

Tackling the “Known Unknown”
*How Equality Bodies Can Address
Under-Reporting of Discrimination through
Communications*

 **Equinet**
**European network
of equality bodies**

An Equinet Report
2012

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Equinet brings together 38 organizations from 31 European countries which are empowered to counteract discrimination as national equality bodies across the range of grounds including age, disability, gender, race or ethnic origin, religion or belief, and sexual orientation. Equinet works to enable national equality bodies to achieve and exercise their full potential by sustaining and developing a network and a platform at European level.

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Foreword

Libby Kinney, Equality Commission for Northern Ireland, United Kingdom

Moderator of the Equinet Working Group on Communication Strategies and Practices

The task of considering the role of communications in addressing under-reporting of discrimination is a complex one.

The fundamental principles underpinning good communication practices include a depth of understanding of the issue, the audiences involved, the kind of messaging required and clarity on intended outcomes.

To paraphrase the American politician Donald Rumsfeld, under-reporting can be considered a 'known unknown'.

While we have no way of definitively calculating the totality of experiences of discrimination, our contact with individuals, workplaces and service providers would suggest the problem is even greater than the representations made directly to us as equality bodies.

This leads us as communicators into an area of some discomfort. A simplistic, but inevitably ineffective, response would be to embark on 'scatter-gun' communications with a broad informational message in the hope that something would hit a target.

Instead the challenge is to dig deeper, to examine all sources of data, both internally and externally.

This paper seeks to distil some of the thinking and analyses from across the Equinet network.

It considers the nature of under-reporting and the challenge to equality bodies to identify and address any procedural barriers that may contribute to the issue. This may include an examination of its processes so that they are 'customer-friendly', which is a significant challenge given the diversity of needs of those who may most require their services.

It also highlights the need to have robust systems to capture both formal and informal reports and to be able to interrogate this data when developing activities to embed good equality practices in workplaces and service provision.

In considering the key reasons for silence by those who have been affected by discrimination it draws on considerable understanding, both anecdotal and formal research, which helps us to understand the deeply sensitive issues at play.

Discrimination is always personal and so it follows that the reasons for not disclosing experiences are also personal.

This requires an intuitive and responsive communications approach that can connect and resonate with an individual. It will understand that non-reporting is the default response and that considerable resources may be required to change these behaviour patterns.

The report also raises the question around the capacity of equality bodies to deal appropriately with increased reports of discrimination.

The strategic intent around the communications is key. Any communications effort must be clear on what are the key success indicators for the organisation. Increasing the levels of reporting can lead to a reputational risk if the appropriate response mechanisms are not in place.

Finally, there is consideration of the wider context for equality bodies, which importantly recognises that we are players on a broader stage. To fully charge our words and actions with impact and import, so that they can have a positive and transformational effect on the structures and systems of our society, we must work with and through others. There are many ways to influence and shape change, as the final chapter sets out, but dialogue and partnership are core values.

Each of the five chapters has been authored by five members of the Equinet Working Group on Communication Strategies and Practices: Thekla Demetriadou, Nadine Brauns, Christine Bendixen, Katarzyna Wilkońska-Zuromska and Dimitris Hormovitis, with support from the entire group and Cosmin Popa, Equinet's Communications Officer.

They can be read individually, offering as they do powerful insights and clarity of thinking. Read together, they are inspirational.

Chapter 1

Thekla Demetriadou

Office of the Commissioner for Administration (Ombudsman), Cyprus

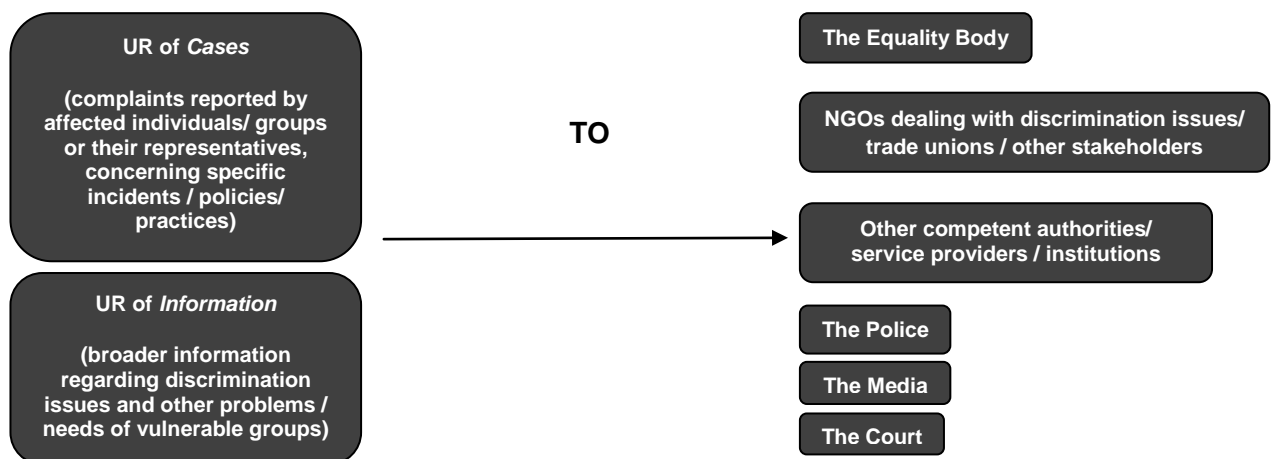
Defining and understanding under-reporting

What is underreporting?

When trying to define under-reporting (UR) from an equality body’s perspective, one should not limit oneself to the reporting of discrimination cases to the equality body *itself*. One of the simplest ways to measure under-reporting is by annually assessing the nature and the type of complaints submitted to the equality body. The task of addressing this may then centre on communication actions necessary to raise awareness of the equality body’s existence and competence. However, this restricted analysis can be misleading: more cases do not necessarily indicate a reduction in under-reporting, whereas fewer cases do not necessarily indicate its existence.

Reporting of discrimination may be presented in various forms and may be communicated through different channels. Therefore, in trying to locate and in attempting to minimise under-reporting, it is important to keep in mind that the concept of under-reporting is multifaceted and it may involve several meanings.

Schematically, under-reporting may be found in any of the following combinations:



The specific strategic objectives of the equality body at a given time will guide the specific communication objectives around under-reporting. For example, if the objective is tackling under-reporting of racist incidents in schools, and the primary goal is to increase the number of incidents reported to the Principals and the Ministry of Education, then under-reporting is defined as under-reporting of *Cases* to *Other competent authorities*.

Keeping this broader scheme of defining under-reporting ensures that all possible forms of discrimination reporting are included and provides each equality body the flexibility to adjust the definition on the basis of the region’s primary concerns, the target group, the ground of discrimination, the time chosen etc.

Consequently, the selected definition affects the methodology used for the implementation of the Communication Strategy. For example, if the problem is located in the number of labour complaints submitted by a certain group to a competent authority, and there is a strong indication that the reason is that the actual procedure is too complicated or even discriminatory in itself, then there is no point in raising awareness among the actual members of the group. Instead, the focus should be on persuading the authority to alter the procedure and perform suitable personnel training.

If it is not reported, then how do we know it exists? And how do we measure it?

Among most equality bodies, acting in several countries, the existence of under-reporting is considered common knowledge, it is believed to be a fact and that something must be done about it. In some cases it is called a “dark number” that needs to be revealed, whereas, at the same time, it is said that the cases that are actually reported are “the tip of the iceberg”. However, is there convincing evidence for the existence of under-reporting and its extent?

Some equality bodies have attempted to locate and measure under-reporting of certain groups, using different tools, based on their own country’s needs¹. All came to the same conclusion: the findings confirmed that the amount of people actually being discriminated is much higher than the one presented in official data.

The Belgian Institute for the Equality of Women and Men realised two studies, one about pregnancy at work and one about transgender, in order to explore the issue of under-reporting.

A. Study “Being transgender in Belgium”

The complaints received by the institute show that unfair treatment and discrimination against transvestite, transgender and transsexual people remain common in Belgium, and that current policy and existing legislation provide only a relatively small guarantee of protection for the rights of this highly diverse group.

The Institute has, therefore, commissioned a study into the social and legal situation of transgender people in Belgium. The publication “Being transgender in Belgium”² maps the situation in the country for the first time. Its aim is to map the discrimination and inequalities in practice, policy and legislation, enabling the equality body to design an appropriate and efficient complaints-handling procedure, to develop an effective policy for transgender people and to formulate effective recommendations vis-à-vis the government, individuals and institutions.

Complaints and requests for information from transgender increase each year. In 2011, it represents 10% of the total of complaints and requests of information handled by the legal unit of the institute. This number is important because it is estimated that 1.000 people are transgender in Belgium and this minority of the population is more often victim of discrimination, especially in the field of work³.

¹ **Example 1:** The [National Office against Racial Discrimination \(UNAR\)](#) in Italy measured the number of complaints before and after certain communication campaigns, in relation to demographic characteristics, and compared them with previous years.

Example 2: The [Equality Commission in Northern Ireland](#) organized a panel discussion and stakeholder events where 2000 people in total were asked whether they had a discrimination experience, whether they reported it and, if not, why.

² Available at http://iqvm-iefh.belgium.be/fr/binaries/34%20-%20Transgender_ENG_tcm337-99783.pdf (French, Dutch and English)

³ Available at http://iqvm-iefh.belgium.be/fr/domaines_action/transgender/

Below, you'll find an extract of the research explaining why transgender people do not seek assistance:

“Of the category of respondents (n=144) who sought help, 32% contacted their GP, 38.1% a psychiatrist, 32.3% a psychologist, 18% another care provider and 36.5% a gender team. Among the category of respondents (n=96) who did not seek help, we investigated the reasons they gave for not doing so. Half of them (51.6%) said that they did not want or need help.

