

Regional development of anti-discrimination advisory services

Experiences from the implementation
of advisory services and results on
the identification and tackling of
discrimination

REGIONAL DEVELOPMENT OF ANTI-DISCRIMINATION ADVISORY SERVICES

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results on the identification and tackling of discrimination

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Equality is Priority (YES) is a joint project by government, authorities and organisations representing different groups in danger of discrimination. The aim of the project is to promote non-discrimination and equal opportunities. The project is implemented by the Ministry of the Interior, the Ministry of Employment and the Economy, Defence Command Finland and the Finnish Sámi Parliament and organisations and advisory boards representing persons in danger of discrimination. For further information, please visit www.yhdenvertaisuus.fi.



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To the Reader

Equal rights to receive advice in cases of discrimination are not always realised. For the purpose of preventing discrimination, it is important for authorities and service providers to ensure that their own activities are in keeping with the principles of equality and that they are capable of recognising and intervening in discriminating behaviour. At the end of 2009, the Office of the Ombudsman for Minorities launched a pilot project to test models of different types of advisory services and to lay the foundation for the provision of anti-discrimination advisory services throughout Finland.

The idea and goal-setting for the regionalisation of anti-discrimination advisory services project originated from client work experiences at the Office of the Ombudsman for Minorities and from development needs identified in the work of the Ombudsman for Minorities. For the purposes of the project, the anti-discrimination advisory services are intended for individuals represented by any of the grounds of discrimination prohibited by the Non-Discrimination Act. These grounds of discrimination prohibited by law include age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. Even though the duties of the Ombudsman for Minorities are limited to the prevention of ethnic discrimination and advisory services provided to victims of ethnic discrimination, the Ombudsman for Minorities has in this specific project created advisory services and networks that cater to the needs of individuals representing all groups discriminated against.

The provision of anti-discrimination advisory services also constitutes preparation for the forthcoming amendment to the Non-Discrimination Act, in which a monitoring role will most likely be suggested for the Ombudsman for Minorities that would cover all of the grounds of discrimination mentioned and forbidden in the Non-Discrimination Act. The work done at present consists of networking, providing and receiving training, developing service structures and ensuring the continuation of functional communications between the Ombudsman for Minorities and the regional advisory services and networks. The need to obtain legal protection for persons affected by grounds of discrimination other than ethnicity is visible in society. Organisations that encounter individuals experiencing discrimination often highlight the need for the individual to receive protection with respect to all grounds of discrimination. Currently, ethnic minorities as a group enjoy stronger protection in society and the duties of the Ombudsman for Minorities currently also focus on protecting their interest.

The regionalisation of anti-discrimination advisory services is part of the Equality is Priority (YES) project that has obtained funding from the European Union's PROGRESS programme (2007–2013) promoting employment and social solidarity. The project was implemented between 1 November 2009 and 30 November 2011. The models for providing advisory services tested in the project have been developed and selected. For example, during the term of the YES4 project, two forms of municipally-organised anti-discrimination advisory services were established: regional cooperation and services purchased externally. Planning Officer Päivi Okuogume from the Office of the Ombudsman for Minorities has acted as Project Manager for the project. In this report, Okuogume describes models for anti-discrimination advisory services produced as a result of the development work carried out in the project and, drawing on the results of two inquiries, offers tools for authorities and non-governmental organisations (NGOs) to identify discrimination, intervene in discrimination and provide victims of discrimination with the necessary help and support. The work done to date to develop advisory service models has created a solid foundation for continuing the development work in cooperation with different actors.

Helsinki 26 October 2011



Eva Biaudet
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Summary

The provision of advisory services and support for victims of discrimination is inconsistent, depending on the actor and the municipality in question. There is therefore considerable variation in the realisation of the right of a victim of discrimination to receive adequate advice. National supervisory bodies such as the Ombudsman for Minorities and the Ombudsman for Equality have the authority to intervene in discrimination. The authority of the Ombudsman for Minorities covers intervention in ethnic discrimination only. The Ombudsman for Equality is authorised to tackle discrimination between men and women. On the local level, advisory services are available from municipal service points, such as immigrant advice centres, the municipal social welfare ombudsman, employment services and, on occasion, non-governmental organisations (NGOs), depending on their resources. The amount of professional-level advisory services provided to victims of discrimination and offering comprehensive regional coverage, however, remains very small in Finland.

Recognising discrimination is essential for the provision of the right kind of advisory services. The problem with identifying discrimination can be described on at least two levels. Individuals do not always recognise that they have been discriminated against, but view the experience of discrimination as something that they have become "accustomed to" and thus no longer react to it. Fearing the consequences that may result, the individual is afraid to pursue the matter, cannot identify the correct means of doing so, does not receive the necessary support and advice to identify the experience as discrimination and pursue the matter further, lacks the will to pursue the matter (is "accustomed to" negative experiences) or does not even realise that the experience might constitute discrimination, i.e. does not identify discrimination. It would be beneficial for persons who have experienced discrimination or inappropriate treatment to have the opportunity to discuss their experiences with an advisory service employee in order to help them form an understanding of whether or not the experience in fact qualifies as discrimination. In some cases it may not be a matter of discrimination, but, for instance, poor service.

Another problem associated with identification is the ability of authorities to identify discrimination and their willingness to tackle it. The results from a survey targeted at authorities and carried out during the project on regional anti-discrimination advisory services prompt the conclusion that authorities have very few dealings with matters concerning discrimination and their ability to recognise discrimination is lacking. The concept of non-discrimination is relatively unfamiliar to the authorities. In addition, structural flaws or structural discrimination can be detected in the practices of the authorities. Based on

the results of the inquiry, it is difficult to determine which authorities were the most enlightened in matters concerning discrimination, but according to the results, the authorities most commonly faced with issues to do with discrimination were the occupational safety and health inspectors of the Regional State Administrative Agency.

