

# ANTIDISCRIMINATION OFFICE

## TOOLKIT FOR EQUALITY CITY POLICIES AGAINST RACISM

European  
Coalition  
of Cities



against Racism



International Coalition  
of Inclusive and  
Sustainable Cities – ICCAR



Co-funded by  
the European Union

Why is it necessary?
Foundation
Putting into practice
Follow-up

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# TOOLKIT FOR EQUALITY CITY POLICIES AGAINST RACISM

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## ANTIDISCRIMINATION OFFICE

### THE CITY GETS ACTIVE IN ITS FUNCTION AS A

- democratic institution
- **rule-maker**
- employer
- service provider
- contractor

### ECCAR 10 POINTS ACTION PLAN

- 1 Greater Vigilance Against Racism
- 2 Assessing Racism and Discrimination and Monitoring Municipal Policies
- 3 Better Support for the Victims of Racism and Discrimination**
- 4 More Participation and Better Informed City Dwellers
- 5 The City as an Active Supporter of Equal Opportunity Practices
- 6 The City As An Equal Opportunities Employer and Service Provider
- 7 Fair Access to Housing
- 8 Challenging Racism and Discrimination Through Education
- 9 Promoting Cultural Diversity
- 10 Hate Crimes and Conflicts Management

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# INTRODUCTION

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The Toolkit for Equality is a manual to support cities in implementing local policies that successfully counteract racism and racial discrimination or in adjusting existing ones. The Toolkit provides experience-based step-by-step instructions for implementing concrete policies, starting from the conceptualization and ending with measuring their impact. All content is based on expertise shared by experienced city officials, civil society actors and target group representatives working in European cities.

Our aim has been to give suggestions that are as concrete as possible. We invite you to read the toolkit as the joint expertise of colleagues in other cities and take whatever seems useful for your city.

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# ANTIDISCRIMINATION OFFICE

## WHY IS IT NECESSARY? 10

## FOUNDATION 12

### PLANNING AND ENGAGING STAKEHOLDERS 12

**Step** Identify political will and gain political support 12

**Step** Raise awareness that discrimination is a problem for the city 13

**Step** City council decision 13

**Step** Identify stakeholders 12

### DEVELOPING THE CONTENT 15

**Step** Build on existing structures 15

**Step** Establish a founding committee 15

**Step** Agree upon the basic elements and procedure 15

### CONCEPT 16

**Step** Calculate the budget 18

## PUTTING INTO PRACTICE 20

**Step** Find suitable locations 20

**Step** Find an experienced head of office 20

**Step** Discuss and secure data protection 21

### DAILY WORK 23

**Step** Make the Antidiscrimination Office known in your city 23

**Step** Make the benefits of the Antidiscrimination Office visible 23

### SUSTAINABILITY 27

---

<b>FOLLOW-UP</b>	<b>28</b>
<b>Step</b> define the objectives of the follow-up	28
<b>Step</b> Define the methods to achieve the objectives	28
<b>Step</b> Dissemination of results	29
<b>Step</b> Create a regional hub for anti-discrimination work	30
<b>KEY FACTORS OF SUCCESS</b>	<b>31</b>
<b>IMPACT AND OUTCOME</b>	<b>32</b>
<b>RESOURCES AND EXAMPLES</b>	<b>33</b>

Why is it necessary?
Foundation
Putting into practice
Follow-up

# ANTIDISCRIMINATION OFFICE

An Antidiscrimination Office (ADO) is a low-threshold counselling service for all persons who feel discriminated against or treated unfairly. ADOs provide counselling in legal matters, conflict management, mediation and support in various cases of (suspected) discrimination. They can advocate against discrimination and for equal opportunities.

The main difference between an ADO and an Equal Treatment Body is that the ADO is not restricted to legal advice based on Equal Treatment Law but can offer a wider range of support. The main features of ADOs are that they are cost-free, anonymous and thus easy to access. The ADO acts as an intermediary between victims or affected persons, NGOs, Equal Treatment Bodies and the parties who are accused of discrimination, be they public officials or inhabitants of the City. An ADO helps to prevent escalation or perpetuation of conflicts, which could otherwise result from discrimination. An ADO can also promote equality policies at the local or national levels.

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) defines that ***“racial discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin [...]”***.

*“Distinction”* means to define a person as different on the basis of “race”, colour, ethnicity, descent, birth, religion or language (addressing biological and cultural ascriptions), justifying differentiated entitlements on a structural level. The opposite of distinction is equality. Equality is meant as a status as well as a process.

*“Exclusion”* means denying access to and enjoyment of human rights. The European Union adopted the term social exclusion defined by the ILO, but widened the definition stressing that social exclusion occurs when people cannot fully participate or contribute to society because of *“the denial of civil, political, social, economic and cultural rights.”* It is indicated in the definitions that exclusion results from *“a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, bad health and family breakdown.”* Participation is a precondition for as well as a purpose of human rights. The opposite of exclusion is *inclusion*.

*“Restriction”* means a limitation of enjoyment of human rights in practice. The positive counterpart is to have “equal opportunities”.

*“Preference”* privileges a person on grounds of “race”, colour, ethnicity, descent, birth, religion or language over another person. Symmetrically, it disadvantages one person compared to another. The positive answer to this formal understanding is “equal treatment”. Policies successfully counteracting racial discrimination therefore need to contribute to the positive counterparts of the four dimensions of discrimination.



**Counteracting discrimination therefore means to increase *equality, inclusion, equal opportunities and/or equal treatment*.**

- The policy of **ANTIDISCRIMINATION OFFICIES** as described in this chapter counteracts discrimination by promoting **equal treatment** and **equal opportunities**. Depending on its specific mandate, it contributes to **preventing, eliminating and/or sanctioning discrimination** in the enjoyment of human rights.