Reasons why respondents did not seek help	% of respondents
Don't want any help	17,9%
Help not possible financially	17,9%
Don't need any help	33,7%
Don't dare to ask for help	30,5%
No confidence in existing services	10,5%
Don't know where to get help	29,5%
Can't get any help in neighbourhood	4,2%
Waiting lists are too long	4,2%
Don't agree with treatment method	8,4%
Afraid of prejudice on part of care providers	21,1%
Don't seek help for other reasons	3,2%
Reasons why respondents want help but did not seek help	% of respondents
Help not possible financially	26,6%
Don't dare to ask for help	45,3%
No confidence in existing services	15,6%
Don't know where to get help	43,8%
Can't get any help in neighbourhood	6,2%
Waiting lists are too long	6,2%
Don't agree with treatment method	12,5%
Afraid of prejudice on part of care providers	31,2%
Don't seek help for other reasons	4,7%

If we focus on the people who don't need nor want help among the respondents who did not seek help (n=96), we get a more accurate picture of the factors which prevented the respondents who did not seek help but would like help (n=64) from actually seeking help (see Table 58). We can infer from this that there is, above all, huge anxiety about seeking help: as many as 45.3% do not dare to seek help. In addition, 43.8% say they do not know where to get help. 31.2% are afraid of prejudice on the part of care providers. For 26.6%, help is not possible financially. 15.6% have no confidence in the existing services and 12.5% do not agree with the treatment method.⁴”

B. Study “Pregnancy at work. The experiences and obstacles faced by workers in Belgium”

This 2010 publication⁵ addresses the discrimination related to pregnancy in the workplace and its objectives included: to increase awareness of the scope and the prevention of

⁴ Extract from « Being transgender in Belgium », [Institute for the equality of women and men](#), 2009, p107-108

⁵ Available at http://iqvm-iefh.belgium.be/fr/binaries/40%20-%20Grossesse%20au%20travail_FR_tcm337-101632.pdf (French and Dutch)

discrimination related to pregnancy on the workplace; to identify problems faced by pregnant women and those returning to work after maternity leave; to identify the characteristics of women faced with discrimination related to pregnancy; to identify the characteristics of employers where problems happen; to examine the possibilities for women facing discrimination related to pregnancy to obtain advice and find support.

Further analysis shows that only 52.8% of the respondents who declared to have been confronted with at least one form of discrimination (without risk analysis) consider it as a problem. In other words: about half of the women who, according to the survey, have been discriminated or treated unequally, experienced the situation as problematic. If one considers the female workers for whom there was no risk analysis, the proportion is even lower: only 36,2 % of the women who, according to the survey, have been discriminated or treated unequally or were not subject to a risk analysis, experienced it as a problem. This indicates that female workers do not always consider certain forms of discrimination or unequal treatment as such, or are not aware of the fact that they are victims of discrimination or unequal treatment, or that no risk analysis was conducted.

Reasons for not contacting the Institute for the equality of women and men about problems in %⁶

did not consider the incident as serious enough	36.4 %
did not know she could get help from the Institute in this case	18.2 %
had already made an appeal to other persons or services	15.2 %
wanted to keep her energy for her pregnancy or baby	15.2 %
did not find it necessary because she was already looking for another job or had already found another job.	13.6 %
did not want to endanger her chances with another employer	6.1 %
did not want to bother her employer	4.5 %
was afraid to be dismissed	3 %
did not know how to report her complaint to the Institute	3%
feared the paperwork	1.5%
was put off by the possible costs	1.5%

Through this study, the Institute had a better view of the situation of pregnant workers and mechanisms that cause discrimination related to pregnancy. It helps to better define the campaign for the reduction and elimination of potential discrimination or unequal treatment and also to improve internal handling of complaints.

Within the same context, the European Union Agency for Fundamental Rights (FRA) provides evidence that under-reporting is a widespread phenomenon in the EU. Overall, the results of a quantitative survey conducted among 23,500 migrants/members of ethnic minorities, revealed very high levels of non-reporting of discrimination⁷. For example, people stating that they had at least one experience of work-related discrimination on the basis of their ethnicity in the last 12 months, also stated – to a rate of more than 80% across all ethnic groups – that they did not report it. When asked the reasons for not reporting, most responded that it would be useless, many thought it was not worth it, others were concerned

⁶ Extract from “Pregnancy at work: The experiences and obstacles faced by workers in Belgium”, [Institute for the equality of women and men](#), 2010, p80.

⁷ European Union Agency for Fundamental Rights: [EU-MIDIS Data in Focus Report 2010, Rights Awareness and Equality Bodies. Strengthening the fundamental rights architecture in the EU III](#)

about negative consequences and so on⁸. Moreover, the majority of all survey respondents declared being unaware of any anti-discrimination legislation and reported that they have never heard of any equality body nor of other equivalent organisation.

Given that the FRA research presented sufficient proof that under-reporting *does* exist among various ethnic groups across the EU, and provided strong indicators of *why* it occurs, specialised research must still be done by each equality body to indicate the extent and the reasons why **each group** chooses not to report discrimination on **each ground**. Depending on the specific goals of the equality body’s communication strategy, the research must be accurate and specific, in order to target the right obstacles to reporting and to use the right channels of communication to tackle under-reporting. The choice of quantitative or qualitative research, or a combination of the two, also depends on the approach: *numbers* and *statistics* may provide a broader picture on the extent of under-reporting and the possibility of doing comparative research and annual follow up, whereas *open type* interviews may lead to hidden forms of discrimination, hardly recognisable by the victims themselves, and may also provide better understanding of the reasons for not reporting and possible remedies.

Yet, are we able to cope with the load of increased reporting? And is it really worth it?

Work overload, lack of resources and consequent delays constitute a concern raised by some equality bodies when facing the problem of under-reporting. In connection to that, it is argued that taking up more cases but being unable in reality to investigate and act on them efficiently and within reasonable time may lead to the opposite result in the long term. In other words, creating false expectations, besides adding to the trauma that the victim of discrimination has already experienced, may impact their confidence in the equality body – and in justice in general – and eventually lead to a further reduction in reporting.

Nevertheless, tackling under-reporting is of major importance, as it is absolutely interwoven in the core purpose of equality bodies’ existence: to reach as many potential victims as possible and support them in speaking up and then seeking assistance and remedy.

In addition, the “dark number” mostly relates to groups that are highly marginalised and most vulnerable (e.g. undocumented migrants, migrant women) or groups that have “accepted” their position, that have rationalised the discrimination they face (e.g. pregnant women at workplace, people with disabilities). Working to reduce these groups’ hesitation to report the violation of their rights is one of the most difficult tasks assigned to equality bodies, but still one that must not be neglected.

What’s more, combating under-reporting also comes with practical benefits for equality bodies. From a communications perspective, in trying to understand *why* certain groups feel reluctant to come forward and report their situation, the equality body becomes better at locating more accurately the fields that need to be corrected or improved, and at building more effective communication strategies to achieve that. In other words, the benefit is that the equality body may communicate the right message through the right channel and avoid

⁸ 63% *Nothing would happen/ change by reporting,*
40% *Too trivial/ not worth reporting it/ It’s normal, it happens all the time,*
36% *Didn’t know how to go about reporting/ where to report,*
26% *Concerned about negative consequences/ contrary to my interest and*
21% *Inconvenience/ too much bureaucracy or trouble/ no time.*

ineffective and costly campaigns with minimum results. This may be a great advantage in times of limited resources.

As for dealing with the question of overload, one should keep in mind the earlier point on multiple definitions of under-reporting. Tackling under-reporting does not necessarily mean increasing the number of cases taken up by the equality body. The increase of *information* related to discrimination issues also serves the purpose of bringing up to the surface unknown areas or aspects of discrimination and may add to the overall picture of the situation of certain groups. This information may be collected informally and be used and analysed according to the findings. It may take the form of individual anonymous reporting or group interviews. It may occur during casual social events or semi-structured round-table discussions. Put differently, it is up to the equality body to decide how to receive information, and thus increase reporting in the broader sense, depending on its agenda, experience and stage of development⁹.

To sum up, it can be argued that asking questions like

“Who does not report discrimination?” and

“Why is one not reporting discrimination?”

can help Communication Officers to answer questions directly relevant to their work, such as

“What can I do about it?” and

“What is the best way to do it?”

⁹ A relatively “new” equality body or an equality body acting in a conservative society might still want to raise the number of complaints, to bring forward all discrimination issues, whereas an overloaded equality body or an experienced equality body or an equality body acting in a society with long tradition of combating discrimination might need to focus on certain areas and work in alternative ways.

