

# RECOMMENDATIONS

Developed by the

## Council of Religions

under the auspices of the Public Defender of Georgia

2017



# Content:

1. Violence Motivated by Intolerance and Ineffective Investigation
2. Non-Discrimination Policy
3. Hate Speech
4. Religious Policy of the State in Context of State Agency for Religious Issues
5. Restitution of Houses of Worship
6. Barriers to Granting Permits for Construction of Houses of Worship
7. Transfer of State Property to Religious Organizations
8. Tax Inequality
9. Education
10. Culture
11. Media

## **Council of Religions**

### **Under the auspices of the Public Defender of Georgia**

The Council of Religions under the auspices of the Public Defender of Georgia was established on 21 June 2005. It is the largest forum of religious communities in Georgia. Currently, the Council of Religions unites 32 religious organizations.

The core principles guiding the work of the Council are: protecting religious freedom, facilitating constructive multilateral dialogue between various religious groups, promoting tolerant, fair and peaceful environment, assuming shared social responsibility and engaging religious minorities in the process of civic integration.

The Council of Religions, on the one hand, is a consultative body of the Public Defender and, on the other hand, it collaborates with various State institutions, media and NGOs.

Members of the Council independently define content of its work. Periodically, the Council elects an analytical group out of its members consisting of five persons. The group presents various projects to the Council.

Decisions of the Council of Religions are based on democratic discussions. During its Meetings, the Council discusses problems and challenges religious groups are facing and seeks ways to address them. The Council also jointly strives to conduct various social and humanitarian activities in response to societal problems and offers recommendations to the authorities.

Activities of the Council of Religions are coordinated by the Tolerance Center under the auspices of the Public Defender of Georgia.

# Recommendations by Council of Religions under the auspices of the Public Defender of Georgia

Religious organizations within the Council of Religions under the auspices of the Public Defender of Georgia, are relying on and are guided by the establishment of the Council in 2005 and its declared basis and objectives of action;

Considering the legal norms of freedom of religion and the equality envisaged under the legislation of Georgia and international human rights treaties;

Based on our religious doctrines and the mentioned legislative norms, we are aspiring towards development of a tolerant environment in Georgia;

And guided by the principle of separation of church and state guaranteed under the constitution of Georgia;

Based on the above-mentioned, we address the Government of Georgia, political organizations and the media with respective suggestions and recommendations.

These recommendations of the Council of Religions express common vision developed by consolidated efforts of member religious organizations regarding the steps to be taken in Georgia towards creating a tolerant environment, protecting religious freedom and equality and ensuring religious neutrality from the state.

Proposed recommendations are the product of intensive work carried out by the Council of Religions under the auspices of the Public Defender of Georgia, Office of Public Defender of Georgia and experts of the field, reflecting system-related and specific issues, related to religious freedom and equality and ways of solving them.

This document includes description of problems and appropriate recommendations in relation to response to crimes committed due to religious intolerance, equality, legislative issues, “state policy” on religion, ownership and funding of religious organizations, cultural heritage, education, hate speech and issues in the media.

Considering and implementing the recommendations will significantly change and improve the environment of tolerance in Georgia.

In addition to the above-mentioned, the Council of Religions considers and joins recommendations of **The Council of Europe Framework Convention Commission and European Commission against Racism and Intolerance** to Georgia. The recommendations stress importance of active communication and cooperation between the Council of Religions and the Government of Georgia for solving the identified problems.

We hope that recommendations produced by the Council, which are presented in this document, will receive special attention of the Government of Georgia and their implementation will make significant contribution to fostering culture of tolerance, protection of religious freedom and establishment of equality.

# 1. VIOLENCE MOTIVATED BY INTOLERANCE AND INEFFECTIVE INVESTIGATION

**Problem:** One of the most serious and systemic problems related to freedom of religion is state response to hate crimes. In this respect, the state cannot carry out its positive obligations and, sometimes, it even becomes an offender. Inefficient investigation, indifference and bias shown by law-enforcement authorities contributes to strengthening the attitude of impunity, deepening religious intolerance, increasing figures of persecution and other types of crimes. Furthermore, there is a constant problem of granting correct qualification to offences and carrying out investigation under appropriate articles of the criminal law.

## Recommendations to the Parliament of Georgia

- » The Administrative Offences Code of Georgia should reflect general condition for aggravating hate-motivated offences similar to the Criminal Code.
- » For effective investigation and prevention of crimes committed due to religious intolerance, effective parliamentary control should be established over the activity of the law-enforcement bodies.