## CONTEXT INFORMATION

The following chapter was developed through interviews with persons involved into the work of antidiscrimination offices, conflict prevention and resolution offices and legal counselling services in the cities of Graz (Austria), Zurich (Switzerland), Barcelona, Madrid, Bilbao, Seville (Spain), Malmö (Sweden) and Bologna (Italy). Information provided by the interviewees was complemented through online resources. Federal structures (as e.g. in Austria and Switzerland) influence the competencies of cities in dealing with racial discrimination. There is no anti-discrimination legislation covering the private sector in Switzerland, while racist acts are covered by either public or criminal law. The situation is different in the other examples where EU non-discrimination is implemented in national law.

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## WHY IS IT NECESSARY?

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### How does the city benefit?

- Discrimination and harassment in their various forms not only affect particular groups, but the society as a whole; if you think of discrimination occurring in regard to the variety of defined grounds, it is no longer a minority problem. An ADO that covers all grounds of discrimination (age, sex, ethnic origin, disability, sexual orientation, etc.) actually provides a service to the whole population.
- Discriminatory behaviour can trigger social conflicts. ADOs contribute to conflict resolution and prevention of escalation.
- The city can become a more effective provider of equality in and through services
- Incidents of discrimination are harmful to the image of a City, not only in regard to its inhabitants but also if tourists or other visitors are affected. They also contribute to a lack of social cohesion and sustainability. A city can considerably improve its image if discrimination is not tolerated.
- NGOs, associations and/or equal treatment offices have a partner in ADOs: They can refer clients whom they cannot help within their capacities and competencies to the ADOs.
- ADOs can provide training and practical support to municipal service providers and they are also an important consultant for city staff in all issues related to non-discrimination and equality.
- ADOs with a broad mandate can fill the gaps of existing victim support services, which are mostly oriented toward a specific target group (i.e. services for children, women or migrants).
- Mediation services work towards social cohesion, which is important in the prevention of conflict
- An ADO indirectly acts as a monitoring tool (documenting cases, numbers, location, facts and type of discrimination), which goes beyond the national equal treatment acts (which are mostly limited in their scopes).
- The case documentation can provide evidence for new legislation or amendments.
- Based on the information gathered ADOs can act as advocates or contribute to advocacy that challenges old patterns of behaviour, routines and policies and the promotion of new ones.
- Out of court settlements save public costs.
- Addressing discriminatory incidents promptly saves follow-up costs caused by conflicts or marginalisation of persons.

### How do members of the target group benefit?

- Victims of discrimination and inhabitants in need of legal counselling find a low-threshold contact office for counselling and an information point
- They receive qualified counselling in order to decide how they want to proceed
- Even if a particular incident is not covered by Equal Treatment Law, the ADO can assist the client in finding a satisfactory solution
- These services at the request of the victim and can offer a tailored solution (e.g. writing a letter, an intervention, a mediation procedure, going public, recommending a lawyer etc.)

- Mediation between the accused and the affected person can be a faster, more satisfying and cost-saving solution than a lawsuit
- ADOs lobby for compliance with and improvements in the anti-discrimination law as well as other complementary measures
- Conflicts caused by discrimination are prevented
- ADOs raise awareness through information campaigns and other activities
- An ADO is an independent voice that can express the experiences of discrimination by inhabitants
- Migrants (and other discriminated groups) get cost-free access to justice and legal protection and are informed about their human rights

#### **ADOs are generally useful in a city if**

- access to justice is restricted due to limitation in the law against discrimination
- conflicts are attributable to ethnic differences (or to other “differences” such as religion, gender, sexual orientation, disability)
- there is evidence of discrimination in the city (NGO-reports, situation-testing)
- it is complementary to hard-law claims (a complementary structure)

## **LIMITATIONS**

The ADOs' possibilities of action are not restricted but can however be limited by the existing Equal Treatment Law or other laws against discrimination – or by procedural law in general. Some ADOs have mandates that are limited to public law, and thus cannot deal with cases concerning private law. The broad interest in intervention by ADOs cannot fully compensate the gaps and limits of equal treatment/non-discrimination legislation. If an aspect of discrimination is not covered by law, the ADO can only appeal to a person's good will concerning the achievement of a solution (unless reference can also be made to other laws). Alternative means of pressure, like announcing the intent to make an incident public, are only applicable if publicity will not harm the victim's interests and/or the victim has agreed.

Do not expect that the establishment of ADO will immediately lead to an increase in reporting of discrimination or that it will immediately reduce the number of cases of discrimination or that it can fix all the needs that exist in the area of legal advice and support.

ADOs in general cannot solve all the problems of discriminated groups and they do not replace the need for specialised NGOs. Often problems are outside the scope of non-discrimination law. Without a strong civil society, local ADOs will presumably have a hard time establishing their profiles. The ADO cannot be the sole actor in the field of municipal equality work.

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# FOUNDATION

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## PLANNING AND ENGAGING STAKEHOLDERS

1

### STEP Identify political will and gain political support

Gain political support by emphasizing the above-mentioned benefits. Political will can also be anchored in a strategic development paper or in a regional or national action plan, which sets out legal protection and anti-discrimination measures as priorities. Thus, first check if there is any document that requires action against discrimination. If your city is an ECCAR member or is aspiring to become one, base your demand on commitment 3 of the ECCAR action plan. Generally refer to human rights norms when arguing for the establishment of legal protection services.

2

### STEP Raise awareness that discrimination is a problem for the city

In cases concerning a lack of awareness regarding daily forms of discrimination, carry out situation testing to prove that it is a problem. The advantage of situation testing is that it makes denial of the existence of discrimination much more difficult. Denial of the problem of discrimination is often the first line of defense by those with the power to discriminate.

#### How to carry out situation testing: two examples:

*In nightlife:* Select test persons who share the same characteristics in terms of dressing, age, gender, behaviour etc. Vary the situation only in terms of the discrimination ground you want to prove, e.g. ethnic appearance or gender. Send them to the entrance to various nightclubs and document if entry is refused to some persons rather than others. You can also take undercover members of the police, local politicians or media professionals into your field experiments.

*In the housing market:* Send quasi identical mails (“Hello, I am .... I am interested in your apartment add”) but use different names – one typical local name and one minority name – and document if one “applicant” receives more positive answers than the other.