Chapter 2

Nadine Brauns

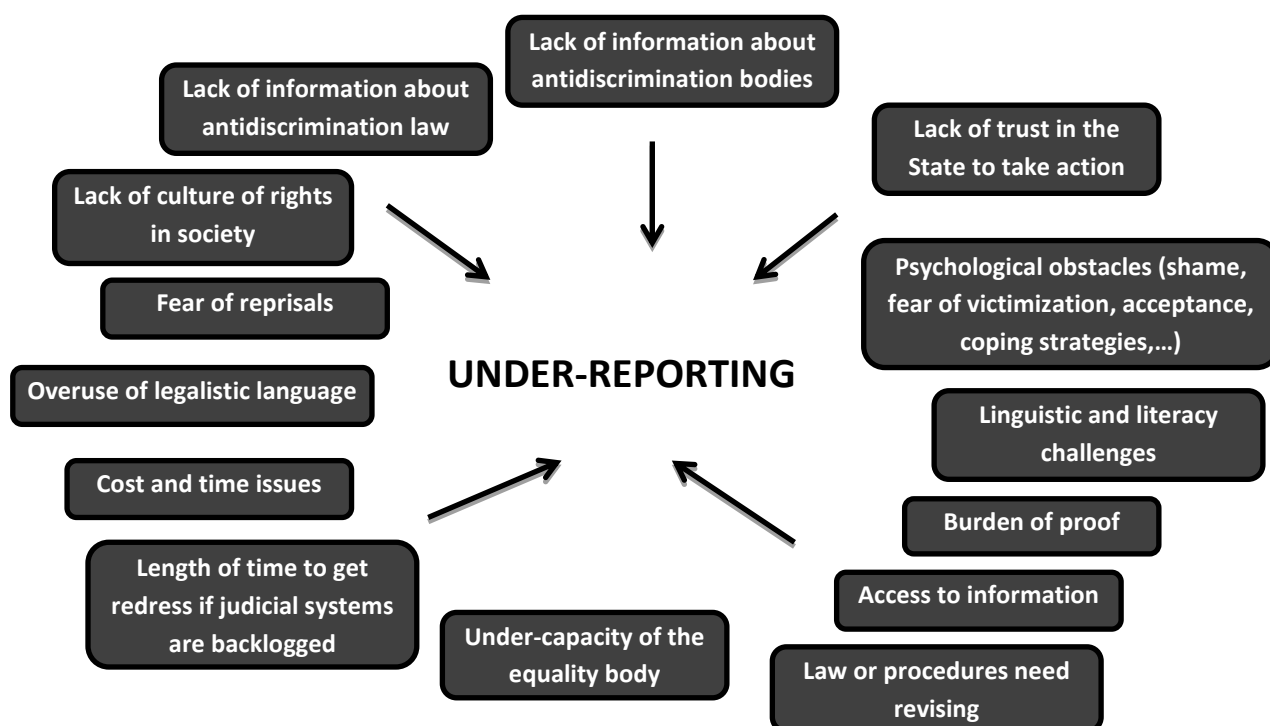
Centre for Equal Opportunities and Opposition to Racism, Belgium

A framework for responding to under-reporting and the role of communication

The issue of under-reporting (UR) should be examined from different perspectives (legal, procedural, communicational, sociological, etc.) before practical remedies can be proposed. One does not go without the other. Even a perfect communication process would be of little use if legal and procedural aspects lack in effectiveness. This paper is limited to addressing under-reporting from a communicational perspective and would gain from being confronted at least to a legal approach.

The previous chapter also showed the extent to which the issue of under-reporting should not be approached based on its quantitative aspect alone. Nor should it be examined exclusively from the point of view of equality bodies, which are only an actor amongst others promoting rights and equality.

In other words, it should always be kept in mind that under-reporting lays at the intersection of multiple other issues.



A communication strategy to target under-reporting: why?

An approach that will allow us to strengthen our overall communication strategy

Rather than speaking of under-reporting as a 'phenomenon' in and of itself, it would be better to talk about it as a 'symptom', caused by a combination of several phenomena, as seen above. Also with regard to communication, it must be approached as a symptom. It essentially reveals that a certain portion of our target audience (direct or indirect) is not receiving our messages, is indifferent to them, is not able to absorb them or simply rejects them, for a range of different reasons. It also reveals that our overall communication strategy is not completely effective and could stand to be improved.

A communication strategy designed to tackle under-reporting must therefore be regarded as a valuable way to improve our overall communication strategy, and not as separate. In other words, it could be thought of as 'a new way of looking at things', allowing us to take a different view of our operations and to find responses that are more effective, accurate and above all, targeted.

There are certain advantages to this approach:

- Its effectiveness is to some extent measurable;
- It is fully geared towards the target audiences, forcing us to develop a better knowledge of these audiences and their modes of communication, and promotes an approach 'from the bottom up';
- It allows problems to be identified which may have been overlooked, as well as 'at risk' sectors, pockets of resistance, etc.

It also involves certain risks:

- First of all, that it will lead to an increase in reports (including cases for which the organisation is not competent or which do not fulfil the conditions of admissibility) which the organisation does not have the resources to respond;
- That it will lead to a target groups-oriented communication, the number of which will tend to expand and soon become unmanageable;
- That the message will be weakened through too many variations, lack of coherence;
- That it will emphasise quantitative analysis over qualitative analysis of the statistics on reports.

Initial objectives

In the context described above, how, then, to formulate more concrete objectives for a strategy to tackle under-reporting?

To start with the negative: **the goal is not to generate more reports** as such. This approach would otherwise:

- Lead to an increased workload for the first line services and/or the equality body's legal services, which could soon be overwhelmed
=> In terms of image: **risk of loss of credibility, trust:**

- A risk of tipping the balance towards the repressive aspect of the work to the detriment of affirmative action, awareness raising, structural approach, prevention, etc.

=> In terms of image: **risk of supporting the image of a "policeman"**

A potential disconnect with the real objectives of the equality body, which is intended to act to reduce discrimination in society

=> In terms of image: **the risk of appearing ineffective.**

Thus, it is not about moving from a situation of underreporting to a situation of over-reporting, but rather to arrive at *better* reporting.

'Better reporting' should be understood as:

- A situation in which all the conditions are in place so that the victims of discrimination have the opportunity to make a report whenever they want (appropriate information, trust in the institutions concerned, a 'culture of human rights' with a low enough access threshold, etc.);
- A situation in which reports for which the equality bodies are not actually competent are reduced;
- A situation in which the reports contribute to improving the knowledge and expertise of the equality bodies by enabling the identification of elements such as 'at risk' sectors, discrimination phenomena that are ignored or underestimated, potential developments within a sector, a target audience, etc. In this case, the reports would function as a source of information, complementing other sources (meetings, surveys, workshops, networking, etc.), at the same time as offering the advantage of a direct connection to people's experiences in the field.

A communication strategy for under-reporting: how?

The work towards a 'better reporting' that would meet the above objectives will be mainly based on three pillars, which will be discussed in more detail in the following chapters:

1. **Develop a culture of human rights (Chapter 3):** it is in fact society as a whole that needs to be made aware of equal rights/opportunities. Without this culture of equal rights, which must be embodied primarily by public services, it is unlikely that individuals will be motivated to report discrimination. Often enough in this process, an individual aspect comes into play, but there is also a collective aspect. => **WORK COLLECTIVELY TO RAISE AWARENESS, PROVIDE INFORMATION AND TOOLS**
2. **Inform target audiences about their rights and opportunities for action (Chapter 4):** Many victims do not report incidents because they do not know what constitutes discrimination, do not know their rights or do not know whom to contact. Information work (potential victims and their 'connectors / links') should be undertaken through various information channels: documentation (print and online), training, meetings, media relations, public information campaigns, etc. => **WORK ON INFORMATION AND NETWORKING / PARTNERSHIPS**
3. **Create an environment of trust (Chapter 5):** a victim of discrimination must feel 'a sense of confidence' in order to file a report. It is a two-way process. The victim must

first of all have confidence in him or herself and overcome certain psychological obstacles (fear of victimisation, shame, denial, etc.). Thus, offering a strictly legal response to a situation of discrimination can be unsatisfactory for the victim. In addition, the victim must have confidence in the organisation addressed. The national context strongly influences public confidence in public services. Moreover, this issue goes beyond that of communication and is equally a matter of the quality of the service: it is up to the organisation to consider how it is organised in order to make itself available, accessible (e.g. decentralisation, schedules, telephone hotline, ability to work in different languages, including sign language, etc.). In terms of communication, this also involves working on the image of the equality body by clearly conveying its values, its independence, efficiency, etc. => **WORK ON THE VALUES, THE POSITIONING**

Note that this involves the three classic dimensions of communication that are a part of any communication strategy:

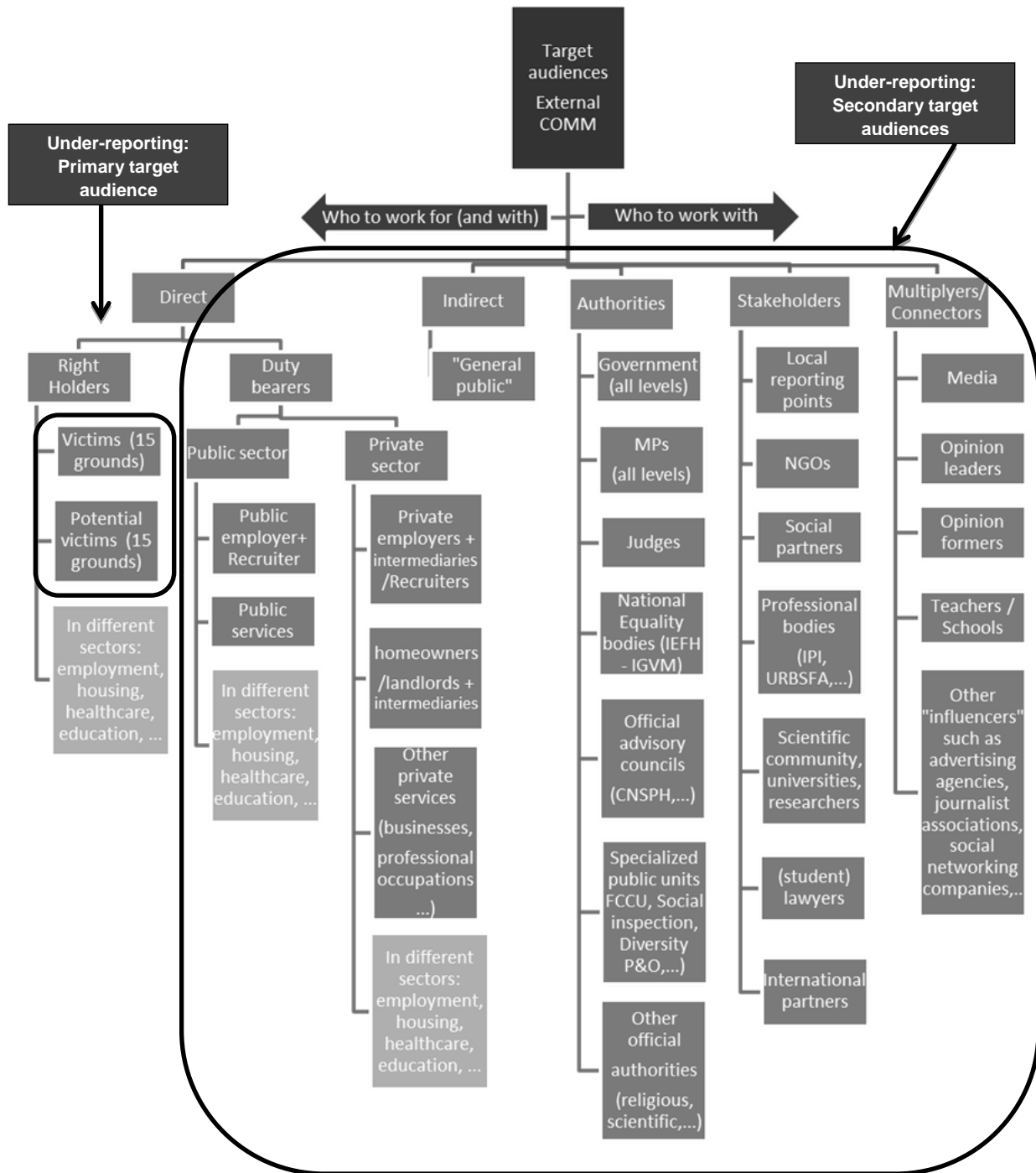
- the rational dimension
- the emotional dimension
- the relational dimension