A second survey carried out in the course of the project was aimed at regional NGOs. The results of this survey differ notably from the conceptions held by the authorities regarding discrimination. There are clear indications that the NGOs seem to have the ability required to provide advisory services and support: adequate instructions are provided to staff, networks have been developed between the organisations, and communications are functional. The organisations have become familiar with discrimination as a phenomenon through grass-root level work carried out with individuals. They are also relatively adept at directing the victims to the relevant actor in society. People seem, therefore, to be willing to independently approach NGOs with their problems and have confidence in these organisations' ability to provide advice and support. The organisations seem to function as low-threshold contact points.

A municipality, however, has the responsibility to provide all residents with an equal level of services and to provide conditions in which everyone has equal opportunities for action. Under the Non-Discrimination Act, the authorities must, in all they do, seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision-making. In particular, the authorities must alter any circumstances that prevent the realisation of equality. This perspective has had a strong impact on the development work of regional advisory services.

The conclusion that there is a clear need for anti-discrimination advisory services can be drawn on the basis of the results from the surveys targeted at authorities and NGOs. According to the results, authorities are often unaware of where to direct a person who has experienced discrimination. This raises the question: if the authorities are not able to identify discrimination, then what chance does the individual have of understanding that he or she has been discriminated against or of finding the support and advice they need to deal with their negative experience?

The development work has yielded three functional models, rooted in the structures of society, for producing anti-discrimination advisory services. In the future, Victim Support Finland will provide advisory services at the national level, coordinated by its seven regional offices. The City of Tampere

is planning to purchase expertise for the provision of advisory services from non-governmental organisations, and the subregions of Southern Kymenlaakso will include the advisory services as part of their regional equality plan. All of the models for the advisory services have started out in the form of experiments, but have proved functional, professional and worth developing further. The current models have been developed in cooperation with service providers, which has helped to create a needs-based advisory service adapted to the operations of the organisation. Such services are more functional than those based on identical replicates of a single model.

After the termination of the project, the Ombudsman for Minorities will continue to cooperate with the regions to further develop the service models. The greatest challenge will be ensuring a sufficient level of accessibility for the service and directing clients to the service through active communications. The advisory services also aim to distribute information on discrimination more broadly in their respective regions. The Ombudsman for Minorities will continue to network and promote the organisation and development of regional advisory services in interaction with municipalities and different authorities, national non-governmental organisations and different actors in the regions where the advisory services are currently provided. Education and training will play an important role in the distribution of information related to discrimination.

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1. Introduction

1.1 Identifying and tackling discrimination

Compared to the Criminal Code, the Non-Discrimination Act provides better opportunities for tackling discrimination, particularly in cases where the discrimination is unintentional. According to the burden of proof rule in the Non-Discrimination Act, a person who has experienced discrimination is not required to unequivocally prove that discrimination has occurred. Part of the burden of proof is placed with the defendant (the person suspected of discrimination), who must prove that he or she is not guilty of discrimination.

How can an individual tell if they have experienced discrimination? How can they tell if a case is worth pursuing? Incidences of discriminating treatment can have an emotionally damaging, or worse, impact on the recipient. Frequent discriminating treatment can also have a lasting impact on the person's self-esteem and even lower their functional capacity. Eventually, the person may even begin to 'accept' the discriminating treatment and no longer have the will to confront the issue. People often also have little faith in their chances of getting compensation for themselves and punishment for the person guilty of discrimination. Crossing the threshold for reporting discrimination can be very difficult for the reasons stated above. According to research, a large number of discrimination cases are left unidentified and unreported. Perhaps the greatest challenge in tackling discrimination lies in identifying discrimination. In order to cross the threshold for seeking help, a person must first be aware of having experienced discrimination.

From the viewpoint of society, the responsibility of the authorities and NGOs to advise and guide individuals who have encountered discrimination and to inform citizens about the service through different channels plays a crucial role. Citizens must be provided with a network of advisory services that makes it easier to seek help. In order to rectify discrimination situations and to prevent further cases of discrimination, ensuring that the need of individuals is met with the right kind of advice and help is absolutely essential. The advisory services should provide answers to the following questions: Pursuant to current legislation, has discrimination occurred? Can anything be done about the matter? Who should the person turn to in the matter? What other support is available?

In addition to providing individuals with a clearly identifiable service that they can turn to after having experienced discrimination, it is also important to increase the capability of the authorities to identify and

intervene in discrimination. The authorities themselves are not always aware of the functional mechanisms for tackling discrimination, however. In addition, laws prohibiting discrimination and the interrelations between these laws often also cause confusion among the authorities. The different actors in society have the responsibility to intervene in discrimination and help different minority groups that have encountered discrimination and inappropriate treatment. Most importantly, attempts should be made to remove discriminatory structures as a preventive measure and promote good relations and networks that can be used to help the individual overcome the experience of discrimination. Support for victims of discrimination must be easily available.

In order to identify discrimination and develop advisory services, information on discrimination and its occurrence at the regional level is needed. Collecting such information is difficult, as comprehensive information on discrimination is almost impossible to obtain. Information on discrimination obtained through the regional advisory services can, however, be utilised at least to support the work done to promote equality in the region. Functional reporting to the Ombudsman for Minorities also offers a perspective on the amount of discrimination occurring in each region and aspects such as which minority groups have the highest level of awareness in terms of identifying and reporting discrimination.