This method will not necessarily be sufficient to prove discrimination in the individual case (somewhat more elaborate testing would be needed) but the general results can indicate the broader discriminatory treatment.

Be prepared that situation testing will not be well perceived by the tested actors.

Even if discrimination in access to clubs is not necessarily the most pressing issue within the field of discrimination, it is an area where it is fairly easy to demonstrate discrimination through situation testing. Situation testing makes discrimination comparably easy to prove and you can take representatives of local media as witnesses with you.

3

### STEP City council decision

There is a city council decision on the establishment of an ADO which gives the task to a person or an institution (preferably in the civil society sector) to develop the concept with an adequate budget.

4

### STEP Identify stakeholders

Identify experienced local actors. Consult organisations and individuals that already provide support to victims of discrimination and/or have established contacts with potential victims: relevant NGOs, migrant associations, relevant city advisory boards, already existing anti-discrimination or conflict resolution offices, the police (if it deals with discrimination in your city). Connect with the bar association(s). Within the city administration, the responsible civil servants and policymakers, who understand the need to give priority to the work against discrimination, are key stakeholders.

A NGO working group prepares the proposal and concept. This NGO working group could then also form the initial board of the ADO.

#### RISKS, CHALLENGES

Situation testing and the publication of the results provoke protest and/or legal complaints

#### MEASURES TO MITIGATE RISKS

Be prepared for being accused of provoking discrimination and similar negative pressures. Discuss the necessity of publishing results. However, in some situations it may be sufficient to use them in negotiations with politicians.



**RISKS, CHALLENGES**

**MEASURES TO MITIGATE RISKS**

The process can require an extensive period of time

Keep on lobbying. Closely cooperate with the media, NGOs and researchers (NGOs/researchers provide the evidence and local media disseminate it).

A founding process of 2 years has been reported as not only a normal duration, but rather a success factor for the policy in terms of sustainability and giving it a good initial impetus.

It is difficult to convince central political actors on the necessity of an ADO against ethnic discrimination.

If a political majority for an office against racial discrimination is unlikely, it can be useful to expand the mandate of the ADO to all grounds of discrimination. This way the office explicitly serves the whole city population (which means the whole electorate). Furthermore, intersectional discrimination can then be addressed more effectively. When arguing, focus on individual discrimination. Help is provided in a professional manner to individual complainants. Argue that it is part of the professionalism to not maintain a focus on discrimination and not necessarily the specific discrimination grounds.

It is difficult to convince central political actors and city employees that they are part of the “discriminatory establishment”, e.g. if they deny the necessity of measures in the public sector to have the city employees mirror the ethnic background of the city inhabitants.

Build on existing structures (already existing support services, NGOs). This not only saves costs but also makes use of and strengthens existing expertise. An ADO can save on the follow-up costs of (social) conflicts and the costs for complex court proceedings. Also consider bringing various NGOs together to see if they themselves want to start an ADO, which can later bring pressure for public funding.

## RISKS, CHALLENGES

The political, social and NGO focus on and division into identity concerning gender, ethnicity, religion, disability and sexual orientation. There is a great focus on these categorisations when talking about and constructing “victims” of discrimination. This approach is supported and mutually maintained by both politicians and civil

## MEASURES TO MITIGATE RISKS

Humility and the ability to listen and build up trust with the discriminated groups is a key, while at the same time keeping in focus the main purpose of ADO as promoting equality and counteracting discrimination.

# DEVELOPING THE CONCEPT

5

## STEP Build on existing structures

Explore whether there are existing services and opportunities in your city. Discuss with the respective actors how to strengthen/build on their institutions and expertise.

**Tip!** People are different and therefore need different types of assistance. It is therefore highly recommended to build on the existing variety of structures in the city and offer support services of different kinds and different scales of institutionalization, rather than concentrating all issues into a single entity. Build on a landscape of complementary institutions in order to provide an anti-discrimination architecture within the city. An ADO can provide a common contact point for the varying interests.

6

## STEP Establish a founding committee

It is recommended that an NGO-led network is established, consisting of various NGOs and civil society organisation in your city, which is tasked with the development of an ADO. It could also form the basis for the initial board.

7

## STEP Agree upon the basic elements and procedure

The ADO needs to be independent in order to function efficiently. At the same time, it has to remain relevant to the stakeholders. In the long run, the overall goal of an ADO is not only working with individual cases but contributing to an environment in which they do not occur in the first place. Thus, not only the work on individual cases is important, but also education and awareness raising efforts as well as advocacy efforts that affect both policy and the public debate. These three pillars should be combined in a way that leads to maximum impact.

## CONCEPT

Its combination of approaches towards the target group and its range of service shape an Antidiscrimination Office. Each ADO can choose its own profile, drawing from the following elements.

Target group: addressing a particular target group (e.g. a particular ethnic group), a specialised focus on one ground of discrimination (e.g. ethnic discrimination) or comprehensively covering all discrimination grounds.

- Pros and cons: A service that covers all kinds of discrimination can address intersectional discrimination and does not put the burden on the layperson to classify the experienced event in relation to a legally defined ground. The acceptance of the office in the population is higher in part because it also serves “majority” groups as well as putting equality as a fundamental right into focus rather a certain group. A broad scope can increase the workload and lead to greater demands on the personnel, as there is less room for specialisation. An office focussing on a narrow target group can have an easier time in building a reputation with and gaining the trust of the target group, thus reaching individuals for whom the barrier to addressing a more “official” office might be too high.
- The experience of other cities clearly shows: the more open the services are conceptualised in terms of target groups, the better accepted they are. From the side of the service providers (your colleagues in the municipality) as well as from the side of the service users (the city population). Thus – whenever possible – conceptualise the legal protection services as being accessible on a broad scale.

Scope of services: legal counselling, social/psychological counselling, intervention, mediation, conflict resolution, public campaigning, providing counselling only or providing support from the initial advice until representation at court.