Before developing a communication strategy on 'underreporting' based on these three areas, we must ask three basic questions:

1. Do we really know the audiences at the centre of the under-reporting strategy?

The broad reasons for under-reporting are well known: lack of information on the law, on organisations to contact, lack of trust in institutions, in the follow-up that will be given to the individual situation, fear of reprisals, lack of evidence, psychological factors (shame, fear of victimisation, desire to 'rise above it', acceptance, submission, etc.). But in which order do these elements contribute to under-reporting? And most importantly, what are the specific reasons for each of the target groups? Indeed, it is likely that psychological factors predominate in some groups, while it is mainly the lack of information or 'connectors' that are factors for other groups.

- ⇒ Before developing a strategy to tackle under-reporting, it is essential to first develop a better understanding of the target groups and why they do not report their experiences of discrimination. This assessment can be done through study meetings with associations, meetings with people who act as links/connectors, and possibly surveys;
- ⇒ There is no single answer to the question of under-reporting, applicable to all target audiences. A strategy to tackle under-reporting should be broken down by target audience;
- ⇒ While an under-reporting communication strategy is aimed first and foremost towards victims and potential victims of discrimination (as primary target audience), clearly it will also need to involve all of the other target audiences of the equality bodies in order to be achieved. It is therefore useful to take a look at the analysis grid of our target audiences (see example below of the Centre for Equal Opportunities and Opposition to Racism) and to consider how each actor can contribute to the achievement of the goals related to under-reporting.



Note: In the table above, the primary target audience consists of people whose reporting behaviour we want to change (victims and groups at risk/potential victims). The secondary target audience consists of people who will get the message to the primary target audience and/or facilitate the process of changing behaviour. A communication strategy for tackling under-reporting must encompass these two levels in order to meet the objectives. In addition, each audience, especially the primary target audience, should be further segmented, based on various parameters (criteria of discrimination, language, education level, etc.).

2. How do you define a report?

Most equality bodies use the term 'reports' to refer to a highly diverse range of actions: questions, comments on current events, requests for advice, official opinions, interpretation of a regulation, 'formal' complaints, etc.

These reports are usually the source of statistics meant to provide information both on the activity of the equality bodies and the evolution of society in terms of the fight against discrimination and the promotion of equality.

This very broad definition of 'reporting' is however not actually appropriate when addressing the issue of under-reporting, and can even be misleading.

In particular, the issue arises of distinguishing a report concerning an incident or an experience in which the reporter is the direct victim, and the reporting of a situation which the applicant wishes to denounce, object to, or for which they want a reaction from the equality body (but for which they are not personally the direct victim). Work on under-reporting must address the former situation without increasing the latter.

In Belgium, the Centre for Equal Opportunities and Opposition to Racism receives numerous reactions from individuals or LGBT movements when a public figure makes a statement against homosexuals that is 'shocking' (but which falls under the freedom of expression). The level of reporting may thus seem 'normal'. But it turns out that individually, homosexuals (especially lesbians) are more reluctant to report the acts of discrimination they face. Without further analysis of reporting statistics, the phenomenon of under-reporting could therefore go unnoticed.

In 2011, the Centre had 600 reports related to the actions of the small group Sharia4Belgium. In presenting the annual statistics, these 600 reports were grouped into a single dossier. Otherwise, this peak in reports would have given a completely distorted impression of the Centre's work.

Certain sectors and certain issues may also form the object of a type of under-reporting associated with the activism of certain groups or individuals. This can have the effect of artificially inflating the importance of the subject matter in relation to other topics which are in fact priorities.

The reports can be a very rich source of information for equality bodies and help improve their expertise. The condition is, however, that they can be subjected to a detailed analysis, in quantitative terms but especially qualitative ones.

Informal vs. formal reports

In addition, people who contact an equality body do not always expect further steps to be taken. Some of them are primarily looking to inform the authorities of the existence or persistence of a particular problem. Others seek a form of recognition for their injuries.

Thus, the question arises of the **distinction between formal and informal reports**. Some equality bodies are experimenting with making it possible for citizens to make reports on a more informal and possibly anonymous basis. But the majority of equality bodies do not handle anonymous reports for legal reasons (inability to act based on an anonymous declaration) as well as societal reasons (problems of informers, for example). In doing so,

they potentially fail to reach a segment of their target audience who may have legitimate reasons for wanting to report certain incidents informally and/or anonymously.

The recent experience of the LGBT movement Outrage is useful to evaluate the consequences both in terms of rights for victims and the information loss for equality bodies:

In Belgium in early 2012, Outrage! (Open community based on the LGBT community) launched a smartphone app against homophobic violence. The successful app was then made available internationally.

It is a smartphone application that puts verbal and physical homophobic violence literally and figuratively on the map. Victims wishing to report a homophobic incident indicate via the Bashing app whether the violence is verbal or physical. Then we map the location where the incident took place. It is the so-called 'Bashmap' that collects all the complaints. An overview of the reports can be seen on www.bashing.eu. Reporting can be done with 100% anonymity. The Bashing app also offers some information about antidiscrimination bodies (i.e. the CEOOR in Belgium)

Over a period of 6 months, 300 'reports' were generated via this app (10% physical violence, verbal abuse 90% / harassment). This is more than 10 times the number of similar reports lodged with the CEOOR or the Police in a whole year.

The app was only conceived as a tool to raise awareness about this issue, to 'map it'. It does of course remain important that victims of homophobic violence can (and do) lodge official complaints with the competent authorities. However, what this experiment tends to show is that an important number of LGBT people do actually want to report these incidents, only perhaps in a more informal and flexible way. Other questions, such as trust towards official institutions such as equality bodies, channels used to communicate, and the importance of peer-to-peer communication can also be raised here.

3. How to resist the temptation to inflate?

Both the media and the political world exert considerable pressure on equality bodies to obtain concrete figures, which could inform the debate and give an accurate measure of discrimination in society.

For their part, the equality bodies may be tempted to justify their existence and prove their usefulness by publishing annual statistics showing a rising number of reports.

It is clear that the statistics on equality bodies' reports are far from meeting these goals.

On the one hand, their informative value is extremely limited when quantitative analysis is not accompanied by a precise qualitative analysis and when the information collected in this way is not cross-referenced with other sources of information. (Conversely, the qualitative analysis can only be done if there is a significant number of reports for a given problem, otherwise we may draw conclusions from a few isolated cases that may not indicate a trend).

On the other hand, the effects in terms of image and reputation can also be the opposite of what was expected: '*our work is increasing*' can in fact be interpreted by some as '*the Centre is ineffective, racism and discrimination are on the rise*'.

Caution is therefore required. Giving too much priority to figures, which is tempting when addressing the issue of under-reporting, may be counter-productive, certainly in terms of image, but also in terms of efficiency.

Chapter 3

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Communication to inform members of groups experiencing discrimination about their rights and how to exercise them

Lack of information can be one of the reasons for under-reporting (UR), whether on rights, anti-discrimination laws, antidiscrimination bodies and/or where to report discrimination.

Therefore, it is important that equality bodies make sure that victims and potential victims of discrimination have information on their rights and where to report on discrimination. However, making sure that members of groups experiencing discrimination are informed requires some consideration of how to inform and what to consider when informing members of groups vulnerable to discrimination.

For equality bodies it is not just a matter of delivering information on rights and where to get help. It is also a matter of making sure that the information is actually useful and comprehensible to victims and potential victims of discrimination.

Therefore, when communicating to inform members of groups experiencing discrimination about their rights and how to exercise them there are different matters to be considered before going ahead in order to be successful. Here we have outlined some of the steps to take, questions you might consider, and some thoughts about them.

Get to know the audience and the reasons why they do not report

In order to reach your target audience it is essential to get to know them. This can be done in numerous ways, however, often depending on time and money. Some information is always available from NGOs or representatives of less organised groups.

The following questions might be helpful when considering how to reach your target group:

- Is the target audience a heterogeneous or homogenous group?
- Are its members organised in any way, have common interests, or are they very different and maybe isolated individuals with different needs?
- What could be the reasons for the individuals of the target group not to report discrimination, harassment or unequal treatment?
- How is the target audience to be addressed in order to be reached?
- Are they to be addressed through one or through multiple channels?

Does the audience trust you as a messenger or should you consider using connectors?

To some, equality bodies might be considered part of 'the system' or a distant authority not to be trusted or out of touch with the lives and needs of the target group. In that case your messages may never get through to the target group or may just be ignored. Therefore, you might consider if representatives from the target audience could be a connector through which to reach the wider group. The connector could be a person with a certain status within the group; a spokes person, an informal leader, a public figure etc.