1.2 Prior research on developing anti-discrimination advisory services

The Ombudsman for Minorities has implemented two prior studies on anti-discrimination advisory services in Finland. The studies focused on the development of advisory services against ethnic discrimination and the provision of anti-discrimination advisory services in municipalities. One of the conclusions from the research projects was that providing anti-discrimination advisory services and offering support and guidance in matters concerning discrimination should be the responsibility of the municipality. The advisory services should be incorporated in the equality plans of municipalities. The research focused exclusively on the area of responsibility of the Ombudsman for Minorities, i.e. the prevention of ethnic discrimination, meaning that the perspective in the studies was narrower compared to the regionalisation project described in this report.

The reports mainly focus on examining discrimination situations that had already taken place and the related need for advisory services as well as the development of methods used in the provision of the services. The reports do not place great emphasis on the preventive or advocacy work or communications

carried out by the advice services. The responsibility for arranging the advisory services should always be placed with an appointed individual or unit. The contact person functioning as the coordinator of the advisory services in the municipality would also be the party responsible for the development of the services.

The previous work carried out by the Ombudsman for Minorities with the aim of developing anti-discrimination advisory services also shares many similarities with the current development work, and the previous reports serve as a good foundation for the development of the current models. One of the recommendations of the prior reports is that the provision of the advisory services in the municipality should be incorporated as part of equality planning. In addition, the results state that cooperation to develop the services should be constructed between NGOs and the authorities. These recommendations are also part of the current work to develop regional anti-discrimination advisory services.

The modelling work carried out in the development project described in this report accounts for all grounds of discrimination prohibited in the Non-Discrimination Act. In the current development project by the Ombudsman for Minorities, the emphasis is on overall prevention of discrimination and the promotion of equality. This means that the work done in the context of the regional anti-discrimination advisory services also creates space for activities related to advocacy work, education and training and the provision of information. This way, the existing resources are utilised to their maximum effect, the awareness of individuals regarding their rights is increased, and people who have encountered discrimination are able to locate and utilise the services more effectively. The aim is also to promote the ability of the authorities and different actors to identify and tackle discrimination. In addition to helping victims of discrimination, the staff of the advice service also have a role as local 'antenna', monitoring the equality situation in their local area.

The previous research projects did not carry out practical work to test the functionality of the advisory services. The aim of the projects was to create an operating model based on interviews, administrative structures in place at the time and a survey targeted at municipalities regarding the need for the advisory services. The current development work has involved active cooperation with different actors to develop the models and establish them in the pilot municipalities. In addition to theoretical development, the models have also been tested and built over the course of two years.

1.3 Aims of the report

The purpose of this report is to

- examine the ability of authorities to identify and intervene in discrimination,
- provide information from the viewpoint of non-governmental organisations on identifying discrimination and directing victims of discrimination to the correct authorities,
- describe the characteristics of a functional anti-discrimination advice service,
- assess the results of the project on regional advisory services and the functionality of the services and describe the models for advisory services created as a result of the regionalisation work,
- discuss the work done to regionalise anti-discrimination advisory services in the Office of the Ombudsman for Minorities between 2009 and 2011
- provide recommendations and propose measures for future development of regional anti-discrimination advisory services.

Chapter two discusses two inquiries conducted into discrimination and the provision of anti-discrimination advisory services by authorities and non-governmental organisations in the target regions of the development project. The first inquiry, in the form of a survey targeted at authorities, was implemented by Referenssi Oy and commissioned by the Ombudsman for Minorities. The second inquiry, a survey targeted at NGOs, was implemented by the Office of the Ombudsman for Minorities. More specific background information on the surveys is presented in Appendices 1 and 2.

The development project included testing of different models for implementing regional anti-discrimination advisory services, and experimentation with methods of collecting comprehensive information on discrimination in Finland. The aim of this report is to provide a comprehensive account of all information obtained on the development of regional anti-discrimination advisory services. The operating models for the implementation of regional anti-discrimination advisory services tested in the course of the project are presented in this report. The models for the advisory services and their evaluation are presented in Chapter 3. A description of the development project is included as Appendix 3 to the report.

In the future, the service model development must incorporate the key characteristics of a successful and high-quality anti-discrimination advice service. These key characteristics are discussed in Chapter 4. The chapter also explores the functionality of the advisory services tested as well as the

challenges and successes associated with them. In the final chapter, Chapter 5, we draw conclusions based on the project, offer recommendations and consider the future duties of the Ombudsman for Minorities with respect to developing the advisory services.

The report is targeted primarily at municipal authorities and regional and national non-governmental organisations and other authorities and parties involved with anti-discrimination advisory services and the promotion of equality

2. Inquiries to regional authorities and non-governmental organisations on the identification and tackling of discrimination

In September 2011, an inquiry was conducted to assess the equality status and the identification and tackling of discrimination in the target municipalities of the regionalisation project. The inquiry was implemented in two parts. Firstly, upon commission by the Ombudsman for Minorities, Referenssi Oy implemented a survey among regional authorities concerning their capacity to identify discrimination, methods of tackling discrimination and the realisation of equality and equality planning. The survey was implemented as a qualitative interview study. The material described in Section 2.1 was produced by representatives of Referenssi Oy, who, upon commission by the Ombudsman for Minorities implemented the survey targeted at authorities. A more detailed description of how this inquiry was implemented is presented in Appendix 1 of this report.

Secondly, the Ombudsman for Minorities implemented a corresponding inquiry in the form of a survey of non-governmental organisations in four municipalities. The survey was implemented through an online questionnaire distributed via a webropol email link. The NGOs were asked about the ability of the authorities in the region to identify discrimination, tackle discrimination and direct persons who had encountered discrimination to the right actor in society. The NGOs were also asked about contacts they had received concerning discrimination and their own ability to identify discrimination and provide advice to victims of discrimination. More specific information on the inquiry targeted at non-governmental organisations is presented in Appendix 2.