- It is recommended that each individual ADO offers a balanced mixture of services (not merely legal counselling), as every incident of discrimination is a complex (as well as emotional) experience. Regarding the city as a whole, a range of services should be made available to cover all needs.

Objective: conflict management, anti-discrimination, advocacy, law enforcement

- These aspects will overlap. Nevertheless, an ADO can focus on a specific objective and optimise its efforts in the field. This approach can also be a result of the established structures and the local traditions and capacities in addressing inequalities. Just as in regard to the scope of services, different approaches can be of greater interest in



regard to different target groups/different situations. It is therefore recommended that a variety of services are preserved/established.

Institutionalisation/proximity to municipal structures: Establishing the independence of an ADO in regard to the public authorities is a necessity.

- Also, the sources of funding may define how strongly the ADO is linked to the city. Greater independence can be achieved through a co-funding through various sources such as the city, region, and/or national government etc. as well charities or other NGOs working in the field.

Additional tasks: lobbying, awareness raising, trainings and workshops for different target groups (police, border controls, clerks, teachers, pupils etc.), case documentation, publication of fact sheets and reports, legal representation in court etc.

- An ADO needs sufficient funding in order to perform these additional tasks.

Approach: activist vs. neutral

- The ADO needs to make a decision whether it wants to be politically active (anti-racism demonstrations, media statements etc.) or not. Both approaches have their pros and cons, e.g. an ADO that concentrates on conflict resolution might be in favour of a neutral position in order to be accepted by the parties accused of discrimination. An ADO that aims to raise awareness in a context where discrimination is denied or downplayed might need to be more politically active. A middle line between political activism and neutrality is on being a judicial or legal activist. This means using the law to ensure that certain issues concerning rights and remedies are brought to the attention of the courts, the media and other relevant actors.

Here are some additional recommendations based on the findings of ECCAR research:

- Implement a hotline for telephone-counselling
- Define and conceptualise your services as being low-threshold
- Strengthen the equality focus of established NGOs/build capacities for out of court intermediation between victims/clients and accused perpetrators.
- Equip the ADO with the necessary powers and rights (i.e. access to records, information rights, right of investigation, right to publish opinions, etc.)
- Provide for a clearly defined legal foundation
- All services should be anonymous and free of charge
- The ADO needs to be independent from the city authorities
- Decide whether to use case narratives for awareness raising (publishing shocking histories) or not (avoiding sensationalism)

- Wording: call the purpose of your services “prevention of intercultural conflicts” rather than “fight against racism” as the term racism causes defensive reactions by the accused party. Offenders will quickly deny racism but may be ready to admit that there is a (intercultural) conflict. That can provide a basis for talking about discriminatory behaviour.
- Create a case documentation system.

8

**STEP Calculate the budget**

The information provided by the interviewees on the budget varies strongly, depending on the city size and the tasks of the ADO. It was reported that one fulltime position can deal with 142 to 300 cases per year (counselling, intermediation and referral). However, the number of cases per year is not a strong indicator, as there are huge differences in the case related efforts (clearing and referral to a lawyer vs. group mediation sessions over several weeks).

It is recommended that a city of 200,000+ inhabitants has four to five full-time positions. If you add the suburbs of the city or even the whole Province/Federal State to your area of action, add one to two full-time positions. One ADO examined in the research process, which offers a telephone helpline and a contact point for asylum seekers and refugees and civil servants who work at the immigration office, operates with two full-time employees.

Additional resources are needed for the ADO’s administration, documentation and publishing. Public relations, awareness campaigns, workshops etc. also require adequate resources. Integrating the ADO in existing city structures saves overhead costs (for infrastructure, rooms, accounting, supervision etc.). However keep in mind that this integration means less independence and is not necessarily compatible with low-threshold accessibility.

An experienced city recommends starting small(er) in order to develop a focus and professionalism, which then may lead to growth.

## RISKS, CHALLENGES

## MEASURES TO MITIGATE RISKS

The assumption that any civil servant can provide counselling and anti-discrimination work, which leads to low investments in trainings

When arguing for more budgets for trainings, compare the situation with other occupational fields: would anyone be picked for city planning or do you pick an architect or other professional?

The Office is located at the department for social services, which looks like charity work for poor people.

The office must be independent.  
If city premises are used, a location at the mayor's department is favourable.

The economic crisis is used as an excuse for cutbacks in financing.

Try to have a mutual understanding with the administration's managerial point of view.  
Use the managerial language (e.g. emphasise the benefits the city has from the ADO) when arguing for your services. In this way, your concerns will be understood.  
Politicians have to develop an understanding based on the managerial language, otherwise they are left out.

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## PUTTING INTO PRACTICE

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9

### STEP Find suitable locations

One recommendation, if funding allows for it, is to have different offices with different thematic/target group focuses in various locations in the city.

Concerning its infrastructure, the city may provide for an office in a city building. This is a cost-efficient solution and facilitates constructive cooperation with municipal service providers. This might be the best choice for an Ombudsoffice that is mandated to deal with complaints concerning the discriminatory behaviour of the city's civil servants. Being recognized as a city entity will increase acceptance by city employees. Also it is recommended that an anti-discrimination office is located in the centre of the city as it fosters visibility and shows that the city puts this issue at the forefront.

On the other hand, being perceived as a city office can be a barrier for victims in approaching the ADO as they might doubt its independence. Furthermore, a too "official" appearance can create a high threshold, especially for people with low trust in public authorities. To reach this target group it is recommended that the ADO build on closer relations with NGOs that are already well connected. A legal protection office for migrants is recommended to be in the court building or even at the police station as this fosters accessibility for the target group (the city hall is usually not sufficiently low-threshold and accessible).

10

### STEP Find an experienced head of office

Job requirements:

**Competencies** needed: long-standing experience in anti-discrimination work AND counselling are very important. It must be a person, who understands equality as a key human rights issue as well as a practical issue that affects the daily lives of individuals.

