obtain a permit for con-

¹ Together with TDI, the interests of the Armenian Apostolic Orthodox Church are represented by the Human Rights Education and Monitoring Center (EMC).



struction of a house of worship. The religious organization applied with a lawsuit to Tbilisi City Court and later the Tbilisi Court of Appeals. Both claims were satisfied. The Tbilisi City Court ruled that, according to Georgian legislation, an administrative body was not authorized to demand any additional document or information (including a recommendation of the LEPL State Agency for Religious Issues) not designated by law. With such a requirement, the right of the plaintiff to use its own land for construction and exploitation had been restricted.

- ✚ The issue of the construction of a new mosque in Batumi is another important case here. For years, Muslims have not been allowed to build a mosque in the city. Local Muslims purchased a plot of land in 2017 and addressed Batumi City Hall, asking for a construction permit. Batumi City Hall responded with an ungrounded refusal to issue the permit to a self-organized union of Muslims. The union applied to the Court with a request to annul the City Hall decision and to expose an act of discrimination. TDI and EMC are representing the interests of the plaintiffs in this case.

DISCRIMINATION ON RACIAL GROUNDS/NATIONALITY AND XENOPHOBIA

ALLEGED DISCRIMINATION BY COMMERCIAL BANKS

Representatives of African and Asian countries, including students, are often subject to racial discrimination in Georgia. Citizens of various African and Asian countries have contacted TDI about alleged racial discrimination in the practice of state bodies and within society. Systemic problems, as well as inconsistent and often discriminatory policy negatively affects their lives as they are restricted from using certain everyday services.

In 2016-2017, through TDI's strategic advocacy, a systemic problem that Nigerian students were facing was partially solved. JSC Bank of Georgia was barring Nigerian nationals residing in Georgia from opening bank accounts thereby preventing them from benefiting from student public transportation cards and transportation discounts designated for students of higher education institutions in Tbilisi. Therefore, the Nigerian citizens faced transportation problems, and were deprived of certain other rights stipulated by law.

TDI addressed the JSC Bank of Georgia and National Bank of Georgia with a request to eradicate this discriminatory approach and to find a systemic solution to the problem. TDI also provided relevant recommendations. In addition, TDI addressed the Public Defender of Georgia with a request to study the case and identify the act of discrimination.

The analysis of the **Evaluation of the Public Defender of Georgia** revealed that the commercial bank had used a legitimate procedure of client verification superficially, causing the violation of the rights of a bona fide customer.

Following TDI's advocacy, the bank opened accounts in the national currency for Nigerian citizens, thus allowing many of them to benefit from public transportation discounts for students.

PROBLEM OF OBTAINING RESIDENCE PERMITS FOR FOREIGN NATIONALS

For citizens of certain countries, obtaining a Georgian residence permit can be problematic. Citizens of African and Asian countries in particular often face difficulties. The State Service Development Agency under the Ministry of Justice, after referring to a conclusion reached by the State Security Service, decides whether or not to grant residence permits.

Rejections of residence permit applications to foreigners from specific countries are frequently based entirely on the State Security Service's conclusion that an applicant should be denied residence on grounds of being threat for public and/or national security.

The high rate of rejections of residence permit applications made by foreign nationals has prompted claims of an allegedly discriminatory policy being followed by the State whose decisions are based on the applicant's country/region of origin, skin colour and/or race.

TDI protects the interests of foreign nationals who, had their residence permit application rejected on possibly discriminative grounds.

AWARENESS RAISING AND INFORMAL EDUCATION

Demonstrating cultural diversity, promoting tolerance, as well as informing the public about religious, ethnic, and racial discrimination and the access to justice for minorities are also priorities of TDI. To this end, TDI creates multimedia content and carries out educational events, seminars, and public discussions for young people, other interested individuals, and representatives of local government.