The results of the inquiries

- chart the need for advisory services at the regional level
- show that the means to tackle discrimination are not always easily identified even by authorities, and are not used to the necessary degree
- draw attention to the difficulties in internalising the concept of non-discrimination and adopting equality planning among authorities
- present the views of NGOs on the ability of regional authorities to tackle discrimination
- highlight the hopes of the NGOs with reference to promoting equality and eliminating discrimination within the target regions as well as the capability of non-governmental organisations to act in combating discrimination.

2.1 Inquiry targeted at the authorities

The difficulty of defining discrimination

More than half of the interviewed public officials defined discrimination correctly in the following way: discrimination occurs when a person is treated wrongly or differently to others on certain grounds related to aspects such as race or age. The definitions offered by the interviewees varied somewhat, as is evident in the following examples: “Discrimination is, of course, when someone, based on language, religion, race, sexual orientation, age or something like that, is treated differently to others, because of those things”; “Discrimination is when a person is discriminated against based on belonging to a certain group or background. It can happen in different ways, you can discriminate against someone based on language or culture. It depends on the case, it is quite a broad concept, discrimination.”; “Discrimination is something that can be directed at anyone, it can be based on religion, race, sexual orientation or anything else; sort of disregarding somebody in some way”. Similar definitions to the above were given by interviewees representing several authorities, including both school principals, a lawyer from the Regional State Administrative Agency, a lawyer in charge of equality planning, social and welfare ombudsmen and employees from an immigrant advice centre.

However, for some, defining discrimination required thought or was felt to be difficult: “Discrimination in itself is difficult to define, a bit like bullying in school; basically if a person feels they have been discriminated against, it should be considered and handled as discrimination”; “It means almost any kind of different treatment, I can’t really give you a definition off the top of my head, but it’s basically differential treatment based on some personal characteristic.” One interviewee, after lengthy consideration, gave the following answer: “It’s treatment that is based on colour or race or something else, you could perhaps say that something is done or left undone in an abusive way.” One respondent referred to the availability of services as a key element in discrimination: “I suppose you could say that everyone must have an equal right to services and no one should be placed in weaker position or treated differently for any reason.” One of the respondents was unable to define discrimination. This was possibly due to the person’s limited Finnish language skills.

The definition and occurrence of discrimination also depends on the individuals assessing the situation. The views on discrimination voiced by the school principals interviewed are a good example of this. According to one principal, no discrimination occurs in their school, but pupils of a foreign background can

be targeted in instances of bullying among pupils. The other principal classified bullying and insulting behaviour as discrimination, stating that discrimination occurred among pupils in the school in the form of name-calling, criticising, bad-mouthing and even hitting and shoving. This principal also considered social exclusion as a form of discrimination. “Discrimination is also when a child is not included in the group, when someone is not as welcome to join the game as someone else.”

Personal attitudes also led to discrepancies between personal definitions of discrimination and the definition given in the Non-Discrimination Act. This was the case, for example, when persons belonging to the majority population claimed discrimination based on services being made available to minorities but not to them. One public official stated, for example, that he probably deals with around 150 to 200 cases each year in which a client mentions the word discrimination, and yet all of these are cases of persons belonging to the majority population experiencing discrimination in relation to a minority. According to the interviewee, members of the majority population often claim that it is easy enough for “blacks and drunks” to obtain services, whereas this is not the case for the majority of people. The interviewee also stated that if the staff were to begin interpreting what constitutes discrimination under the law, they would not be able to come up with a single case, as merely determining what constitutes discrimination is so difficult.

Even among the authorities, discrimination referred to in the Non-Discrimination Act was in some cases understood incorrectly, as certain public officials also felt discriminated against by minority groups. One such interviewee mentioned having considered reporting an offence after becoming the target of discriminating and inappropriate insults from a person with an immigrant background in a recruitment situation. From the client perspective, receiving poor service was often confused with discrimination.

The hidden nature of discrimination

Based on the interviews, the representatives of the authorities receive hardly any direct reports of discrimination. The interviewees considered the reason for this to be people’s inability or unwillingness to report incidents, for example, because they experience discrimination as shameful or are afraid that filing a report would result in negative repercussions. An exception to this is the Occupational Health and Safety Division of the Regional State Administrative Agency, which is responsible for monitoring compliance with statutes governing discrimination in working life and handles cases of discrimination.

The rarity with which discrimination cases are reported is illustrated in the following example. One interviewee, who had worked as a police officer for five years, stated that they had never received a single report of discrimination, but that they could, however, recall one incident where someone had reported being refused entry to a restaurant, but the case was not pursued. The two possible interpretations of this account are that the interviewee either did not know what discrimination is or did not recognise elements of discrimination in the case that they described. According to another interviewed police officer, claims of discrimination do arise from time to time. “We do come across claims of discrimination to some extent, where an individual feels they are being treated differently to the rest of the population, but they’re often just allegations. They probably don’t hold much water, but it’s difficult to tell of course, as my position consists of administrative duties only. But yes, they do come up sometimes.”

Many of the public officials interviewed were of the opinion that discrimination is not necessarily recognised. This was highlighted particularly in discussions with persons working with immigrants. According to the interviewees, immigrants are not always familiar with the meaning of the term discrimination. If they have trouble with workplace discrimination or problems getting paid due to their ethnic background, they are often unaware of the fact that this constitutes discrimination. In addition, they often do not know how to seek help. Many are also afraid of the authorities and feel at a loss when faced with forms to fill in, as they do not understand them. One interviewee stated that immigrants are left to their own devices in these cases, as they simply do not know how or where to seek help. Another interviewee stated that discrimination also takes place between minorities, as “people from one country discriminate against people from another country.” This discrimination is manifested through speech and an unwillingness to interact with people from the other country. Working with immigrants thus involves situations where discrimination is discussed, but incidences of the authorities being contacted on account of discrimination are extremely rare.