The advantage of using connectors is that they know and are known by the group. They have a more direct access to the group and might be respected by the group.

There might be some challenges, however, when using connectors. It can be difficult to identify the appropriate connector to meet the needs of your objective. They might have another way of doing things that are less formal and maybe less transparent than what is usually the case in your organisation. If the connectors are involved on a voluntary basis there is also the question of how much you can draw on their resources and time.

The [Equality Commission for Northern Ireland](#) uses connectors when it prepared the Traveller Focus Week in 2010. The Commission had Traveller support groups involved in reaching the Traveller community¹⁰.

Do they want to exercise their rights?

Informing people of their rights is not always enough. There may be many reasons why individuals of groups experiencing discrimination do not report or feel the need to exercise their rights. Some people do not want to be thought of as victims; others just seem to have accepted that discrimination is part of their lives and do not feel that they have the power to change their situation. Some are embarrassed or ashamed that they are being discriminated against, and yet others remain silent because of fear or the risk of reprisals when exercising their rights.

This means that, when informing people of their rights, make sure to empower them and enable them to take action. It is important to tell the victims of discrimination that they are not alone in experiencing discrimination and that something can be done. Make sure that they know that their experiences are being recognised and where to get help.

What language to use

When addressing your target group consider what kind of language is appropriate to use. Some groups may not be native speakers of your country's language and can only be reached in their native tongue or in a basic version of your language. Consider what the target group would feel most comfortable with and therefore have the best chance of reading. At the same time it is important to reflect upon in what form of language you address the group. A form that is too simple may be seen as condescending whereas a very academic form may be too complicated and make people feel excluded.

¹⁰ For more information see

http://www.equalityni.org/sections/Default.asp?cms=News%5FCampaigns+Archive_Traveller+Focus+Week++2010&cmsid=1_109_162&id=162&secid=1

Consider also the tone you use. What is appropriate in some cultures may not be appropriate in others. For instance, humour can in some cultures be a common tool to use when wanting to take the edge of a serious or maybe controversial matter. However, this may not be the case in other cultures where people might instead feel that they are being ridiculed or not taken seriously.

What channels to use

There are many channels to use in order to reach your target group. However, not all channels are equally suited for all messages or all target groups. Find out what channels your target group uses and their main ways for finding information, either by asking representatives of the group or by doing a survey.

Here we have listed some channels and provided examples of how they have been used by different equality bodies.

- **Postcards:** The [Commission for Equality in Labour and Employment](#) in Portugal produces postcards on specific subjects once every year. The postcard is disseminated in cinemas, malls, theatres, universities and coffee shops. Each year the subject is related to gender (the ground of discrimination covered by the organisation) but the message changes (e.g. sometimes it is more about conciliation of work and family life, and sometimes it is more about women empowerment).

The [Austrian Ombud for Equal Treatment](#) recently started a “free-card” campaign with the slogan “No to discrimination! No to harassment”. In all Austria 85.000 “free-cards” per subject are being distributed in pubs, cinemas, universities and other locations. The five types of “free-cards” with five different topics of discrimination show a hand-drawn picture and on the back side one can read the message: “No to discrimination! We provide advice and support to you confidentially and free of charge! Call us at 0800 206 119 or visit our website at www.gleichbehandlungsanwaltschaft.at”¹¹.

- **Leaflets:** [The Equality Commission for Northern Ireland](#) produced small business card sized leaflets for migrant workers telling them about their rights. The leaflet was folded into at business card but could be unfolded revealing the entire text. The leaflet was translated into 13 languages and disseminated in places where migrant workers may usually gather – libraries, shops, money exchange bureaus, communities and organisations.

[The Office of the Ombudsman](#) in Croatia, based on previous activities supporting employers, prepared a brochure on best antidiscrimination and diversity practices in Croatia (overview of legal framework in relation to actual recent examples of employers’ practices).

The [Belgian Institute for the Equality of Women and Men](#) created a folder/leaflet entitled “Break the silence before it breaks you!” which exists in 17 languages¹² and is addressed mainly for the victims of partner violence. The information provided includes contact details for specialised support-organisations and advice to victims who decide to stay at home and those who decide to leave.

¹¹ To see pictures of some of the free-cards already produced please follow this link: http://www.gleichbehandlungsanwaltschaft.at/site/cob_50837/currentpage_0/6880/default.aspx

¹² French, Dutch, German, English, Arabic, Chinese, Greek, Italian, Lingala, Polish, Portuguese, Romanian, Russian, Serbo-Croatian, Spanish, Swahili and Turkish

- **Posters:** [The Danish Institute for Human Rights](#) used large posters placed at one hundred stands around the city of Copenhagen, at the rear end of busses and at gyms in Copenhagen to make people know where to report on hate crimes. The posters had catchy pictures and texts making them stand out easily¹³.

[The Office of the Ombudsman](#) in Croatia organised an anti-discrimination campaign addressed to employers and paying particular attention to discrimination on the labour market. The aim of the campaign was to increase awareness of anti-discrimination issues among employers in their everyday business activities, but also among ordinary citizens in their everyday lives. To this end, campaign posters were displayed at relatively low cost all over the major means of public transportation across Croatia.

- **Newspapers:** [The Office of the Equal Opportunities Ombudsperson](#) in Lithuania publicises complaints in the newspapers in which they make sure also to tell about the law and where to complain¹⁴.

- **Websites (potentially group-specific) and social media:** The webpages of the equality bodies are a useful tool for letting victims and potential victims know where and how to report on discrimination¹⁵. [The Office of the Ombudsman](#) in Croatia initiated a banner campaign that was targeted specifically at Croatian employers and was realised through the main information web portals used by employers. Banners were displayed in rotation on each portal for three months and, based on page-view numbers, the campaign was judged as being effective.

Equality bodies can also use social media to show positive action by publicising their existence and ensuring their accessibility, affordability and quality of services. For example, the [Equality Commission for Northern Ireland](#) has recently launched its new online resource for lesbian, gay and bi-sexual people SO-ME (www.some-ni.co.uk). The campaign, which went live in March 2013, provides a live advice resource on its micro-site, as well as a facility for individuals to report discrimination anonymously or to seek Commission advice.

It has some useful features like a quick ‘exit’ tab and an online live chat button on every page. There are a number of videos of those the Commission has assisted, which can also be viewed on the SO-ME Youtube, Facebook and Twitter sites.

The online campaign has been designed and developed following focus groups and analysis of research into the needs of the lesbian, gay and bisexual community. It seeks to provide a direct service to individuals and their representative groups and aims to increase understanding of discrimination and to build the confidence of individuals to report it.

The Commission’s aim is to remove barriers to reporting, not just so that it can assist the individual, but also so that it can better shape all of its services, like training or compliance

¹³ More information about this can be found in the *Equinet Good Practice Guide on Communication Principles for Equality Bodies*, available for download on the Equinet website (<http://www.equineteurope.org/Good-Practice-Guide-on>).

¹⁴ For example, last year press releases were sent to mass media concerning complaints such as: denying the Gay League to rent a car, restrictions of senior (65+) lecturers to teach at the universities, banning same sex couples from entering an aqua park on Valentine’s Day, discriminatory job adds seeking workers of a certain age and sex, discriminatory advertising, discriminatory insurance fees, discrimination of pregnant women etc. All of the press releases on these situations were taken up in the media. In addition, numerous interviews on equality matters were carried out by journalists with the aforementioned complainants. For more information on how the Office of the Ombudsman handled the sensitive question of publicising information about particular discrimination cases you are encouraged to contact the equality body directly (contact details are available at <http://www.equineteurope.org/Office-of-the-Equal-Opportunities>).

¹⁵ A good example of how an equality body has developed its website can be found in the *Equinet Good Practice Guide on Communication Principles for Equality Bodies*, available for download on the Equinet website (<http://www.equineteurope.org/Good-Practice-Guide-on>).

work with those with responsibilities so that others do not have to endure the same treatment.

- **Radio:** In the year 2012 the [Office of the Equal Opportunities Ombudsperson in Lithuania](#) was involved in five radio broadcasts on different equality issues. One radio broadcast invited three participants – a representative from the equality body, a gender expert from an NGO, and an employer from a regional tourism and recreation enterprise. The combination of challenging questions, statistical data, and facts from complaints and personal experiences of participants, in addition to the live broadcast format, allowed concentrating specifically on equality issues in the private sector.

On the occasion of the International Day for the Elimination of Violence against Women in 2012, the [Belgian Institute for the Equality of Women and Men](#) launched a campaign entitled "Men dare to say no to violence against women!" A recording was realised with the testimonies of six famous Belgian men and an awareness campaign was launched through radio spots broadcasted on different radio stations. The aims of campaign were to raise public awareness of the problem and to ensure that people file complaints.

- **Television/video:** [The Office of the Ombudsman](#) in Croatia produced an anti-discrimination video-clip that was broadcast on three television channels (national and local) and made available on partner and other stakeholders' websites. The clip was also broadcast at different events (job fairs, rounds tables, and seminars) organised by the Croatian Employment Service, the Ombudsman's Office, the Office for Human Rights, but also through the largest regional network of cinemas in Croatia.

On the occasion of the International Day for the Elimination of Violence against Women in 2011, the [Belgian Institute for the Equality of Women and Men](#) launched a public awareness campaign entitled "Feel free to say no". The campaign was promoted with different tools such as a bilingual song, interpreted by famous Belgian people, and four short videos realised by students on the theme of violence between partners. Two of the short videos were trailers to create buzz around the song and the two other videos were used as a means of communication to invite people to visit the website of the campaign. These videos were also disseminated through social media.

- **Workshops and round tables:** [The Office of the Ombudsman](#) in Croatia has arranged for its staff members to take part in workshops for unemployed people in job centres. At the workshop the Ombudsman can inform the attendants about their rights and whom to contact if they experience discrimination.