## Recommendations to the Prosecutor's Office of Georgia

- » Ensure timely, comprehensive, independent and efficient investigation of the cases of religious violence and intolerance, including identification and punishment of offenders;
- » With regard to the crimes of religious intolerance, ensure carrying out the investigation in accordance with appropriate articles of the Criminal Code of Georgia, including identification of hate as a motive at the stage of investigation;
- » Develop a strategic document to combat hate crimes and within its framework establish a specialized service/group in the system of the Prosecutor's Office tasked with the investigation of hate crimes and supervision of the prosecution;
- » Maintain comprehensive and detailed statistics on hate crimes and regularly provide information on existing data to the public.

- » Participate in periodic working meetings with the representatives of the Council of Religions under the auspices of the Public Defender of Georgia for exchanging information on general violations and trends identified in the course of investigating crimes motivated by religious intolerance;
- » Ensure systematic and continuous training of prosecutors on the issues of combatting and investigating hate crimes.

### **Recommendations to the Ministry of Internal Affairs of Georgia**

- » Ensure timely and effective response of the police to the offences due to religious intolerance while acting in compliance with the requirements of religious neutrality, non-discrimination and human rights protection in the process;
- » Ensure systematic, continuous and specialized training of the police officers on the issues of effective investigation of hate crimes as well as religious freedom and religious neutrality.
- » Maintain comprehensive and detailed statistics of hate crimes, including in accordance with article 53-3<sup>1</sup> of the Criminal Code of Georgia to ensure recording hate crimes.
- » Ensure setting up a specialized service or divisions within the system of the ministry for effective investigation of hate crimes.

### **Recommendations to the General Courts**

- » When hearing cases committed due to religious intolerance and administering punishment, the general courts should use article 53- 3<sup>1</sup>, of the Criminal Code of Georgia, based on which motive of intolerance (including religious intolerance) will be considered as a circumstance aggravating crime.
- » Detailed and comprehensive statistics should be maintained in accordance with article 53-3<sup>1</sup>, of the Criminal Code of Georgia.

## 2. NON-DISCRIMINATION POLICY

**Problem:** The Council of Religions positively evaluates adopting the *Law on Elimination of All Forms of Discrimination* by the Parliament of Georgia, despite considerable opposition. Adopting the law was a significant step towards establishment of appropriate standards and additional legislative mechanisms to combat discrimination. Notwithstanding the mentioned changes, we believe that the state should continue carrying out additional positive measures to elaborate existing mechanisms and combat discrimination. In addition, when hearing cases related to discrimination, application of the Law on Elimination of All Forms of Discrimination and other appropriate acts by the general courts remains a problem.

### Recommendation to the Parliament of Georgia

- » Introduce legislative amendments to the Law of Georgia on Elimination of All Forms of Discrimination and other relevant legislative acts, in accordance with legislative proposals and recommendations presented by the Public Defender, in order to enhance non-discrimination mechanisms and ensure effective means of legal protection to combat discrimination.

### Recommendation to the Government of Georgia

- » Promote religious neutrality in public service and to that end ensure:
  - a) Identifying religious neutrality standard in the Law of Georgia on Public Service and other subnormative legal acts, including preparation of appropriate guidance document in collaboration with the Council of Religions under the auspices of the Public Defender of Georgia for detailed regulation of measures to be implemented in public service with the view of establishing a secular environment in public service;
  - b) Promoting systematic training of public servants, primarily the police and service-providing public servants, on the issues of religious freedom and non-discrimination standards and introducing effective mechanisms for measuring the achieved progress;
  - c) Proactive and effective operation of internal monitoring mechanisms on alleged religious discrimination behavior in public service;



## **Recommendation to the Judiciary:**

- » Use the legislation related to cases of discrimination and the practice and standards established by the international human rights mechanisms if requested by a claimant to establish a religious discrimination fact;
- » Ensure increased accessibility of justice to discriminated groups, including:
  - a) By means of systematic training of the judicial corps on the issues related to freedom of religion, non-discrimination legislation, the standards of prohibiting discrimination and hate crimes;
  - b) By adequate reflection of freedom of religion, non-discrimination legislation, standards of prohibiting discrimination and hate crimes in programs of the high School of Justice of Georgia.

### 3. HATE SPEECH

**Problem:** Public servants, especially high-ranking officials, often use hate speech, including against religious groups. Similar cases are often covered by the media as well. This, on the one hand, insults representatives of religious associations and, on the other hand, drives formation of negative attitudes and intolerance, enhancement of stigma and stereotypes towards separate groups. The Fifth Monitoring Cycle Report of the European Commission against Racism and Intolerance (ECRI) on Georgia, published on March 1<sup>st</sup>, refers to use of hate speech as one of the major problems of the politicians, encouraging intolerance in the society.

#### Recommendations to the Government of Georgia

- » Ensure effective control and response to hate speech use in public service. To this end appropriate changes should be introduced to codes of conduct of public institutions;
- » Ensure educational measures directed at raising awareness among the public of the Law of Georgia on Eradication of All Forms of Discrimination, other relevant legislative acts and the policy to combat discrimination.