The group most active in reporting discrimination to social and welfare ombudsmen were the Roma. The most common discrimination complaints by Roma were related to housing (which does not fall within the jurisdiction of social and welfare ombudsmen). Some Roma had also reported discrimination in relation to social assistance, but these claims were, according to the social and welfare ombudsmen, without foundation. In the words of one social welfare ombudsman: “I didn’t see any evidence of that in the cases.” According to the interviewees, senior citizens have also made references to discrimination with respect to being led to understand that their medical treatment is not

worthwhile due to their advanced age (these matters fall within the jurisdiction of the patient ombudsman). As regards other minorities, just two or three complaints were reported to have been made during the last ten years by people belonging to sexual or gender minorities based on negative treatment, for example due to being a lesbian couple.

None of the interviewed patient ombudsmen had been contacted by clients directly complaining of discrimination. One patient ombudsman had, however, received several complaints in which references to age discrimination were made. In these cases the elderly had felt that they were not being treated due to their advanced age. The patient ombudsman deemed it impossible to verify such claims. Some also stated that the clients' experiences of discrimination may have very little credibility and may, in the end, turn out to be due to some other underlying issue, such as mental problems.

The Occupational Health and Safety Division of the Regional State Administrative Agency was the only authority included in the inquiry to have handled actual cases of discrimination. Discrimination cases related to working life at the Regional State Administrative Agency for Western and Inland Finland, for example, can be initiated 1) by clients, where the clients themselves contact the Occupational Health and Safety Division of the agency, or 2) by the authorities based on inspections of workplaces that have foreign employees. These inspections often yield evidence of salary discrimination against foreigners. The number of cases per year amounts to several dozen, of which only about ten are reported to the police as a workplace discrimination offence. In these cases, the employer has not complied with instructions from the Regional State Administrative Agency or a demand to abolish the discriminatory difference in salaries. In most cases, the matter is not reported to the police due to the difference in salaries being very small. Instead, the Regional State Administrative Agency will simply issue instructions to the employer regarding proper practice.

In addition, some discrimination based on health is also detected. This is generally associated with the termination of an employment relationship. The Regional State Administrative Agency has a nationally centralised helpline for matters related to employment relationships, which receives dozens of calls every day. At the State Regional Administrative Agency for Western and Inland Finland, official reports are filed based on about 20 of these client-initiated contacts. In these cases the authorities have, based on telephone contact, discovered that a law may have been contravened, and the client is instructed to submit a request to the Regional State Administrative Agency for further investigation of the matter.

Pursuing matters involving discrimination

In the work of the interviewees, very few matters concerning discrimination were raised through direct contact from clients. With the exception of the Regional State Administrative Agency, the interviewed authority representatives virtually never file written reports, issue reminders or verbally report on cases of discrimination or pursue matters concerning discrimination. In some rare cases involving criminal matters, clients had been encouraged to go to the police and report the offence. In other rare cases, clients had been instructed to consult the Ombudsman for Minorities, but even in these cases the interviewed officials had no knowledge of subsequent developments in the matter. One interviewee who had been working with immigrants for years reported having, on a single occasion, complained to a client's employer regarding discriminating behaviour following a case of employees with a foreign background being told openly and insultingly to "go back to their own country". The employer apologised for the matter but claimed that, as three months had passed since the incident, it was no longer possible for him to find out exactly who was responsible.

Some of the interviewees concluded that even though cases of discrimination were clear, the clients simply did not want to pursue the matter further. They were afraid of possible repercussions. One interviewee stated that some immigrants perceive themselves as visitors in Finland and as "something like third-class citizens" and, as such, feel that they should keep quiet and not complain about how they are treated.

According to one interviewee, the title "anti-discrimination advice service" is too complicated and would fail to attract clients. Many immigrants, for example, would have difficulty understanding what is being offered. According to the interviewee, immigrants' own organisations should be utilised in the provision of anti-discrimination advisory services. Some interviewees also stated that pursuing cases of discrimination is also problematic because the system is fragmented and difficult to understand. Even the authorities sometimes find it difficult to determine which matters fall within the jurisdiction of the Ombudsman for Minorities, which should be handled by the consumer ombudsman or discussed with the social welfare ombudsman or the patient ombudsman, and which matters involve discrimination and which simply constitute general poor treatment, for example.

Both of the school principals interviewed talked about handling all cases of discrimination or bullying immediately in accordance with the spirit of the KiVa Koulu programme as soon as they are identified. "They are tackled

immediately, and it is made clear to everyone that this will not do, that it is completely wrong. The matter is then talked about, discussed, sometimes involving the parents.” The matters were, however, always handled exclusively at the school level, and no other authorities were informed.

The invisibility of matters related to equality

Some interviewees were of the opinion that matters related to equality were in no way encountered in their work and that “it isn’t related to anything we do in our unit”, “it’s strictly not a social services matter”. As an illustrative example, in interview a police officer was asked whether equality issues are ever encountered in their work; the officer posed the counter question “What do you mean by that, exactly?” After the interviewer explained the issue in more detail, the officer then stated that they had never encountered any issues to do with equality and that for them “it is a matter of course that everyone is treated equally”. Both of the interviewed school principals also stated that equality issues were not evident in their school. Similarly to the above-described police officer, one of the principals perceived issues related to non-discrimination purely in terms of equal treatment: “These issues don’t really come up in school. It’s difficult to say, but I would consider everyone as being equal.”