The Ombudsman also organised basic awareness raising round table discussions on anti-discrimination and diversity on the labour market for labour market stakeholders at the regional level (e.g. representatives of the Croatian Employment Service, Croatian Employers' Association, Croatian Chamber of Economy, Croatian Chamber of Trades and Crafts, trade unions, etc.). The round tables simultaneously served as an opportunity for networking between the regional stakeholders and increasing the visibility of the regional anti-discrimination contact points (more on this on page 27).

- **Campaigns:** [The National Office against Racial Discrimination](#) in Italy has done an awareness campaign against racial discrimination with the slogan "Racism is not right". This campaign also aimed to promote an anti-discrimination toll free number that can be called to request support and information, as well as to submit claims of discrimination. The country-wide campaign had its slogan and the phone number printed on around two million shopping

bags and three hundred thousand flyers that were distributed in more than five hundred supermarkets in Italy.

- **Festivals:** [The Croatian Office of the Ombudsman](#) organised an Anti-Discrimination Day at the end of the last Human Rights Film Festival in Croatia. The day featured:

- Round table discussions with project partners, labour market stakeholders, NGOs and trade union representatives, representatives of other institutions active in the field of anti-discrimination and media representatives;
- A broadcast of a movie on anti-discrimination with the round-table participants but also open to the public.

- **Role models / good examples:** [The National Commission for the Promotion of Equality \(NCPE\)](#) in Malta used role models who have improved their employment status after they have undergone training and/or sought employment to develop their career when reaching out to the inactive segment of the Maltese population, particularly women, and encourage them to be part of, remain or advance in the labour market.

The Living Library Project in Serbia, an activity of the [Commissioner for the Protection of Equality](#) since 2012, works like a normal library – readers come and borrow a ‘book’ for a limited period of time. There is only one difference: the books in the Living Library are human beings, and the books and readers enter into a personal dialogue. The books in the Living Library are people representing groups frequently confronted with prejudices and stereotypes, and who are often victims of discrimination, prejudice or social exclusion. In this sense, the books in the library cannot only speak, but they are able to reply to the readers’ questions, ask questions and learn themselves.

In order to continue with this practice a *Living Library Organisers Guide* has been published, including testimonials from the Books, Organisers, Librarians¹⁶.

- **NGOs:** [The Danish Institute for Human Rights \(DIHR\)](#) has an advisory body – the Equality Committee – appointed to the institute. The members of the Equality Committee are made up of external organisations (NGOs) working with equality. Members must represent or be related to one or more of the areas of equality: age, disability, gender, race and ethnicity, religion or belief and sexual orientation. The Equality Committee is to ensure that the DIHR will benefit from the knowledge and experience of the members and improve the access to guidance and assistance to victims of discrimination.

- **Regional contact points:** [The Office of the Ombudsman](#) in Croatia established a network of contact points in the country’s main cities, with a particular emphasis on the matters of discrimination on the labour market and in employment. This was achieved by issuing an open call to all interested parties (e.g. NGOs, social partners, local community organisations, etc.) at the regional level that deal with anti-discrimination matters. The contact points:

- Are the main regional sources of information on anti-discrimination on the labour market;
- Give advice on how to deal with suspicions of discrimination at the workplace and support in reporting discrimination to responsible institutions;

¹⁶ A short movie in English from one of the Living Library events is available at <http://www.youtube.com/watch?v=OmhMhSaNHN8>.

- Provide support to other relevant labour market stakeholders in their region (such as regional branches of the Croatian Employment Service, Croatian Employers' Association, Croatian Chamber of Economy, Croatian Chamber of Trades and Crafts) in antidiscrimination matters and serve as a link between them and the Ombudsman's Office.

The channels to be used when informing members of groups experiencing discrimination is far from exhaustive and often it is necessary to use more than one channel to reach your target group. However, drawing on other equality bodies' ideas and experiences may be valuable in the process of deciding how to reach your target group. The channels you are considering may have been shown to be less effective than expected when used by other equality bodies or may have encountered obstacles that you can then avoid.

At the same time it is always important to reflect on whether the channels you want to use are appropriate considering the answer to the other questions listed earlier in this chapter.

Chapter 4

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Communication to build confidence among members of groups experiencing discrimination in exercising their rights

Confidence to exercise rights

It can be argued that people pertaining to vulnerable groups who *have* the confidence to exercise their rights are on the one hand aware of their rights and convinced that they should be treated in the same way as everybody else, and on the other hand they are sure that they will be treated fairly by the justice system after reporting a case of discrimination. It can also be argued that they generally believe that the perpetrators will be systematically identified, prosecuted and punished, and that victims will be systematically protected.

A lack of confidence in exercising their rights appears not only in a situation where people (for various reasons) are not willing to bring a case to court after a discrimination has occurred, but also when people do not tell anyone about the potential discrimination that they had to endure. For instance, they do not know how to go about reporting this potential discrimination, where to report it or they just are not aware that this particular situation could be a case of discrimination because they think it is normal and happens all the time. If they do know, they think no action will be taken after filing a complaint because their problem is too trivial and not worth reporting. They may even have concerns about the negative consequences of such reporting.

The challenges

Equal treatment legislation is based on a desire to impact the levels of discrimination in society and the degree of equality enjoyed by the different groups covered. Equality bodies are designed to assist in achieving this aim.

Lack of knowledge

At this point the awareness of victims of discrimination and of the public at large of equality bodies (and also of the right to equal treatment) is rather low. In a survey on awareness of rights and equality bodies with regard to discrimination on account of racial or ethnic origin, 80% of respondents ‘could not think of a single organisation that could offer support to victims of discrimination – be this government-based, an independent institution or authority, such as an equality body, or an NGO.’¹⁷

¹⁷ European Union Agency for Fundamental Rights: [EU-MIDIS Data in Focus Report 2010, Rights Awareness and Equality Bodies. Strengthening the fundamental rights architecture in the EU III](#)

As highlighted in previous chapters, one of the main problems is that we cannot build the confidence to exercise rights if people do not have the basic knowledge of their rights or of any organisation that could offer support.

A lot of communications work has to be done regarding this lack of visibility. Equality bodies need to be present in the media and they can stimulate, guide and support NGOs, trade unions, business networks, educational and training institutions and national/local authorities to play a more active role in combating discrimination and advancing equality.

Relying on legislation

Unfortunately society still seems to perceive the new institutional tools for combating discrimination with some perplexity. In some countries there is a belief that if a complex set of anti-discrimination laws is in place, then there is no need for further action. However, it has been noted that there is less evidence that legislation has had the intended impact and outcome for individuals. There is an elaborate system of laws in most countries without a major increase in equality. The direct implication for equality bodies is that relying solely on legislation might not be the most effective way of tackling underreporting.

Most equality bodies mainly seem to allocate their resources for enforcing legislation by providing victims of discrimination with different services categorised as ‘assistance’. Sometimes, even promotion-type bodies¹⁸ do not have a strategic approach to communication and rely only on giving legal advice that uses technical legal jargon, without expressing empathy or trying to understand the victims’ feelings. One of the main barriers that hamper communication is the complexity of the language used by experts. It would be beneficial, wherever possible, to allow migrants to speak with someone from their own national, linguistic or cultural group. The composition of staff should include a person with experience in working with vulnerable groups who can also offer emotional support to the victims. This can show potential victims that the equality body is an organisation that they can trust.

We should therefore pay attention to the values that motivate people instead of the more customary focus on legal mechanisms. In order to change the culture and behaviour of people, it is necessary to engage with their values and create a base for building a culture of rights in the wider society and on this basis we can build people’s confidence to exercise rights.

Nevertheless, miscommunication has sometimes led potential victims to believe that more grounds of discrimination are covered by the law than it is actually the case (e.g. not all national legislations offer protection from discrimination in the field of goods and services). This implies that each equality body needs to provide a different answer to the question of how to build trust without raising too high expectations that can lead to disillusionment and a break-off in communication, especially when most equality bodies have limited resources to legally assist at least all potential victims with whom they come in contact.

Psychological barriers

Groups (such as undocumented immigrants) often do not want to ‘make trouble’ or be seen to be complaining. An important factor that can undermine confidence is a feeling of historical

¹⁸ According to a [European Commission study on Equality Bodies](#), predominantly promotion-type equality bodies “spend the bulk of their time and resources on a broader mix of activities that include supporting good practice in organisations, raising awareness of rights, developing a knowledge base on equality and non-discrimination, and providing legal advice and assistance to individual victims of discrimination” (page 44).

mistrust (e.g. between Roma people and the police; segregation; lack of communication between different national groups, etc.). Furthermore, individuals are more afraid that building a case would have negative consequences for the whole group.

Visibility of the target group is crucial for reaching out to its members mainly through personal motivation. Identifying individual needs when providing face to face support stresses the importance of using research to develop better understanding of the issues and building good relations with connectors and NGOs in order to create a wider network of support. Understanding the difficulties of the group in order to improve the communication process is reciprocal and mutually beneficial (i.e. not just the equality body informing about rights). Knowing how to do this may not generate more formal complaints, but rather more information as to how people perceive discrimination, which in turn can be used to tackle under-reporting better. This knowledge may also be beneficial in cases where people do not want to be seen as victims.

We have to remember that no target group is homogenous. There is the need to choose the right channels to raise awareness and maintain a more or less constant flow of information between vulnerable groups and the equality body. This means cooperation with the actors who influence and/or have the trust of vulnerable groups. NGOs are one way to identify them and equality bodies should also remember to build their confidence too. As explained in the previous chapter, it is important to identify the connectors which help to build trust and establish personal contact with potential victims. Equality bodies can develop anonymous forms of reporting and these are also useful in combating under-reporting.