#### Recommendation to the Parliament of Georgia

- » Develop a code of conduct to enable identification and evaluation of hate speech of parliamentarians.

#### Recommendation to the Local Self-Governments

- » Ensure systematic and continuous training of the employees of local self-government bodies on the standards of freedom of religion, unacceptability of discrimination and hate speech, as well as maintaining religious neutrality in public service. In addition, introduce appropriate changes to codes of conduct of local self-government bodies.

#### Recommendation to Political Parties

- » Develop a declaration on unacceptability of hate speech in general, particularly during pre-election periods.

## 4. RELIGIOUS POLICY OF THE STATE IN CONTEXT OF STATE AGENCY FOR RELIGIOUS ISSUES

**Problem:** Ordinance #177 of February 19, 2014 of the Government of Georgia set up a legal entity of public law – State Agency for Religious Issues, which carries out research, scientific-educational and consultation activities in the field of religion for the Government of Georgia and the Prime Minister. The Government created the agency without prior consultation with religious associations and major actors working on religious freedom, leading to critical public discussion regarding the need, mandate, and importance of the institute.

### Recommendations to the Government of Georgia:

- » Ensure participation in the process of implementing institutional and legislative changes related to the issues of religious freedom of the Council of Religions under the auspices of the Public Defender of Georgia and other actors working on the issues.
- » Review powers of the agency under the ordinance #177 of February 19, 2014 of the Government of Georgia, in particular:
  - a) Specify the mandate of the agency and make it clearer, ensure its compliance with religious freedom and secularism to avoid overlapping its functions with other administrative bodies and prevent risks of arbitrary actions due to vague competences.
  - b) Considering existing experience in that respect, it is particularly important to abolish the procedure for issuing recommendations by the agency for the construction of religious buildings and places of worship. This involves the risk of introducing political arguments in the construction process and contradicts secular legal regulations of construction.

**Problem:** In spite of its “soft” powers (research and preparation of recommendations for the Government), problems related to religious freedom have accumulated in the Agency for Religious Issues. It is noteworthy, that financial compensation for and control of harm inflicted to religious associations during the Soviet period have been connected to the activity of the agency. The practice of compensation for harm to four religious organizations indicates that agreements concluded with the mentioned organizations define in detail target spending of the amounts transferred. In addition, the signed agreements envisage strong leverage to control spending of the amounts transferred to the state, including access to financial and accounting documents and possibility for an audit. Such tools provide alarming risks for interference in internal activity of religious

associations. Furthermore, in a situation when transferring finances to the four religious organizations is formally linked to compensation for harm, the logic and legal basis for such control of the transferred amounts by the state is unclear. **Effective compensation procedure does not envisage objective, fair and predictable criteria for compensation, while it makes calculation and frequency of payments dependent on the political will of the Government.**

## **Recommendations to the Government of Georgia**

- » Prevent risks for interference in the autonomy of religious organizations in the procedure and practice of compensation for harm and abolish mechanisms envisaged in the agreements for controlling target spending of and accountability for the amounts transferred by the state.
- » It is recommended that the Government thoroughly review the ordinance of the Government of Georgia (#117) of January 27, 2014 on “approval of some procedures for providing partial compensation for harm inflicted to religious associations during the Soviet totalitarian regime and non-discrimination” and ensure its compliance with the principles of secularism, in particular:
  - a) Issues similar to compensation of religious associations should be regulated by legal acts at the level of law adopted by the legislative body based on high-level consensus, ensuring public involvement and minimizing arbitrary actions by the Executive.
  - b) The ordinance in question is discriminatory, as it does not include religious associations, which also suffered material and moral harm during the Soviet totalitarian regime. Therefore, it is essential that discrimination under the ordinance be corrected to include other religious associations as well.
- » For fair implementation of the process of compensation for harm, the Government should initially estimate the amount of harm inflicted, fairly define its market value, and set predictable payment procedure. It is clear that within the compensation model, prior to compensation for harm, the Government should primarily resolve the issue of returning religious buildings and houses of worship confiscated during the Soviet period from religious associations.

**Problem:** Major part of the activity of the agency involves operation of its financial-property commission, which transfers to several religious organizations or legally registers financial and material assets. Legal basis for transferring the mentioned assets is not defined and it takes place based on political appropriateness.

## Recommendation to the Government of Georgia

- » The practice of transferring financial and other material assets to religious organizations carried out by the agency should be brought in compliance with the principle of separation of church and state.