Many also stated that on a conceptual level it can be difficult to make a clear distinction between discrimination and problems related to equality. Many also thought of the two as more or less synonymous. Persons working with immigrants stated that for them, issues concerning equality were something they dealt with on a daily basis, as many aspects related to equality are linked to language and ethnic minorities. On the other hand, persons working with immigrants also stated that their perspective on equality was rather narrow, for in their organisation matters related to equality were generally concerned exclusively with immigration.

As to the Non-Discrimination Act, only interviewees from the Regional State Administrative Agency monitoring compliance with the Act with reference to discrimination in working life had applied the act in their work. Officials from the Regional State Administrative Agency also stated that they were able to help, advise and guide people on issues related to equality and discrimination in the workplace. The representatives of all other authorities interviewed stated that they had not been in a position to apply the Non-Discrimination Act in their work in any way.

Only a small minority of the interviewees were familiar with the equality plan of their own organisation. These interviewees were well aware of its content

on account of their work, which was the case, for example, in the Regional State Administrative Agency. Some of the public officials, including some of those working with immigrants, were not aware of the existence of an equality plan, or the fact that, under the law, such a plan should have been prepared. Some exited the interview momentarily in order to check with a colleague whether their organisation had an equality plan or was in the process of preparing one.

Differences also existed between representatives of the same sector of civil service regarding their awareness of whether an equality plan had been prepared in their own organisation. For example, at the time of the interview a police officer in administrative duties in one region had a draft equality plan on his desk for comments. A police officer from another region, doing fieldwork, had no knowledge of the existence of an equality plan: “I have to say I can’t answer whether we have an equality plan or not, or rather I will have to say that I don’t know. I expect it could be found somewhere, we have everything on the computer there, there’s an incredible amount of information on there, so it’s up to whoever to dig it out. Basically you have to know what to look for. But off the top of my head, I can’t remember seeing one as such.”

Both of the interviewed lower secondary school principals reported that no equality plan existed for their school. One of the principals knew that equality plans were in place in upper secondary level institutions (e.g. vocational schools and upper secondary schools), but there was no plan for preparing one for their school. The other principal responded to the question regarding the existence of a equality plan by referring to the curriculum: “The fact is we don’t have one. We have the curriculum, which is a couple of hundred pages long, there are so many different strategies in there that there’s really no point in going into them here, and equality matters are also accounted for in there.”

Some were aware of the equality plan on a general level, for example that one had been prepared for the city. Some stated that no plan had been prepared for their particular organisation, as one already exists at the city level and they, for example as an immigration organisation, operate under the city. Some had looked up the equality plan specifically in preparation for the interview and this inquiry. In addition, according to the interviewees, joint provision of certain functions in cooperation with several operators also had a bearing on why they did not have an equality plan. This was the case, for example, with interviewees whose salary was paid by an institution outside their place of work.

The equality plan for the City of Tampere included a proposal for establishing the post of ombudsman for equality. The city, however, came to the decision

that adding this resource was not necessary and a rearrangement of duties would be sufficient for addressing equality issues more effectively. Interviewees from Tampere had differing viewpoints regarding the need for an ombudsman for equality. Some perceived no need for an equality ombudsman, while others saw the need as self-evident.

Structural discrimination in society

Many interviewees stated that they were unable to answer the question of whether the means made available by the structures of Finnish society are sufficient for tackling matters related to discrimination. Some concluded that the means may be there but people are unable to use them or do not know enough about them. Some cited examples of insufficient structures. Situations concerning immigrants featured prominently in the examples given. As an example of structural impediments, one interviewee cited the rigid stand of the police regarding the point at which a suspicion becomes an actual racist offence. Another interviewee cited the procedure for granting social assistance, in which a partial shift to the use of written documents has been carried out. For many immigrants who do not understand the content of the forms the practice is almost impossible. In contrast, a face-to-face meeting with a social worker, including the services of an interpreter, would serve them much better. The third structural flaw to do with immigrants concerned the booking of interpreters. Some municipal units are unwilling to book an interpreter. This structural flaw had been rectified by having the head of the interpreter centre provide training for the units to raise awareness of the role and importance of interpretation.

One interviewee working with immigrants perceived structural discrimination in the fact that dealing with different authorities is difficult if the person does not speak Finnish. The interviewee stated that English-speaking callers to social services have on occasion had the phone hung up on them. According to immigrant clients, representatives of authorities often have a prejudiced attitude towards immigrants.

Structural discrimination was also seen as a phenomenon that is difficult to identify. In contrast to clear-cut cases of discrimination, such as a restaurant refusing to serve Roma customers, structural discrimination is difficult to verify. One interviewee stated the view that even certain laws can be discriminatory. On the surface they appear equal, but their starting points are such that in the end, they result in unequal treatment. Such a situation is created, for example, when knowledge of both Finnish and Swedish is required of persons applying for certain public posts. This may discriminate against immigrants,

as they are much less likely than native Finns to be skilled in both official languages of Finland. This is a problem for immigrants also with respect to certain vocational qualifications as well as higher education and university degrees, where a certain level of competence in Swedish is required to obtain the qualification.

One patient ombudsman mentioned a practice among the authorities that can be interpreted as direct structural discrimination. According to the ombudsman, in the context of mental health services, retirement from working life may mean that doctors no longer consider the retired patient as eligible for treatment and monitoring at a psychiatric clinic, thus resulting in the patient being transferred to a health station. According to the patient ombudsman, “I think there may be a clause in a plan somewhere that the main focus is on working age people.” If psychiatry services really are targeted mainly at working age people, this can be interpreted as structural discrimination.