Another factor that affects confidence and which is difficult to overcome is the psychological barriers generated by excessive bureaucracy. Equality bodies have to find a simple way of explaining how to lodge a complaint, the required procedures and the powers of official bodies. Surprisingly, it was indicated in a recent study¹⁹ that as with complainants' views, brochures were seen as the least effective channels of information, followed by phone or helpdesks (the use of legal jargon could be an explanation for this). Certainly the accessibility of the information in different languages (also in Braille) and formats in clear and easy to understand language are the most important. To reduce complexity and long processing which are of course discouraging, equality bodies should lead processes of collaboration, networking and cross-referral between various institutions involved in the justice system in an effort to build the confidence of potential victims.

The potential victim needs to have knowledge as to how equality bodies deal with formal and informal cases. It is thus essential to assure the potential victim of ongoing support and of the confidentiality of the entire process. Building confidence means that anyone who lodges a complaint will also decide how to settle the case and that his decision will be respected. From an institutional and organisational perspective it matters that potential victims also need to have legal certainty as to legislation and redress mechanisms. No doubt mediations are the best solution. Potential victims need to know that going to court need not be the only available solution as this can allay their fears of being seen as “troublemakers”.

In many countries psychological barriers are created by the authorities. When a government is not taking discrimination seriously and does not dedicate sufficient resources to combating discrimination, equality bodies have to show that this is not right. In many cases equality bodies are independent and should forcefully condemn every public statement that is

¹⁹ European Union Agency for Fundamental Rights Report on [Access to justice in cases of discrimination in the EU - Steps to further equality](#), 2012, p. 55

discriminatory. Above all, national authorities have a special responsibility as duty bearers or policy-makers towards those in vulnerable situations and hence must promote positive attitudes while banning violent patterns and abstaining from using abusive language. Equality bodies can mobilise a wider framework of action on discrimination, under-reporting and equality across the public sector. In the area of monitoring compliance of national law and practice with that of international law and EU law, equality bodies can order ministers and other high-ranking officials to take specific measures in the event of discrepancies to stop discrimination, and recommend amendments to existing legislation.

Making priorities (on one or two grounds)

Making priorities could just statistically eliminate other grounds. Nevertheless, a sensitisation action should be adapted to every targeted group. Staff composition of institutions with an equality remit needs, if possible, to reflect the diversity of society. For example, only well-adapted language and pictures will be understood by people that equality bodies want to reach. It could be effective if different forms of communication would be addressed to different groups (grounds of discrimination, as well as types of groups such as a particular ethnic group).

Practices and issues

Equality bodies can enable change in the policies, procedures and practices of authorities and organisations to make them more effective in preventing discrimination, adjusting for diversity and promoting equality and thus decrease the number of discriminatory incidents in order to increase awareness and confidence to exercise rights.

They can provide guidance, guidebooks for administration, private meetings with judges, training for various groups such as entrepreneurs, shop stewards, providers of goods and services and journalists, advice and support for good practices by organisations (predominantly promotion-type bodies) in order to raise awareness of the problem of discrimination. Equality bodies can require such change through orders or recommendations, their follow-up, and advice to companies issued on request (this is generally the remit of predominantly quasi-judicial bodies²⁰). Promotion-type equality bodies can support them so that they challenge discrimination more effectively. Professional social workers and staff of different services (such as health, police, etc.) should receive special training that would take into consideration the vulnerability and specific needs of users who are victims of violence (such as for example provide safe and hospitable places).

The Commission for Citizenship and Gender Equality in Portugal is reported to have had an impact in changing their practices in public and private companies. It has produced guides on topics such as citizenship and equality for all Portuguese schools, the implementation of equality plans in central and local administration and the implementation of equality in enterprises. It has organised prizes for institutions with exemplary policies in the area of equal opportunities for women and men as well as for journalistic content on equality between women and men.

²⁰ According to a [European Commission study on Equality Bodies](#), predominantly quasi-judicial bodies are “impartial institutions which spend the bulk of their time and resources hearing, investigating and deciding on individual instances of discrimination brought before them” (page 43);

Activities directed to specific groups through local offices

The equality body should be visible and well-known through regular local/regional presence of representatives within relevant organisations or through co-operation with NGOs so that the general public in every region has ready access to information as to their rights under equal treatment legislation. Also those who feel that they have experienced discrimination should receive necessary support and advice. This builds awareness of and trust in the equality body by those who experience discrimination.

"How to build an inter-generation partnership? Older people in the eyes of young people, young people in the eyes of the elderly" is a project of the Human Rights Defender in Poland which was conducted in May 2012. Its main goal is to promote inter-generational dialogue as an instrument to enable participation of people of all ages in an active social life. To achieve this goal there is a need to develop specific tools such as facilitating inter-generational networking based on workshops and active communication methods. So far qualitative research on the mutual perception of the people from different generations has been carried out, and two conferences were organised combined with workshops focused on inter-generational dialogue in Warsaw and Katowice. The conference in Katowice in September was one of the events of the three-day 'Citizen Senior Congress', co-organised by the OHRD.

Positive actions

As it has already been mentioned the law is only the minimum required. It is therefore also important to show success in a positive way so that the equality bodies are not only perceived as punishers. This can be done by publishing texts of successful cases, case summaries, press releases, research papers, advertising all the positive actions and quality of services on social networks, providing databases of good practices, co-operation with specialist journalists, NGOs, mediators, liaison networks, contact persons from the vulnerable groups, celebrities and politicians who are committed to equality. In these kinds of activities there is a need to have a good spokesperson representing the equality body who can demonstrate engagement with the media as a champion of equality and non-discrimination. Also, peer-to-peer discussions and experience sharing can be facilitated both online (forums) and offline (testimonials after successful cases that can be used in communicating with other victims).

In 2010 the Austrian Ombud for Equal Treatment started to publish one real real-life case per month on its website²¹. Every case has an eye catching title followed by a short summary of the facts. Then a link can be accessed to find a longer description of the situation, the counselling process of the Ombud and a (usually legal) analysis of the case.

In order to show the whole variety of cases of discrimination, the Ombud tries to cover all different grounds and fields of discrimination within a year.

The main aims of this still on-going project are the following:

- *to encourage persons who experienced similar situations to turn to the Ombud*
- *explaining what discrimination means by telling a real life story*
- *explaining what the Ombud can do by telling a real life story*

²¹ Available only in German at <http://www.gleichbehandlungsanwaltschaft.at/site/6881/default.aspx>

- create a compilation of cases on the website over the years
- create a compilation of solutions found/agreements reached by the Ombud in different cases of discrimination

The cases of the month are available on the website of the Ombud and are also part of a newsletter.

In 2010 the Centre for Equal Opportunities in Luxembourg organised a series of evening round table discussions on different discrimination grounds and areas where discrimination is particularly prevalent which received significant press coverage thus providing additional publicity for the centre and allowing the general public and policy-makers to receive an in-depth and personalised view of the forms of discrimination covered.

The Slovenian Advocate of the Principle of Equal Treatment cooperated with a weekly law journal (*Pravna Praska*), which published summaries of the opinions of the Advocate along with summaries of judgments of national and international courts.

Coordination and collaboration of civic and academic societies, trade unionist and control mechanisms to the pursuit of common communication policies and sharing of communication tools in this particular field.

The Cypriot Commissioner for Administration co-organised with an NGO a multi-cultural Rainbow Festival in 2005, while in 2010 it financially supported the production of a theatre play concerning discrimination, organised a seminar to train union members on anti-discrimination legislation in the field of employment, and trained police officers of different ranks and in all districts to better recognise and properly record racist incidents or crimes.

In Romania the National Council for Combating Discrimination ran a campaign called 'Racism spoils the game. Violence destroys lives.' At the beginning of important football games, players and referees wore t-shirts with the campaign's slogan.

Teaching and building young people's confidence from the beginning

In 2010, the Centre for Equal Opportunities in Luxembourg developed a flyer aimed at young people to show them how discrimination can take place on the Internet. Designed with two other partners, one active in the field of youth and the other active in taking civic action against illegal content on the Internet, this flyer is full of meaningful pictures which show the quick deployment from a stereotype to discrimination. It explains that discrimination is illegal, even on the Internet, which types of discriminations are covered by the law, which sanction can be imposed and which institution to turn to for information.

Chapter 5

Dimitris Hormovitis
Greek Ombudsman, Greece

Communication to build a culture of rights in society

Living with “others” in any given society is a situation which is regulated by certain rules and behaviours, that can be taught and cultivated. If this is successfully accomplished the result is a composition of **an overall culture of attitudes and values of recognition and respect of the rights of the other which secures a harmonious coexistence**. A social education which sets as a target the growth of such a culture of respect of human rights would definitely use communication as its primary tool. Nevertheless, the communication which originates from an equality body cannot be a remedy for all, when it comes to successfully cultivating a culture of rights.

Objectives

What an equality body may aspire to do is to use its communication tools in order to contribute to a social dialogue that will lead to achieving certain objectives. These **objectives** may differ according to the socio-political situation of each country, but basically their content may be:

- **To successfully advocate** an overall civilisation of rights protection in each country. This entails raising public awareness, reflecting on its experience/case load and producing data on human rights violations, thus providing the means for civic society that will enable it to participate actively in building a culture of rights.
- To **generate confidence** among the general public that there is an efficient and effective institutional network for the protection of their rights.
- To assist to the creation of **a society that does not fear difference**.
- To **reverse tensions** in societies to move away from ecumenical values, such as equality, social justice, protection of the weak, etc.