**Problem:** Mandate and competences of the commission, studying circumstances related to the building registered with the status of a club in village Mokhe, Adigeni municipality, are controversial and present an attempt at setting unacceptable precedent of solving restitution issues. It aims at establishment of the ownership of the building based on political (agreement between the parties) rather than legal procedure. After two years of its existence, the commission has not taken particular steps in this direction. The decision made in the course of the meetings of November 3 and December 1, 2016 on assignment of the status of cultural heritage to the building, deleting it from the balance of Adigeni municipality, and transferring it into the balance of the National Agency of Cultural Heritage and Monument Protection, is beyond the mandate and objectives of the commission.

## Recommendation to the Government of Georgia

- » Develop legal mechanisms for transferring disputed historical, religious buildings and houses of worship located in the village Mokhe to its genuine owner, which will be subject to effective judicial control and minimize possibility for political compromise.

**Problem:** Draft policy documents developed by the State Agency for Religious Issues and public announcements allow for interpretation implying attempt at religious hierarchization and suggest superiority of safety issues over religious freedom.

## Recommendation to the Government of Georgia

- » Direct policy related to religious associations to fully comply with equality of religious organizations, rule of law and human rights and refrain from an attempt at marginalization of separate religious groups based on arguments related to hierarchization and safety.

## 5. RESTITUTION OF HOUSES OF WORSHIP

**Problem:** The issue of returning confiscated houses of worship from various religious associations during the Soviet period and identifying historical owner remain unresolved to date. Besides being directly related to religious service and property of religious organizations, the problem also affects the condition of the buildings. Until historical owner is identified, houses of worship are mostly unprotected, threatened with damage and wrecking, while preservation and restoration of such buildings do not usually enter the agenda of the Government.

### Recommendations to the Government of Georgia

- » Inventory of the disputed monuments and houses of worship confiscated by the communist authority during the Soviet period should be carried out in the nearest future. Maintenance plan of such buildings should be prepared.
- » A government commission, which will develop a clear plan for the restitution process, should be set up with participation of the Council of Religions under the Auspices of the Public Defender of Georgia, academic experts, and non-governmental organizations.

## 6. BARRIERS TO GRANTING PERMITS FOR CONSTRUCTION OF HOUSES OF WORSHIP

**Problem:** Effective Georgian legislation with regard to construction of houses of worship is liberal and does not envisage special legal regime for construction of religious buildings. Yet, religious organizations often face delayed process or refusal to grant construction permit documents by local authorities, who have direct competence for granting such permits, due to discrimination. The competence of the State Agency for Religious Issues includes issuing recommendations on construction of religious buildings and houses of worship and defining location of such buildings. The existing practice shows that recommendations of the State Agency for Religious Issues generally deal with the issue of necessity of constructing places of worship by religious organizations in respective areas. Assessment of legal circumstances related to construction is not included in the competence of the agency. Although the mentioned recommendations are not obligatory and they have no binding legal force, the recommendation mechanism works in practice and is often the cause for delayed administrative proceedings with regard to issuing permits. In addition, the mentioned mechanism of interference in the matters of local authorities from the national authority involves risks of politicization of the issue of construction of houses of worship. In addition, it is unclear which criteria should be used by the agency in deciding on justification of locations for houses of worship. Furthermore, despite the fact that the agency is under direct subordination of the Prime Minister, at times, positive recommendations issued by the agency are not fulfilled.

### Recommendations to Local Self-Government Bodies and the Government of Georgia

- » Stop discriminatory and non-secular practice in relation to construction of religious buildings and places of worship;
- » Act in full compliance with the constitution and legislation of Georgia in the process of granting construction permits to religious minority organizations;
- » It is recommended that competences related to deciding on location, construction of religious buildings and houses of worship and related issues be excluded from the mandate of the State Agency for Religious Issues; The issues related to construction of houses of worship should be depoliticized and returned to secular, rights framework;

## 7. TRANSFER OF STATE PROPERTY TO RELIGIOUS ORGANIZATIONS

**Problem:** In accordance with the changes introduced to the Civil Code of Georgia in 2011, religious associations were allowed to register as legal entities of public law. Although religious organizations registered under the status are not considered standard legal entities of public law and Law of Georgia on Legal Entities of Public Law does not apply to them, in practice, such religious organizations encounter problems from the state when seeking property title for the real estate in their use. Article 3 of the Law of Georgia on State Property is cited as a legal foundation for such practice. In accordance with the said article, the acquirer of state property (except for cases of privatization of state-owned agricultural land plots) may be a legal entity under private law, or, in the case of a direct sale by a decision of the Government of Georgia, the Georgian Apostolic Autocephalous Orthodox Church. Under the same article, privatization of a state-owned agricultural land plot shall be possible for a fee for legal entities under private law registered in Georgia and free of charge for the Georgian Apostolic Autocephalous Orthodox Church.