2.2 Inquiry targeted at non-governmental organisations

The survey targeted at non-governmental organisations and implemented by the Ombudsman for Minorities began with questions on the visibility of discrimination in the daily work of the non-governmental organisations. Of the total survey responses, 83% stated that discrimination issues were visibly addressed in the client work of the organisations. Only 24% of the respondents stated being familiar with the activities of the Ombudsman for Minorities. More than half of the respondents were not aware of the fact that the Ombudsman for Minorities can only intervene in discrimination based on ethnicity. The majority of respondents (95%) assumed that the Ombudsman for Minorities also has the authority to intervene in workplace discrimination, even though this is not the case. However, many were familiar with the fact that the Occupational Health and Safety Division of the Regional State Administrative Agency intervenes in workplace discrimination.

Identifying discrimination against clients

The non-governmental organisations considered themselves to be relatively effective at identifying discrimination in client cases during contact sessions with their clients. Many respondents stated being able to identify discrimination well or very well. Discrimination between ethnic groups was considered particularly easy to identify. When the clients themselves referred to an incident as discrimination, this made it easier for the employees of the organisation to recognise it as such. Some respondents stated that a relatively high proportion of incidents perceived as discrimination by clients in fact constituted inappropriate

treatment. Furthermore, some incidents were also widely open to interpretation, and sometimes it was not possible to piece together a complete picture of what had happened based on the client's account. This has impeded handling the matter as a case of discrimination. On the other hand, the majority of respondents stated that discrimination occurs widely and that the organisation frequently encounters cases of discrimination.

Some NGOs had been provided with instructions, operating methods or training in matters related to discrimination and in encountering clients who have experienced discrimination or inappropriate treatment. The majority of respondents also considered themselves to be relatively effective at helping clients who had encountered discrimination. The responses prompt the conclusion that the day-to-day work carried out in organisations has taught the NGOs to identify discrimination and to assist those who encounter it.

Content of advisory services and directing clients to the right actor in society

The NGOs were asked about the content of the advisory services and support that they provide and their ability to direct clients to the relevant authority or other party that might be of help. For the most part, the support has consisted of directing clients to the correct authorities. The organisations do not provide advisory services as such themselves, but aim to guide their clients to a party able to provide them with the assistance needed. The NGOs considered that they had the ability to do the latter effectively. Some respondents, however, reported having assisted clients in making complaints and in directing clients to the right authority for filing complaints. One of the respondents also reported having further investigated a matter on behalf of a client.

The vast majority of cases directed to the relevant actor in society were associated with discrimination at work, in the social and health care services, or in school. In matters related to working life, the clients were most frequently directed to the Regional State Administrative Agency, the occupational safety and health representative, or the occupational health services. In matters related to the school world, the clients were directed to school health care, a psychologist or the education department of the municipality. Clients contacting the organisations in matters to do with health and social benefits were directed to the municipal social welfare ombudsman or the patient ombudsman. None of the respondents (37 in total) reported having directed clients to the police.

The majority of work carried out with clients consists of directing clients to the actor to enable them to pursue the matter further. It can be concluded that

the NGOs are able to identify the correct party for handling the matter. This assumption is in line with the statements made by the majority of respondents. The number of client contacts reflects the fact that persons encountering discrimination or inappropriate treatment are likely to contact an organisation with their problem, perhaps more willingly than they would the authorities. This is indicative of the organisations' role as low-threshold service providers.

Two or three respondents mentioned that they were either currently undergoing or had previously undergone training related to discrimination and guiding clients to the right actors in society. The general experience was that the NGOs had knowledge of numerous parties to which they could direct their clients. One of the respondents reported having been in contact with an anti-discrimination advice service organised in the region and with the Ulrik project of Victim Support Finland. In two cases, the client had been instructed to contact the Office of the Ombudsman for Minorities. The respondents also pointed out that in many cases the client, having experienced a difficult situation, merely needed someone to talk to and discuss the matter with. In this case, the client had been advised to act in compliance with the law and with the instructions provided and encouraged to stand their ground. When asked about their ability to direct clients to the right actor in society, some respondents stated clearly that they were not always able to advise the clients regarding the right party for them to turn to. Some went on to state that in such situations, the relevant party for handling the situation is always established for the client. Some also openly expressed a wish to receive training in discrimination issues and in directing people to the correct actor in society.

Means of support for people encountering discrimination

One of the survey questions concerned the methods employed by the NGOs to advise and support individuals experiencing discrimination. An important method was considered to be ensuring adequate professional skills, experience and training among the staff. The most commonly cited operating methods were advice, peer support and personal and group guidance sessions. However, the form of support that featured the most prominently in the responses was directing clients to the right authority. The situation of encountering the client as an individual was the most emphasised form of client support. Provision of psychosocial assistance was seen as of primary importance to the NGOs, and the NGOs considered themselves as having the necessary means to provide this. The methods used to provide this assistance include listening to the client, discussion and, for example, after care, all of which were cited in numerous responses.

The operating method of some non-governmental organisations consisted of promoting the rights and guarding the interest of their clients, which the organisations in question saw as the best means of supporting their clients. One of the NGOs reported providing statements and opinions in discrimination cases. It also emerged that the regional network of some NGOs provides lawyer services in discrimination matters related to disability. Cooperation with NGOs was deemed an effective way to intervene in the situation of the individual as well as to tackle broader flaws in the system. According to the NGOs, information on how to intervene in discrimination situations in order to discontinue the actions of the discriminating party should be increased. The respondents also requested up-to-date training in discrimination issues. The availability of free-of-charge materials, the production of a user-friendly guide on tackling discrimination, and guiding persons experiencing discrimination to the correct actor were considered important. The respondents also requested information on legislation, email campaigns, courses, training days and case examples. Some, however, stated that they already received sufficient information on discrimination via the internet and networks.