CURRENT AND COMPLETED PROJECTS

MULTIMEDIA

Images of Diversity – the multimedia platform informs the audience about the cultural diversity of Georgia through documents, videos, photo stories, as well as popular and/or educational articles. People of various religious, ethnic, and national identities speak about their everyday lives, giving positive examples of interacting with representatives of the dominant group as well as citing instances of discrimination. The presented multimedia also includes graphic educational videos on the history and traditions of different religious and ethnic groups living in Georgia, as well as their contributions to Georgian national culture, their repression under Soviet rule, challenges and systemic problems they face in the modern context.

The project is being implemented in the framework of the United States Agency for International Development (USAID) project Promoting Rule of Law in Georgia (PRO-LoG) carried out by East-West Management Institute (EWMI)

🚩 The video produced under the Images of Diversity project, “Hurie”, has been nominated for the ADAMI Media Prize for Web Videos.

The project is being implemented in the framework of the United States Agency for International Development (USAID) project Promoting Rule of Law in Georgia (PROLoG) carried out by East-West Management Institute (EWMI)

The project has been implemented with the support of the Embassy of the Kingdom of the Netherlands.

Video series on Georgian traditions of tolerance – the series includes visualized narratives of Ilia Chavchavadze, Vaja-Pshavela, Grigol Peradze, Kirion Sadzaglishvili, Aleksandre Okropiridze, and the Government of the Georgian Democratic Republic (1920) about relations with, tolerance of, and respect for diversity with regards to different religious and ethnic groups.

LECTURES/TRAININGS/SEMINARS

TDI regularly conducts lectures, educational trainings, seminars and discussions in Tbilisi and various regions of Georgia with the aim of raising civic awareness among the youth, as well as informing them about integration, tolerance, and human rights.

- ✦ **School of Tolerance** – with the aim of supporting tolerance, religious freedom, and human rights protection, in 2014–2015, TDI held a cycle of public lectures for students and other interested individuals about general human rights, freedom of expression, cultural diversity, as well as the roles and concepts of tolerance in religion, law, history, democracy, global culture, political and social spheres, literature, and cinema.
- ✦ **Informal Education for Students** – In 2016–2017 TDI held a series of lectures for students in six cities of Georgia (Gori, Telavi, Batumi, Kutaisi, Zugdidi, Akhaltsikhe) about tolerance, human rights and principles of secularity.
- ✦ **Gender Equality in a Diverse Society** – in 2016, TDI carried out trainings on gender equality for women from different religious and ethnic communities in Kvemo Kartli and Adjara regions.
- ✦ **Cooperation with Local Self-Governments** – in 2017, more than 20 heads of local self-governments of ten municipalities participated in a seminar and workshop organized by TDI. The issues discussed there included models of relations between the State and religious unions, legal norms and practices of discrimination, as well as protection of religious freedom, ethics, and religious neutrality standards for public servants. TDI also published a religious freedom guideline for public servants.

Supported by The Embassy of the Netherlands

Supported by Open Society Georgia Foundation (OSGF)

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RESEARCH AND STATE POLICY ANALYSIS

TDI regularly studies state policy and international practice related to freedom of religion and minority rights, prepares policy and strategic advocacy documents, and carries out sociological studies.

TDI's Publications:

- ✦ Study of Needs of Religious Organizations in Georgia;
- ✦ Study on Religious Discrimination and Constitutional Secularism;
- ✦ State Funding for Religious Organizations in Georgia (2013–2014);

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- ✦ Students' Attitudes Towards Minorities and the Role of Media;
- ✦ Reflecting Religious and Ethnic Diversity in School Textbooks (Georgian Language and Literature, History, Civic Education, IX–XII grades); and
- ✦ Tolerance School (a compilation of publications by Georgian and foreign authors)

Soon to be published:

- ✦ Study: Ultrationalist Internet Groups in Georgia;
- ✦ State Policy and Practice Regarding Restitution for Damage Inflicted upon Religious Groups under Soviet Rule
- ✦ Religious Freedom Report (2018); and
- ✦ Racial Discrimination Report (2018).