### Recommendation to the Parliament of Georgia

- » For eradication of discriminatory attitude so that the right conferred to Georgian Apostolic Autocephalous Orthodox Church is enjoyed by religious organizations having the same LEPL status, the Parliament of Georgia should introduce appropriate amendments into article 3 of the Law of Georgia on State Property.



## 8. TAX INEQUALITY

**Problem:** Tax legislation of Georgia exercises different attitudes towards the Patriarchate of the Georgian Apostolic Autocephalous Orthodox Church on the one hand and other religious organizations on the other hand, which may be evaluated as demonstration of inequality.

### Recommendations to the Parliament of Georgia

- » Introduce appropriate amendments into tax legislation of Georgia, to ensure equal tax and legal regime for all religious organizations in accordance with the principle established under article 14 of the Constitution of Georgia, in particular:
  - a) All religious organizations should be equally freed from property (including land) tax;
  - b) All religious organizations should be freed from paying VAT without entitlement to credit when providing crosses, candles, icons, books, calendars or other objects of liturgy, similar to the Patriarchate of Georgia;
  - c) Construction, restoration and painting of houses of worship ordered by any religious organization should be freed from VAT without entitlement to credit.
  - d) Similar to the Patriarchate of Georgia, the profit gained by all religious organizations by means of selling objects of liturgy used for religious purposes should be freed from profit tax.

## 9. EDUCATION

**Problem:** Preserving religious neutrality is a problematic issue in public schools. The Law on General Education (2005) ensures independence of public schools from religious and political associations (article 3, paragraph 2c). In accordance with article 13 of the law, neutrality and non-discrimination should be guaranteed in public schools. The law prohibits “the use of the study process for the purpose of religious indoctrination, proselytism, or forced assimilation”.

Therefore, it is inadmissible to preach religious doctrine during study process. For the purpose of compliance with the principle of neutrality, placement of religious symbols at school is prohibited, unless they serve academic purposes. The law on General Education ensures maintaining non-discriminatory environment and compliance with the principle of equality at school. In accordance with article 18 “It shall be inadmissible to impose such obligations upon pupils, parents and teachers that fundamentally contradict their belief, confession and conscience.”

In spite of a number of legislative guarantees, public secondary schools violate the principle of school neutrality. Religious symbols are placed within the school infrastructure; religious rituals during lessons, collective prayers, participation in religious rituals organized by school during school hours (visiting churches, celebration of religious holidays) are quite common. Refusal to participate in such rituals is often accompanied by discrimination and stigmatization of a student. Arrangement of houses of worship and so-called religious corners within schools is also against the principles declared under the law. Cases of religious indoctrination during lessons are quite frequent as well, emphasizing superiority of majority’s religion and stigmatization of a student with a different, minority religion. The problem is aggravated by the fact that there is not a clear political will to eradicate religious discrimination and maintain the principle of secularism at school.

### **Recommendation to the Ministry of Education and Science of Georgia**

- » Maintaining religious neutrality and ensuring non-discriminatory environment in public schools should become one of the priorities of the Ministry of Education and Science. Cases of violation of neutrality and discrimination should be acknowledged and appropriate response ensured;
- » The Ministry of Education and Science should develop effective monitoring mechanisms for prevention and proactive control of violations of religious freedom and maintaining neutrality.
- » A monitoring group of religious freedom violations at school should be established in collaboration

with the Ministry of Education and Science. The group should include representatives of the Ministry, non-governmental organizations working on the issue and representatives of The Council of Religions;

- » A guideline on ways of ensuring non-discriminatory environment at school should be developed for school principals, administration and teachers;
- » Intercultural and interconfessional aspects should be reflected in the standard of school principals and documents of quality management at school;
- » Certification exams of school principals, both testing and interview stages, should assess intercultural education level and the knowledge of school management in a multicultural environment
- » Special school strategy– a standard of religious freedom and neutrality should be developed, which, in line with teacher and student code of conduct, will serve as a guideline for maintaining non-discriminatory and tolerant environment;
- » National Center for Education Quality Enhancement of Georgia should include requirement for extracurricular activities to promote appreciating diversity and developing the culture of tolerance in students as one of the criteria for school/teaching plan evaluation in the process of private and public school authorization;
- » The Ministry of Education and Science of Georgia should consider the international experience of proactive response to and prevention/eradication of discrimination, as well as approved methods by some NGOs (e.g. preserving anonymity of sources);
- » For improvement of the environment of non-discrimination and tolerance at public schools, the Ministry of Education and Science should cooperate with Tolerance Center and the Council of Religions under the Auspices of the Public Defender of Georgia, non-governmental organizations working on the issues of intercultural education and independent experts. In order to solve the problem effectively, the Ministry should present a report reflecting prevention and response;
- » It is recommended that pre-school Development Division under the Ministry of Education and Science of Georgia consider religious neutrality principle for the stage of pre-school education in the course of developing its action plan; it is necessary for children to be protected from indoctrination and proselytism;

- » Maintaining the environment of non-discrimination and prevention of religious freedom violations should become a priority at school;
- » Social video should be prepared to raise parent awareness with regard to preserving non-discriminatory environment at school and importance to respond to violations and address the ministry;
- » In post-conflict regions, or regions with permanent risks of interreligious clashes, the Ministry should carry out different and constant monitoring of the situation and implement conflict prevention policy.