Experience shows that only a small share of cases contain the legally necessary facts. Thus, **legal knowledge** is important, but having a law degree is not necessarily required. Skills in **conflict management** and **mediation** as well as an understanding of conflict dynamics can be more important. However it is crucial to be well informed about the possible legal procedures and consequences in order to help the victim to make an informed decision on how to proceed. Furthermore, the person should be **familiar with the city's institutional framework**.

Counselling and conflict management are very demanding, particularly emotionally. Employees at the ADOs need to be **psychologically resilient** and have a high degree of intrinsic motivation.

11

**STEP Discuss and secure data protection**

Secure data protection in your case documentation.

Think about establishing a shared data base for the documentation of the activities of all relevant services/NGOS to maintain an overview on discrimination cases: Number of complaints per year, kind of services offered, discrimination ground or grounds, area of life (work, housing, education etc) where discrimination occurred, form of discrimination (direct, indirect, harassment, instructions to discriminate), clients' age, sex, nationality, outcome of intervention.

**RISKS, CHALLENGES****MEASURES TO MITIGATE RISKS**

Finding qualified staff

It is recommended that the ADO's staff reflects the diversity of its clientele. Language skills and/or migration background can ease accessibility to the ADO. However, a professional background as a social worker and the availability of interpreters can also help provide high quality counselling.

If you cooperate with interpreters, ensure their availability, either by employing them directly or signing a contract with an interpreter service. Interpreters do not need to have an academic degree, so-called "intercultural interpreters", persons with a migrant background who are trained in interpreting are also qualified.

Make sure that interpreters are bound to secrecy.



**RISKS, CHALLENGES**

**MEASURES TO MITIGATE RISKS**

A risk of being overwhelmed by individual cases has been reported, which can lead to a prioritisation of dealing with individual cases while neglecting the other measures.

Talk with the city concerning additional resources; propose projects to specifically deal with certain issues in the city, e.g. discrimination in access housing or obligatory trainings for city staff on non-discrimination. Recognize that giving priority to certain key cases and other structural issues (training and advocacy) will hopefully lead to broader behavioural change which helps to ensure that discrimination does not occur in the first place.

Examining not just the complaints that are coming in, but also understanding the non-reported cases, which are not coming in.

Develop an outreach-focus.

The city is the target of complaints and this annoys some politicians and civil servants.

The ADO provides an inherent value to the city and this has to be seen. This value is strongly based on the ADO's independence and professionalism. It is up to the city to realise that this is a benefit even if there is some political backlash. There has to be a realisation that independence is a must and that the nature of the work will occasionally mean criticism against the city. Even if this critical voice leads to a reduced funding, the ADO must accept complaints against the city and deal with them in a professional manner, both in regard to the complainant as well as the city. Otherwise, the ADO will not deserve the trust of those affected by discrimination, which will undermine all of the work of the ADO.

## DAILY WORK

12

### STEP Make the Antidiscrimination Office known in your city

The experience of cities clearly shows that there is a need to build trust within civil society. The ADO needs to continue its professional work in individual cases and to make its work visible. This helps the ADO establish itself as a key actor concerning equality and generates publicity for the cases. Publicity in turn helps to keep the equality issue in focus. The civil society should particularly be aware that the ADOs are independent from the municipality (even if funding is provided by the municipality).

- Offer presentations and workshops on both discrimination as well as the law to migrant organisations, organisations for women, LGBT issues, the elderly, the disabled, churches and religious communities, schools and companies and unions.
- Invest in good cooperation with local media (particularly the elderly are accessible through newspapers). Report cases to the local media (successful cases motivate other discriminated persons to complain if they are in a similar situation); there is interest in the local media to report on such issues, since the complaints involve local news stories.
- Use social media to follow and document the ADO's work when the mainstream media is not interested or in addition to mainstream media.
- If your target group also consists of asylum seekers/refugees, cooperate with initial reception centres at the borders. They provide the asylum seekers with information about the ADO in the most common languages. Cooperation with those providing language courses can also be important.
- Develop debate articles and contribute to the development of equality as a national issue.

**Tip!** Particularly through presentations, you gain access to persons who feel discriminated against. Experience shows that they try to contact the speaker immediately after the presentation. If you provide interesting and timely presentations you should also prepare yourself for a “run” of interested persons immediately after the event (reserve enough time, have enough business cards).

13

### STEP Make the benefits of the Antidiscrimination Office visible

- Findings can be used for local awareness raising campaigns,
- Experiences and findings can support advocacy concerning new legislation
- Annual reports on incidents and other activities make your performance visible

**Tip!** Never act without the victim's permission. It is the victim's decision as to the actions to be undertaken. This is particularly important when it comes to the decision on whether or not a case should be made public. Having the victim's trust is important not only in the individual case, but also in regard to building long term trust on a broader basis.

**RISKS, CHALLENGES**

**MEASURES TO MITIGATE RISKS**

Employees face hostilities at work;  
 Employees have to justify their work in private life

Do not underestimate the hostilities that the ADO as a whole and its employees may face.  
 Supervision and trainings on de-escalation and communication strategies should be provided.  
 Talk about insults and unpleasant experiences in team meetings and try to find humoristic channels (e.g. make an office ranking of the ugliest insults).  
 Success also requires a willingness to accept that part of the ADO's job is criticism of those with power, not just policy-makers, but also employers, unions, etc. In other words, those who are not used to criticism related to discrimination.

Complex cases with limited possibilities for intervention

Be prepared to receive very complex cases, those where other professionals have already failed. Discuss cases in the team. Provide for supervision. Be prepared for dealing with hopeless cases. Also realize that the ADO cannot deal with all of the cases that may come in.

Selection of head of office is motivated by political interests

Foresee a standardized recruitment procedure with a collegial decision (e.g. appointment by the city parliament after public hearings)



## RISKS, CHALLENGES

Cooperation and referral between NGOs and the ADO do not work well; the ADO is not well known in the NGO-scene of the city

## MEASURES TO MITIGATE RISKS

Personally get to know each other. Try to define who is best equipped in dealing with specific cases; mutual referral of clients accordingly, mutual exchange (of annual reports and other materials), mutual participation in working groups, mutual visiting of events. One issue to keep in mind is that in many cities, the NGOs do not have access to “judicial activists”. Given the ADO’s specialty – equality law and its application, the ADOs can in certain ways help NGOs become more effective, which in turn can increase the trust of NGOs.