PROMOTING REFORMS IN THE EDUCATION SYSTEM

In 2014–2016, TDI, with the support of the Embassy of the Kingdom of the Netherlands, implemented a project, which achieved the following outcomes:

- ✦ Report on including cultural diversity in history, civic education, and literature textbooks. The report showed that textbooks in all the three subjects required substantial revision in this respect.
- ✦ A collection, School of Tolerance, was created and published. Teachers and professors in schools and universities use this while preparing study programs on issues of tolerance.
- ✦ A university course entitled Religious Tolerance Culture was prepared. It has been taught in Ilia State University since 2015.
- ✦ Schoolchildren from Tbilisi, Batumi, Akhaltsikhe, and Kutaisi participated in a mini-project called Diversity of my City. As part of the project, they created touristic routes based on the cultural diversity of their cities that allowed them to look at the environment in which they live from a different perspective, as well as giving them the opportunity to study the rich diversity of their cities in a playful manner.

Since 2018, with the support of the Embassy of the Kingdom of the Netherlands, TDI has been implementing a two-year project, which is a logical continuation of the previous project's results. The project aims to support the tolerance and cultural diversity in the general education system. To this end, TDI:

- ✦ Will work with the Ministry of Education, Science, Culture, and Sport of Georgia, as well as all other stakeholders and interested individuals, so that the new school textbooks in Georgian language and literature, history, and civic education duly meet the standard educational requirements for raising tolerant and law-obedient citizens.
- ✦ Will create various materials (guidelines, books, videos, training modules) for the authors of textbooks and school teachers.
- ✦ Will train the authors of textbooks, school teachers, and trainers of the National Center for Teachers' Professional Development.
- ✦ Will hold public discussions and meetings on religious freedom protection issues.
- ✦ Will propose various projects and ideas to schoolchildren and teachers in Tbilisi and the regions concerning the development of the tolerance and diversity culture in schools.

PROMOTING MULTIFACETED DIALOGUE ON FREEDOM OF RELIGION AND BELIEFS AND TOLERANCE

DIALOGUE BETWEEN THE GOVERNMENT, POLITICAL PARTIES, AND RELIGIOUS ORGANIZATIONS

Prior to the 2016 parliamentary elections, TDI hosted a cycle of meetings between religious organizations and the main political parties taking part in the elections.

The meetings were held in the framework of Promoting Integration, Tolerance and Awareness Program [PITA], implemented by the UN Association of Georgia (UNAG) and funded by the United States Agency for International Development (USAID).

*Supported by the Embassy
of the Kingdom of
the Netherlands*

- ✦ In addition, in 2017, with the support of the Embassy of the Kingdom of the Netherlands, TDI organized and hosted a meeting of representatives of religious unions and the political parties taking part in the local self-government elections, and the candidates for the Mayor of Tbilisi. The meetings and discussions were intended, on the one hand, to study the programs of the political candidates with regards to religious freedom, and, on the other hand, to provide a dialogue platform for the discussion of the most acute problems in terms of religious freedom in Georgia.
- ✦ In 2017-2018, TDI arranged meetings between the representatives of religious organizations and the Mayors and other officials of self-government bodies in ten municipalities of Georgia. The format of the dialogue envisaged introducing religious communities and the local self-governments to each other, discussing actual and systemic problems, and initiating long-term cooperation with the aim of finding appropriate solutions.

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Integration, Tolerance and
Awareness Project (PITA),
funded by the United States
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Development (USAID)*

INTERFAITH DIALOGUE

In 2017 and 2018, with the aim of promoting interfaith dialogue, TDI, with participation of representatives of diverse religious organizations, held a cycle of public discussions on the practice of religious dialogue in both Georgian and international contexts, the Soviet anti-religious policy, violence in the name of religion, and the issue of teaching religion in schools.

DONORS AND PARTNERS

Embassy of the Kingdom of the Netherlands;
Embassy of the United States in Georgia;
United States Agency for International Development (USAID);
East-West Management Institute (EWMI) – Promoting Rule of Law in Georgia (PROLoG) Activity;
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