**Problem:** Teachers of general education institutions are not familiar with intercultural and interconfessional education methods. Low level of competence and lack of control mechanisms raises discrimination, inability to accept different religions and cases of proselytism at school. Studies show that indoctrination and proselytism in the process of education has taken place more and more openly in recent years. In accordance with studies, teachers have not taken multicultural educational programs, either in higher education institutions, or during professional training. Furthermore, teacher-training programs do not often reflect interconfessional education methods.

### **Recommendations to:**

**The Ministry of Education and Science of Georgia**  
**National Center for Teacher Professional Development**  
**National Assessment and Examination Center**

- » It is necessary to raise intercultural and interconfessional education competences and multicultural sensitivity of a teacher.
- » In order to develop tolerance and intercultural sensitivity, appropriate teacher-training programs should be prepared. Improving intercultural and interconfessional competences of teachers should become a priority when preparing teacher professional development programs.
- » Experts selected by Tolerance Center under the auspices of the Public Defender of Georgia should participate in preparation of the program on intercultural and interconfessional education methods and strategy.
- » In accordance with the requirements of the professional standard of teachers, mechanisms for examining knowledge of diversity management strategy by a teacher should be added to teacher certification examinations.

**Problem:** Religious diversity in Georgia is not considered when preparing a teaching calendar. In particular, religious reasons for missing exams, school competitions and educational activities have not been taken into account.

### **Recommendations to General Education Institutions and Higher Educational Institutions**

- » General education institutions and higher education institutions should consider religious interests of students when drawing up school and university calendars.
- » Teacher training programs of higher education institutions should include a mandatory course on multicultural education.

**Problem:** Secondary school textbooks do not adequately reflect ethnic and religious diversity in the country and are not free of stereotypes. Although textbook authors offer texts that are more balanced in recent years, the content of textbooks remains a problematic issue. Textbooks show desire to demonstrate superiority of the dominant culture and religion. Information on other religious denominations in Georgia is insufficient or presented in a negative context. Sometimes information is incomplete to conceal the traces of various religions in Georgian culture.

### **Recommendations to the Ministry of Education and Science of Georgia**

- » In developing textbook standards, enhancement of the principle of equality and the culture of tolerance should be brought into focus. Therefore, one of the criteria within the standard should be (religiously) balanced, nonbiased, and positive content.
- » It is recommended that textbook approval criteria include multiculturalism assessment criterion. The obligatory precondition for receiving approval should be whether the textbook takes into account “student variety based on race, color of skin, language, sex, religion, political or other opinions, national, ethnic and social affiliation, origin, property or social status and place of residence.”
- » Experts recommended by the Council of Religions under the Auspices of the Public Defender of Georgia should participate in the process of approval to evaluate intercultural competences.
- » Compliance of textbooks with the standard of intercultural education should be regularly analyzed. Experts recommended by the Council of Religions under the Auspices of the Public Defender of Georgia

should participate in monitoring and evaluation. Developed recommendations should be reflected in future editions of textbooks.

**Problem:** Teaching religion is one of the problematic issues in public schools. Teaching non-confessional religion has come to an agenda several times since adoption of the Law on General Education. Various authors have prepared non-confessional religion textbooks at various times. Today information on religions is included in the textbooks “Tolerance” “Civil Education” and “World Culture”. With the initiative of the Ministry of Education a subject - “Society and I” is currently being prepared for primary stage, which includes religion as one of the components.

The module of Confessional religion lesson, referred to in constitutional treaty, has not been developed yet. However, studies show that some public schools deliver religious lessons (“Old Testament” and “New Testament”). Curriculum, teaching methodology, teacher’s competence and approval of textbooks are beyond the control of the Ministry of Education. In the absence of such control, also considering that religion is often the source of discrimination at school and schools cannot adequately maintain the principle of neutrality, readiness for confessional or non-confessional religious lessons in the near future becomes rather questionable.

In State Religious Policy Development Strategy (2015), State Agency for Religious Issues envisages “defining reasonability and form of interreligious academic teaching of the “subject of religion” at public education institutions (schools) within the unified general education system”. The agency intends to prepare a textbook – “Conversation about Religion” to “teach major religions: Judaism, Christianity and Islam”.