Structural discrimination or repeated cases of similar discrimination patterns, which are not encompassed by the legal and institutional responsibility field of the ADO.

Try to find alternative ways to put pressure on offenders, e.g. extensive media coverage (if the victims agree!). Promotion of other potential legal tools, such as class or group actions or the use of other laws that may apply. Repeatedly point out the issue to decision makers.

Clients interpret a conflict as discrimination and expect to be supported in their viewpoint. It is hard to explain that the situation might be different from their perceptions; They do not want to admit their part in the conflict.

Experience in counselling is important. Try to initiate a learning process with the aim of the affected person understanding why it was a conflict and not discrimination – at least given the way the law is formulated. The term discrimination in daily language can mean something very different compared to its legal usage. Suggest alternative options to act on, such as conflict mediation between the two parties, or other laws that may be applicable (including potential sources of resolution).

**RISKS, CHALLENGES**

**MEASURES TO MITIGATE RISKS**

Clients only contact the ADO after the conflict has already escalated

Be prepared and if your portfolio includes awareness raising campaigns, point out that it is important for clients to seek assistance at an early stage.

Unintentional discrimination

Give the person time to explain his/her point of view. Try to point out in which way his/her perspective and actions are biased by stereotypes. Underline that the person will benefit from cooperating with the ADO (e.g. getting advice on how to deal with similar situations in the future without, or at least with fewer negative consequences). Clarify, that discrimination is often about those with the power to discriminate, there is a need to focus on behaviour and not only on attitudes (since quite often those who discriminate have “good” intentions towards women, immigrants, disabled people, etc.). Thus, professional and effective services are needed in order to develop trust of those, who belong to discriminated groups and the respect of those against whom discrimination complaints are filed.

Lack of visibility for the ADO and a lack of resources to improve it or to deal with more cases

Cooperate with other organisations with well-established infrastructures (e.g. local offices of the Red Cross) to provide information materials about the ADO

Providing up-to-date holistic legal services

Continuous training and specialisation

## SUSTAINABILITY

An ADO needs to be based on a city council decision, it should have operational independence and be articulated through several organs and fields of work. It should be led by the mayor or closely located at the mayor's office. It should be a fixed point in the city's decisions on budgets (biannual or annual). The ADO can be more independent from local politics and other factors if it is co-funded by the region or the national state with according decisions on these levels (e.g. a regional provision, a national action plan). This also applies even or perhaps especially if local governments are by law required to promote equality (e.g. the Netherlands).

Civil society organisations need to be members of the steering board of the ADO which in turn can help in achieving better acceptance of and accessibility to the ADO services and thereby foster sustainability. It also creates a mutual learning situation between the ADO and its NGO-members. However, a good communication strategy between the ADO and its board must be developed.

This policy is transferable. Some interviewed persons point out that the idea in their city had been due to existence of ADOs in other cities. Nevertheless, independence must be ensured – in terms of the municipality as a funder and in terms of discriminated groups. This works best if the ADO is backed up with a board of local NGOs and civil society organisations and if it is funded by the city and receives political support. It is furthermore recommended that the policy of support to the ADO is part of a broader city focus on equality.

## FOLLOW-UP

It is recommended that cities that already have ADOs should evaluate them in order to find out how to follow-up and to empower the existing structures. This is particularly recommended if the reporting rates of discrimination cases remain low.

This analysis process could aim at reviewing the current impact and functioning of each of the services as well as their cooperation and networking efforts. The assessment also has the purpose to identify the associations'/services' needs and providing suggestions to the city concerning how to empower them.

14

### STEP define the objectives of the follow-up

Suggested objectives (and also arguments to establish) are:

- Bringing NGOs and associations dealing with legal protection or vulnerable groups together and extending existing networks
- The municipality learns from the ADOs what they need in order to improve their activities and what their problems related to daily work are
- Providing an occasion for meetings of the networks of NGOs and thereby providing for mutual exchanges of problems and experiences, thus helping to develop an understanding of common interests (eg counteracting discrimination)
- Strengthening the planning skills of ADOs and their ability to coordinate and cooperate with institutions
- Making the anti-discrimination work visible in the region
- Providing the anti-discrimination offices with tools to become more active in the region
- It helps to recognize and value the associations that operate within this sector since there is a tendency towards developing the sense of being a minority within a minority
- Broaden the context, e.g. link the work on migration, discrimination and development

15

### STEP Define the methods to achieve the objectives

- Focus group discussions with the associations and the local anti-discrimination network (descriptions of their work, suggestions for improvements, asking for a draft development plan for a network of associations)

**Tip!** Include the analysis of the network as a subject in order to establish a common understanding on the subject to be analysed and assessed.

- “Trainings on networking and co-planning for ADOs” which are in fact also focus groups and workshops dealing with the strategic development of the anti-discrimination-network. This is a practical exercise of imagining the future of the network with some frequency. The focus of the trainings is on strategic development.

16

**STEP Dissemination of results**

Disseminate the results through public seminars. Local media should be invited. For acceptance, it is necessary to argue that in order to carry out policies connecting immigration, development and human rights, you need on the one hand to reinforce the existing activities against discrimination and on the other to empower, among others, migrants' associations.

**Tip!** Invite and include local politicians in all dissemination and follow-up events. This shows the participating associations and NGOs the city's commitment. And at the same time, local politicians can see the variety and diversity of associations in the field of legal protection and anti-discrimination.

In order to maintain the motivation of the key stakeholders to further participate in such events and projects: do your best to implement the suggestions and findings which came up in the course of the focus groups and trainings. A political/public spokesperson for the network is helpful, particularly if there are major discrimination cases. Having such a spokesperson is a good investment in regard to sustainable public relations.