Challenges and Practices

In the way of achieving these objectives an equality body will be facing a variety of challenges. Some common **challenges** along with the corresponding **practices** used for their resolution by the Equinet member institutions are presented below:

- **Supporting rights in times of crisis**. We may observe that in a difficult economic environment our societies are not as prone, as they used to be in the past, to embrace the messages emitted by an equality body. The example presented by Greece shows a sharp turn of a large section of the society against minority protection policies and rights

discourse, especially those policies which could be seen as "preferential treatment" or positive measures in favour of vulnerable groups e.g. Roma housing projects, Muslim minority university admittance quotas, etc. In 2010-11, a Greek Ombudsman's anti-discrimination campaign was criticised for overemphasizing the rights of ethnic minorities "as opposed" to the rights of the economically strained majority of the population. Following that, a slight strategy shift of the communication emphasis of this institution has been marked. Currently there are efforts to communicate more also on discrimination acts associated with other grounds of discrimination such as gender and disability.

The [Swedish Equality Ombudsman](#) has suggested that an effective way to challenge this criticism may be given through a scheme of long term dialogue with civic society organisations. The Swedish equality body applies such policy aspiring to sustain a constant drive to a Swedish society with culture of rights.

- **Doing campaigns with less, or no money.** In time of scarce financial means equality bodies are bound to resort to synergies, with other civil society organisations or NGOs, and voluntary contributions, in order to implement their communication strategies. Amongst Equinet member institutions there were reported several successful examples of effective activities, that can be duplicated by others: the Italian equality body, for example, has had an equality message carried in millions of shopping bags, utilising the principle of corporate social responsibility, while its Portuguese counterpart has used citizen flash mob type activities, organised in cooperation with NGOs and athletic associations, in order to convey its messages to the wider public.
- **Connecting project based activities with the overall communication strategy of the institution.** The challenge here is to secure external funding by identifying available sources (primarily of EU programs) and undertaking those projects that are better suited for the materialisation of our goals. Some equality bodies have pointed out that their entire programming communication activities are related to the annual allocation of EU project funds. Although the funds of EU "[Progress programme](#)" are the most popular amongst equality bodies, since these are thematically directly connected to the communication activities with an anti-discrimination objective, there are several other EU programs that have research, publicity or communication components that could also be utilised to promote equal treatment and antidiscrimination purposes. Amongst other these could be the [European Social Fund](#), resources which are managed by EU states and regions like other EU structural funds and potential and partnerships with the Fundamental Rights Agency. These types of programs are focusing on human rights protection, gender equality, integration of migrants and refugees, as well as with funds of illegal immigrants return to their country of origin, and institutional twinning modules et.al. Focusing our energy on the most efficient funding solutions is not only time saving but also helps avoid the emission of conflicting messages to the public. For the purpose of formulating the best approach on this issue a close internal cooperation between an institution's communication and project units is imperative.
- **Effective use of the media:** In connection with the aforementioned it is noted that the overuse of mass communication may have a negative effect for our purposes, meaning that there could ensue a diminishing effect of the real impact of our message, especially if that message becomes "banal"-ised. The overexposure of a message makes it too commonplace, thus invisible or irrelevant to the general population. Such avoidable examples are the ones which promote simplistic messages, such like "say *no to*

discrimination”, which play over and over again on TV and Radio, in postcards and leaflets, or even more in pens and t-shirts, without any diversification in regards to specific discrimination acts or supportive material. Since the choice of the medium adds certain properties to the message, a successful media strategy always entails a detailed planning of mixture of media means and correlation with specifically targeted audiences.

- **Facilitate contacts with the civil society.** Making an equality body more transparent and accessible to civil society members may produce positive outcomes as regards to the body’s outreach and its visibility, while it may have a lasting effect in developing a “culture of rights”. Obstacles may rise from time to time, in the form of malicious criticism by other social institutions. However such reactions may make us more aware of local needs and priorities, when we are striving to encourage NGOs and related organisations to become active advocates of human rights protection at the grassroots level. Promoting such a tight network for rights protection offers an assurance to potential victim of discrimination that they are not alone. In that manner most Equinet member institutions are cultivating thematic networks at national or local level with rights-related organisations and NGOs, assisting each other on human rights advocacy issues and exchanging information and experiences. Several equality bodies are also organising training workshops based on their accumulated knowledge, their case studies and practical experience.
- **Trying to avoid using extrinsic values as reward when pursuing intrinsic values.** Our instinct when preparing promotion of equality campaigns is, very often, to explain the benefits of supporting equality in a utilitarian or “extrinsic” sense. Thus we may take advantage of the appeal to values that are centred on external approval of rewards. For example, arguing that what is good for the environment is also good for business. In this example the protection of the environment – an intrinsic value – is framed as a by-product of the successful pursuit of an extrinsic value, i.e. business. Appealing to intrinsic values is admittedly more difficult for campaign organisers but it seems to be a more direct route to where we want to go.
- **Battle with linguistic conformity and political correctness.** Words matter, as each one is invested with different connotations by various groups. Before addressing an issue, various controversial viewpoints need to be taken into consideration for a balanced result. For example, collecting and presenting data based on race or ethnic background when discussing school success rates may be a good tool for any educational policy, but this public reference can easily be perceived by some groups as a categorisation of human intellect based on genetically inherited characteristics.
- **How to address and combat fear of the other.** This is a basic issue in today’s changing and multicultural world. For an equality body’s communication policy to condemn xenophobia appears to be an easy task. In such an effort emphasis is normally placed on the development of stronger anti-discrimination policies, on media promotion of cases won and on court decisions which seem to be punishing “aggressors” who usually belong to the perceived majority group. Addressing however the real fears of people belonging to that perceived majority population, such as the loss of identity, the loss of their perceived “national purity”, and/or of their lack of a sense of public safety, is a much more demanding task. In this direction a central motto that equality bodies can employ is “*Diversity should be celebrated*”.

- **Find the right way for addressing hate speech.** In connection with the aforementioned, the pure legalist approach of seeking court remedies against expressions that vilify persons or groups, on the basis of colour, ethnicity, race, religion, sexual orientation etc, may not always emit the right messages to the general public. In addition there is always the debate of how this protection coexists with the basic rights of freedom of speech. It was suggested that communicators need to get down to the field where the other players are playing (police courts, journalists, politicians). Media monitoring is essential in order to identify manifestations of discriminatory speech towards racial, ethnic, religious, sexual minorities etc. Workshops to support capacity building for journalists and public awareness-raising campaigns conducted through public debates, radio programs and published articles, are some of the remedies suggested. Another goal would be to make policy recommendations directed to decision-makers.
- **Should we enter an argument or help other advocates?** Using an intermediate approach, an equality body may focus on empowering other organisations becoming active advocates at the grassroots level. An example in that direction was offered by the Irish equality body, which has successfully helped establish "diversity champions" within the Irish police force.

In conclusion, from the above mentioned ensues that the strategies developed by equality bodies as far as their communication goals are concerned should always take into account the existing circumstances of their particular socio-cultural and politico-economic environment and attend to the basic intrinsic values they wish to foster in their society. They can achieve this by producing messages and utilising media techniques which would engage people to take an active role in seeing themselves as members of a society which includes "others" in a harmonious whole.

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Equinet member organisations

AUSTRIA

Ombud for Equal Treatment
www.gleichbehandlungsanwaltschaft.at

BELGIUM

Centre for Equal Opportunities & Opposition to Racism
www.diversite.be and www.diversiteit.be

BELGIUM

Institute for the Equality of Women and Men
<http://figym-iefh.belgium.be>

BULGARIA

Commission for Protection against Discrimination
www.kzd-nondiscrimination.com

CROATIA

Office of the Ombudsman
www.ombudsman.hr

CYPRUS

Office of the Commissioner for Administration
(Ombudsman)
www.ombudsman.gov.cy

CZECH REPUBLIC

Office of the Public Defender of Rights
www.ochrance.cz

DENMARK

Board of Equal Treatment
www.ast.dk

DENMARK

Danish Institute for Human Rights
www.humanrights.dk

ESTONIA

Gender Equality and Equal Treatment Commissioner
www.svv.ee

FINLAND

Ombudsman for Equality
www.tasa-arvo.fi

FINLAND

Ombudsman for Minorities
www.ofm.fi

FRANCE

Defender of Rights
www.defenseurdesdroits.fr

GERMANY

Federal Anti-Discrimination Agency
www.antidiskriminierungsstelle.de

GREECE

Greek Ombudsman
www.synigoros.gr

HUNGARY

Equal Treatment Authority
www.egyenlobanasmod.hu

HUNGARY

Office of the Commissioner for Fundamental Rights
www.ajbh.hu

IRELAND

Equality Authority
www.equality.ie

ITALY

National Office against Racial Discrimination - UNAR
www.unar.it

LATVIA

Office of the Ombudsman
www.tiesibsargs.lv

LITHUANIA

Office of the Equal Opportunities Ombudsperson
www.lygybe.lt

LUXEMBURG

Centre for Equal Treatment
www.cet.lu

(FYRO) MACEDONIA

Commission for the Protection against Discrimination
www.kzd.mk/mk/

MALTA

National Commission for the Promotion of Equality
www.equality.gov.mt

NETHERLANDS

Netherlands Institute for Human Rights
www.mensenrechten.nl

NORWAY

Equality and Anti-Discrimination Ombud
www.ldo.no

POLAND

Human Rights Defender
www.rpo.gov.pl

PORTUGAL

Commission for Citizenship and Gender Equality
www.cig.gov.pt

PORTUGAL

Commission for Equality in Labour and Employment
www.cite.gov.pt

PORTUGAL

High Commission for Immigration and Intercultural Dialogue
www.acidi.gov.pt

ROMANIA

National Council for Combating Discrimination
www.cncd.org.ro

SERBIA

Commission for the Protection of Equality
www.ravnopravnost.gov.rs

SLOVAKIA

National Centre for Human Rights
www.snsip.sk

SLOVENIA

Advocate of the Principle of Equality
www.zagovornik.net

SPAIN

Spanish Race and Ethnic Equality Council
www.igualdadynodiscriminacion.org

SWEDEN

Equality Ombudsman
www.do.se

UNITED KINGDOM - GREAT BRITAIN

Equality and Human Rights Commission
www.equalityhumanrights.com

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