Although the purpose of the mentioned initiative is preparing a textbook based on interreligious teaching methodology, teaching such a subject at this stage entails certain risks: selecting only three religions enhances hierarchic attitude towards religions, which is common in Georgia, and such a subject cannot fully show religious diversity in Georgia. In a situation when carrying out non-discrimination policy is a challenge at school, when teachers often reveal biased and in extreme situations xenophobic attitude towards various religions, introducing a subject of religion is not justified. As teachers’ intercultural sensitivity and knowledge of the subject is low at this stage, teaching such a subject may have the opposite results. When, in accordance with our information, proselytism takes place at schools in violation of the Law on Education, teaching religion at this stage might become a tool for proving superiority of the majority religion instead of introducing and bringing together various cultures.

The Ministry of Education and non-governmental organizations prepared various teaching projects. It should be mentioned that development of the teaching methodology of non-confessional religions is ongoing. Experience has shown that preparing appropriate textbooks and teachers of appropriate qualifications requires

time. To this end, schools should guarantee a non-discriminatory educational environment. Only after having enough human resources of teachers with appropriate qualifications and intercultural and interconfessional education, may teaching religion at school be on the agenda.

## **Recommendations to the Ministry of Education and Science of Georgia**

- » For promoting development of the culture of tolerance, cultural and religious dialogue, students should be introduced to contribution of the representatives of various religions in Georgian culture (e.g. Catholics, Protestants, and Muslims in Georgian history). Studies show that such teaching methods are effective for developing the culture of mutual tolerance.
- » When working on the non-confessional religion textbook in the future, results of the projects carried out in this direction, the experience of Georgian experts and international practice should be considered.
- » The experts selected by Tolerance Center under the auspices of the Public Defender of Georgia should be involved in preparing the non-confessional religion module and the textbook in the future.
- » Teaching religion at public schools should take place in accordance with the procedural and methodological guideline developed by the Ministry of Education under the conditions of effective control mechanisms from the Ministry of Education.
- » Considering the current situation, it is recommended that introducing religious diversity of the country be carried out in accordance with the textbooks which are already prepared and, especially, by informal educational projects (exchange programs, summer schools).

**Problem:** Existence of a non-discriminatory and intercultural environment is of current interest in higher education institutions. The law of Georgia on Higher Education requires that higher education institutions practice equal treatment of students and academic personnel (article 16.1-d) and prohibits any discrimination for religious affiliation or ethnic origin (article 3.2-h).

Georgian higher education institutions are attended by students belonging to various ethnic and religious groups, as well as foreign students. They often face discriminatory and indifferent attitude from peers or administration and academic personnel.

## **Recommendations to the Ministry of Education and Science of Georgia**

- » Multicultural education program for future teachers should be prepared at higher education institutions; the course on the methodology of intercultural and interconfessional teaching should become a mandatory subject for students of education programs.
- » Higher education institutions should offer a course of lectures, educational projects to a wide group of students to promote introduction and understanding of universal values, humanism and democratic principles;
- » It is recommended that professors and teachers of higher education institutions take trainings on drawing up and carrying out intercultural teaching plans.



## 10. CULTURE

**Problem:** Restoration and protection of minority houses of worship, which present cultural heritage, remain problematic. General list of cultural heritage monuments there are no separate lists of orthodox and other monuments of worship as each of them is considered cultural heritage of Georgia. The funds provided by the state each year are not sufficient for preserving the cultural heritage. Despite the status of a monument, restoration of religious minority houses of worship is not a priority.

### **Recommendation to the Ministry of Culture and Monument Protection of Georgia**

- » Additional funds should be allocated and considered within the budget for preserving the houses of worship of religious minorities, especially for the monuments requiring urgent reinforcement works.

**Problem:** Inventory of cultural heritage monuments is carried out by the National Agency of Monument Protection on the one hand, while, on the other hand, municipality Culture and Monument Protection Services are in charge of identification and recording monuments in the regions. The latter do not have enough appropriate specialists. Furthermore, there is no subprogram or a priority to systematically record houses of worship of minorities.

### **Recommendation to the National Agency of Cultural Heritage Protection/Local Self-Governments and Municipalities**

- » It is recommended that the National Agency of Cultural Heritage Protection pay particular attention to description and inventory of the houses of worship of minority religions. In addition, a similar instruction should be provided with regard to existing culture and monument protection services in the regions.

**Problem:** A new problem arose in the field of monument protection in recent years. In several cases reinforcement and rehabilitation of monuments resulted in change of the primary appearance of houses of worship. Changing architectural appearance of a monument leads to changes in its authenticity and primary religious characteristics.