**RISKS, CHALLENGES****MEASURES TO MITIGATE RISKS**

Guarantee the continuing participation of associations in the various phases of the implementation of this process

Making participation possible through arranging events on Saturdays; do not organise any meetings close to holiday seasons and schedule the meetings and courses in a shorter manner .

Not many associations participate actively in the assessment process

Carry out focus groups rather than individual interviews.

Associations and NGOs are tired of participating in trainings

Convince them that this is a possibility to reflect on the structure of the network and to modify what is not functioning in their daily work.

→ Key factors of success

**RISKS, CHALLENGES**

**MEASURES TO MITIGATE RISKS**

Different and conflicting views among the members of the network

Invest enough time in this process, because it pays off. Participants really want to understand what the problems are and what could be done.



**STEP Create a regional hub for anti-discrimination work**

An important factor to ensuring the sustainability of anti-discrimination work is establishing a regional network of ADOs. In the course of this, it is important that the municipality transforms its role from empowering towards moving to an ordinary structure.

## KEY FACTORS OF SUCCESS

Key factors for success as pointed out by the interviewed experts:

- Political will, which is not only expressed through the decision to establish ADOs but to provide them with sufficient resources and support their work
- Clearly defined purpose
- The services are anchored in the city's constitution/statute.
- The ADO is independent from the government and not part of the administration, but still has good relations with the administrative and political bodies of the city.
- The budget is sufficient and secured and covers PR and awareness raising costs
- The personnel has expertise and experience in both anti-discrimination work, legislation and counselling
- A balanced service offer that is flexible enough to meet the needs of persons who experience discrimination
- The ADO's mandate is not bound solely to the Equality Law and legal representation; it has also other options to support clients (e.g. mediation, counselling, advocacy)
- Access to Interpretation services is available
- Visibility (located in the city centre)
- Good contacts with local press/media
- Low-threshold access to service
- Adequate staff resources to avoid exhaustion and fluctuation (supervision, team discussions, rotation of tough tasks etc.)
- Database and documentation of cases
- A critical mass of citizens (a citizenry that demands it and has the backing of a strong civil society)

## IMPACT AND OUTCOME

Persons who experience discrimination find an easily accessible and cost-free service where they receive counselling according to their needs. They can make an informed decision on how to proceed and are satisfied with the outcome. Conflicts are settled in a satisfactory and sustainable way. The ADO has a good reputation among its target group.

The long-term goal of the ADO is to reduce the number of discriminatory incidents in the city and to reduce structural and indirect discrimination. This is however hard to measure, as underreporting is a relevant issue. Therefore the number of reported cases is a controversial indicator<sup>1</sup> (e.g. an increase in reporting can also be a result of increased awareness of rights; better results presumably lead to increased publicity, which leads to more complaints).

Different municipalities reported problems with measuring the impact of an ADO and using quantitative indicators only or only counting the number of activities carried out within a particular time period.

Some of the impact of the ADO can be measured through the use of the following indicators:

- Clients' satisfaction with the counselling (feedback questionnaires or interviews with service users)
- The clientele is diverse (as an indicator of accessibility; not only members of a single ethnic group, only well educated or only long-term inhabitants etc.)
- Initiatives and measures are implemented by the City based on suggestions by the ADO
- When carrying out trainings: testing the knowledge level before and after attending the trainings
- The continuing and increasing reliance by the city on the ADO and increasing economic support over the years.

For the network of anti-discrimination offices and legal protection services

- The diversity of partners and stakeholders participating in the network
- Ensuring that the needs of all stakeholders are listened to
- All actors have a deep knowledge of the local context and a real and concrete interest in and attention to the subject (not just thinking in terms of subjects, institutions, associations, top-down, bottom-up, but rather looking at what people know and do and what instruments they use).

It is recommended that, depending on the size of the ADO, a monthly follow-up is carried out of the assistance given and the cases dealt with. Based on this, adjustments can be made and reflection is possible. The outcomes of these meetings together with the collected data on cases supported (disaggregated by nationality, gender, age) are valuable data for the annual reports.

<sup>1</sup> Lappalainen et al. (2015), Toolkit for Equality: The Local Level. Mapping and Clustering of Policy Approaches, available at: [http://www.etc-graz.at/typo3/fileadmin/user\\_upload/ETC-Hauptseite/publikationen/Occasional\\_papers/TOOLKIT\\_Survey-Report.pdf](http://www.etc-graz.at/typo3/fileadmin/user_upload/ETC-Hauptseite/publikationen/Occasional_papers/TOOLKIT_Survey-Report.pdf), accessed 11 January 2016.



## RESOURCES AND EXAMPLES

**Styria (AT): Antidiscrimination Office Styria** (*Antidiskriminierungsstelle Steiermark*), implemented at Municipal and Provincial level:

The Antidiscrimination Office Styria has taken on the task of offering counselling and support to clients who have been discriminated against. The staff members present possible steps to be taken, accompany the affected person throughout the process of re-claiming his/her rights or refer the person to the appropriate agency, service or organization most qualified to support and assist in a particular request in the event that the Antidiscrimination Office cannot assist itself.

<http://www.antidiskriminierungsstelle.steiermark.at/>

**Zurich (CH): Ombuds Office of the City of Zurich** (*Ombudsstelle der Stadt Zürich*):

The Ombuds Office acts as mediator between citizens and the city authorities. When a complaint is lodged, it assesses whether the authorities in question have acted in accordance with their duties and the law, states its opinion on the matter and – where appropriate – strives to find a satisfactory solution for both sides. The ombudsman or ombudswoman is elected by the City Parliament of Zurich (Gemeinderat) for a period of four years and is independent of the city authorities.

The Ombuds Office is responsible for all matters concerning the government bodies or administration offices of the City of Zurich. The Ombuds Office can be consulted at any stage of a procedure. The Ombuds Office does not have the right to intervene in ongoing legal proceedings (e.g. appeals). Staff of the city authorities are also entitled to approach the Ombuds Office with regard to employment matters. Jurisdiction by the courts, however, does not come within the Ombuds Office's scope of responsibility.