## **Recommendation to the Ministry of Culture and Monument Protection of Georgia / National Agency of Cultural Heritage Protection**

- » Rehabilitation and reinforcement works of a monument should be planned transparently. The process should involve field experts. During monument protection and preservation, primary appearance should not change. Priority should be given to conservation method of monuments. The ministry and local self-governments should work proactively, monitor, and prevent unauthorized changing of interior and exterior of monuments.

**Problem:** There are houses of worship presenting cultural heritage of Georgia due to antiquity and significance, but they have not yet been designated as cultural heritage. Such situation delays maintenance of the monuments and raises risks for their vulnerability to economic transactions.

## **Recommendations to the Ministry of Culture and Monument Protection of Georgia / National Agency of Cultural Heritage Protection/Local Self-Governments and Municipalities**

- » Inventory and designation of such buildings as cultural heritage monuments should take place.
- » The Ministry should prepare projects to promote the culture of tolerance and maintain diversity.
- » It is recommended that, for the purpose of developing the culture of tolerance, the ministry and local municipalities cooperate with the Council of Religions under the auspices of the Public Defender of Georgia, experts in the field of culture, non-governmental organizations and research institutes. Sharing of experience and knowledge and preparation of educational and cultural projects should take place.

## 11. MEDIA

**Problem:** In accordance with article 31 of the Law on Broadcasting, to represent needs and interests of the public through the Public Broadcaster and to ensure fulfilment of content-related obligations defined by Article 16 of this Law, public councils shall be created. Public councils shall be authorized to prepare recommendations for the Public Broadcaster by the direct participation of the public. Public councils are actually no longer functioning in Public Broadcaster.

### Recommendation to the Public Broadcaster

- » Should comply with the obligations under article 31 of the law and create public councils wherein representation of various religious confessions and ethnic groups should be ensured.

**Problem:** The Law on Broadcasting defines content-related obligations to be met by the Public Broadcaster for complying with the interests of various groups within the public. In particular, in accordance with article 16-h) of the law, it should reflect ethnic, cultural, linguistic, religious, age and gender diversity of the society in programs; while under paragraph l), it should “broadcast a number of programs in certain proportions prepared in the languages of minorities, about minority groups and programs prepared by minorities. The mentioned obligations under the law are only partially met.

### Recommendations to the Public Broadcaster

- » Besides news programs, the Public Broadcaster should prepare other cognitive programs promoting integration and raising public awareness on religious diversity. In this respect, preparing cognitive documentaries are also important.
- » The television station should ensure media space for representatives of various religions so that they are able to express their opinions on public events as full members of the society.
- » Considering increasing anti-Turkish and Islamophobic attitudes in the media, the Public Broadcaster and the Public Broadcaster of Adjara should prepare documentaries and other cognitive programs providing comprehensive information on Muslim citizens of Georgia to the public.
- » In covering religious rituals, Public Broadcaster should be guided by the Code of Conduct, consider confessional diversity of Georgia and prevent representatives of one denomination from insulting and discriminating others; In addition, equal airtime for various religious celebrations should also be ensured.

**Problem:** Reflecting topics related to religious groups in news programs are often limited to coverage of formal events, celebrations and conflicts.

### **Recommendation to Media Organizations**

- » In order to solve the issue of intolerance towards different groups in the society, the Media should ask for the opinion of such groups not only about negative events, but when covering ongoing social and political issues as well to ensure inclusive coverage.

**Problem:** In spite of the obligation to create the efficient mechanisms of self-regulation, some broadcasters often inappropriately use their discretionary right to review cases related to discrimination independently based on the Broadcaster Code of Conduct. In particular, media organizations do not uniformly define a stakeholder concept and based on incorrect interpretation of the law, refuse to review complains of the representatives of various ethnic or religious groups.

### **Recommendations to Georgian National Communications Commission and Media Organizations**

- » National Communications Commission should respond to cases where stakeholders are denied the right to appeal the issues of public interest in self-regulation format.
- » Media managers should promote raising awareness of the staff with respect to non-discrimination articles of the Broadcaster Code of Conduct and carry out preventive mechanisms to avoid propagation of hate and intolerance towards various groups.

**Problem:** The Fifth monitoring cycle report of the European Commission against Racism and Intolerance (ECRI) on Georgia, published on March 1st, refers to use of hate speech as one of the major problems of politicians and media organizations, encouraging intolerance in the society.

### **Recommendations to Media Organizations**

- On the one hand, political parties should develop a declaration on unacceptability of hate speech during pre-election campaign. On the other hand, media organizations should cover hate speech cases in compliance with the standards of professional conduct. Media organizations should not cover hate

speech when the source is a private figure, while in case of public figures, they should show a wider context and problematic character of the issue to the society.

- Media organizations should respond to intolerance in the society by inclusive coverage of diversity issues and qualified provision of information on minorities to the society.