[https://www.stadt-zuerich.ch/portal/de/index/politik\\_u\\_recht/ombudsstelle.html#](https://www.stadt-zuerich.ch/portal/de/index/politik_u_recht/ombudsstelle.html#)

**Zurich (CH): Competence Centre for Intercultural Conflicts** (*Kompetenzzentrum für interkulturelle Konflikte TikK*):

The Competence Centre offers comprehensive services around intercultural questions and conflicts. The staff members go where they are needed and work together with all persons involved on a reasonable solution. The Centre's work is based on expert knowledge and long-standing practical experience.

The services include counselling and conflict mediation in intercultural conflicts and cases of discrimination, workshop and trainings for professional groups in the administration, police, courts, schools, social work, public transport etc.; Consultancy for the city, institutions and associations on the implementation of projects.

[http://www.tikk.ch/home/page.aspx?page\\_id=1664](http://www.tikk.ch/home/page.aspx?page_id=1664)

**Zurich (CH): SOS Rassismus Deutschschweiz**

The service supports victims of racism, discrimination, intolerance and structural violence, as well as witnesses and victims' relatives. The service provides information and counselling or refers the person to a specialized institution.

<http://www.sosrassismus.ch/>

### **Zurich (CH): Conflict Hotline (*Konfliktophon*)**

Counselling service in case of conflict between locally born and immigrants. Counselling for victims of racism and discrimination. The service provides counselling via telephone but also in personal contact.

<http://www.konfliktophon.ch/angebot.htm>

### **Bologna (IT): Participated Assessment and Empowerment of existing territorial anti-discrimination network**

The territorial anti-discrimination network was created in 2007 to be at the heart of Emilia-Romagna initiatives against discriminations. The network is composed by 2 types of desks: the “connection desks” (metropolitan city level) and the “antennas desk” (local level). The Municipality of Bologna has signed in 2014 a Memorandum with the University of Bologna and with the NGO Cospe, to carry out an in-depth and participated assessment of the network aimed at reviewing the current impact and functioning of the this policy and empowering it. This was done through two parallel processes: a series of focus groups involving 10 associations involved in the network activities, and a capacity-building course for 20 associations of migrants.

Anti-discrimination section of the Municipality of Bologna website; provides external links, reports and other documents including about the Territorial Network. The site is only available in Italian: [www.cittametropolitana.bo.it/sanitasociale/Engine/RAServePG.php/P/256711180406/T/Anti-discriminazione](http://www.cittametropolitana.bo.it/sanitasociale/Engine/RAServePG.php/P/256711180406/T/Anti-discriminazione)

Intercultural Centre “Zonarelli”: <https://centrozonarelli.wordpress.com/>

### **Malmö (SW): The policy of supporting an anti-discrimination bureau in Malmö**

Providing support to targets of discrimination in Malmö. They have acted in a proactive manner by providing eg training for all of the manager level personnel employed by Malmö concerning discrimination. They have been working on the issue of housing discrimination through the use of situation testing. They have a steadily increasing variety of projects in the pipeline. The city of Malmö’s 2014 **Strategic Development Plan against discrimination** <http://malmo.se/Kommun--politik/Sa-arbetar-vi-med.../Antidiskriminering/Anti-discrimination.html>; General information about the anti-discrimination policies of Malmö in English <http://www.malmomotdiskriminering.se/wp-content/uploads/2012/11/English-Engelska.pdf>

Annual report 2014 <http://www.malmomotdiskriminering.se/wp-content/uploads/2015/03/MmD-VerksamhetsBerattelse-2014.pdf>

### **Barcelona, Madrid, Sevilla (ES): Legal protection services**

Service for Legal Guidance in Aliens related matters (SOJE): The service provides information and individual guidance on all matters related to the legal situation of foreign origin people in Madrid.

<http://www.madrid.es/UnidadesDescentralizadas/Inmigracion/EspInformativos/MadridConvive/Present/Ficheros/ResumenESPA.PLAN%20Madrid-WEB-1.pdf>

Civil Rights Department and Office for Non-Discrimination of Barcelona’s City Council:

[http://w110.bcn.cat/portal/site/DretsCivils/menuitem.2d5d62cf16397c0e9f993720348a0c/index0647.html?vgnextoid=2d6cf1a68cf2b410VgnVCM1000001947900aRCRD&lang=es\\_ES](http://w110.bcn.cat/portal/site/DretsCivils/menuitem.2d5d62cf16397c0e9f993720348a0c/index0647.html?vgnextoid=2d6cf1a68cf2b410VgnVCM1000001947900aRCRD&lang=es_ES)

Care and Legal Guidance Service of Seville Bar Association (CLGS): Care and Legal Guidance Service available to foreign nationals in order to guarantee the right to a fair hearing and comply with the article no. 22 of the Spanish Organic Law 4/2000. So to guarantee their fundamental rights inherent to the human condition regardless of their nationality and legal situation (legal or illegal) by providing the right to free legal advice.

<http://www.icas.es/servicios-ciudadanos/asistencia-y-orientacion-juridica-a-inmigrantes.html>

**Salzburg (AT): Anti-Discrimination Office of the City of Salzburg** (*Antidiskriminierungsstelle der Stadt Salzburg*), implemented at Municipal level:

<http://www.antidiskriminierung-salzburg.at/>

**Germany: Federal Anti-Discrimination Agency** (*Antidiskriminierungsstelle des Bundes*), implemented at Federal level:

[http://www.antidiskriminierungsstelle.de/DE/Home/home\\_node.html](http://www.antidiskriminierungsstelle.de/DE/Home/home_node.html)

**Brandenburg (DE): Anti-Discrimination Counselling Brandenburg** (*Anti-Diskriminierungsberatung Brandenburg*), implemented at provincial level:

<http://www.antidiskriminierungsberatung-brandenburg.de/>

**Situation Testing Manual (Migration Policy Group):**

[www.migpolgroup.com/anti-discrimination-equality/situation-testing/](http://www.migpolgroup.com/anti-discrimination-equality/situation-testing/)