Cases of discrimination handled by organisations and guidance provided to clients

One of the aims of the inquiry was also to chart the client cases related to discrimination received by NGOs. A total of 35 organisations responded to this question, seven of which stated that they had never encountered cases of discrimination. The remaining respondents stated that cases are encountered regularly or, in some cases, frequently. One immigrant organisation reported that some ten cases related to discrimination come to light every week, while the figure cited by another immigrant organisation was ten per month. One youth organisation reported recording dozens of cases per year. One organisation estimated that out of all processed client cases, one in twenty concerned discrimination. Of the different grounds of discrimination, those that featured most prominently were ethnicity, disability and age – discrimination against the young, in particular.

Cases of discrimination occurred in all areas of life. However, the most commonly cited contexts for discrimination were working life, social services, the provision of services, housing, and education and training. Service provision was most commonly associated with discrimination when dealing with authorities, although other aspects, such as service received in shops, were also mentioned. Refusal to provide online banking codes to immigrants on account of them not being able to display a personal ID was considered discriminatory. The significance of online banking codes

continues to increase as they are now also used for identification in various other services unrelated to banking.

As for discrimination in working life, the respondents described various situations in detail. The cases stated were often associated with discrimination based on ethnic background. For example, use of a headscarf or non-European dress was perceived as an obstacle in recruitment situations. One example that was given of clear discrimination based on ethnicity is the scenario where an applicant calls a prospective employer to enquire about a job and receives the answer that the position has already been filled, but when, after this, a person belonging to the majority population contacts the employer, the position is said to be still open. According to the interviewees, people with an immigrant background experience difficulty in finding a job or a trainee placement, even in cases where their language and professional skills match the requirements of the job. According to the responses, the clients often report that they lose their chances of getting the job the moment they state their name.

Renting an apartment is also difficult for immigrants who are not fluent in Finnish. One organisation handled some 5 to 10 cases like this per year. In such cases, the clients are instructed to bring a support person to any meetings with the employer or landlord. With reference to housing, one organisation also stated that immigrants are often directed to live in areas that already have a significant immigrant population.

Several cases of discrimination associated with education, studying and school had been handled by the NGOs. Examples included, in the case of immigrant youths, biased treatment, harsher penalties, inappropriate comments from the teacher and unequal treatment, for example with respect to cases of minor misconduct: if an immigrant youth swears, they are immediately reprimanded by the principal, but if, within the principal's earshot, someone racially abuses the same immigrant youth, there is no reaction from the principal. Many young people with an ethnic background claim to have been the target of biased treatment by teachers and the school principal on account of their ethnic background. Getting a job was also deemed to be more difficult for young people with an immigrant background, compared to young people belonging to the majority population. Summer jobs seem to be particularly problematic, as according to the respondents young people with an ethnic background rarely manage to secure a summer job unless a municipal quota arrangement has been enforced. An example of one municipality was given where, over a period of two years, only two young people with an immigrant background were hired for a summer job. Discriminating behaviour by sports clubs and coaches has also been raised in discussions with young people.

As regards disability, the cases of discrimination most often mentioned concerned rejections of applications for support services, which were not considered to promote equal treatment. These were mostly associated with applications for disability services concerning working life, housing, exercise, hobbies and rehabilitation. There are also inconsistencies in the forms of support offered by different municipalities; one municipality offers one thing, the neighbouring municipality does not. This is considered unfair. One organisation reported a case concerning legislation on the rehabilitation of the severely disabled in retirement age, whereby the responsibility for rehabilitation is transferred to municipalities. Another case handled by the same organisation was concerned with accessibility and possible danger situations due to the arrangement of toilet facilities from the viewpoint of a disabled person using a wheelchair. Benefits and decisions by authorities were mentioned as causes for discrimination cases among the elderly.

Numerous other individual cases were mentioned. The right of a childless woman to obtain the services of a women's shelter was considered inadequate and, as such, discriminating. The opportunities of those suffering from the consequences of violence to obtain support and care were not considered sufficient. A suspicion of discrimination concerning pharmaceutical treatment and, more generally, inequality in legislation, was also mentioned.

Discrimination between ethnic groups was referred to in several responses. According to the respondents, even clans within the same ethnic group discriminate against each other. Members of ethnic minorities often know how to "play the discrimination card" in order to obtain the desired result in connection with the use of various services. The NGOs have provided their clients with advice for daily life, information and help in preparing complaints and assistance in completing forms and locating services.

Other regional actors involved in the provision of anti-discrimination advisory services

The NGOs were asked to name other services known to them in the region that provide advice on matters related to discrimination. Eleven of the respondents (35) stated that they were not aware of any other actors providing advice on matters related to discrimination in the region or that they had not yet investigated them. The other respondents were able to identify several other actors, many of whom were mentioned in the responses of more than one organisation.

The most commonly cited were services provided by municipalities, such as immigrant advice centres, the social welfare ombudsman and the patient

ombudsman, municipal social and family services, an information desk for seniors, general advisory services of the municipality and the consumer ombudsman or ombudsman for the elderly operating in the municipality. International cultural centres were mentioned in several of the responses. The respondents assumed and identified the police and the Occupational Health and Safety Division of the Regional State Administrative Agency to be providers of anti-discrimination advisory services. Forms of advisory services that are used widely at the local level include various crisis groups and projects working in areas related to discrimination. Advice is also commonly provided by the church. Of the advisory services provided in the context of the regional development project of the Ombudsman for Minorities, Victim Support Finland and the advice service operating in the Kotka region were identified by a few respondents. The Threshold Association (Kynnys ry), which promotes the rights of people with disabilities and settlement activities received several mentions. One respondent also mentioned Seta – LGBT Rights in Finland. The organisations were said to have several service points in the regions. Other sources of advisory services mentioned were the student services of universities, security call centres, harassment contact persons of student associations, advisory services directed at refugees, and occupational safety and health representatives in workplaces.

Need for anti-discrimination advisory services in the regions

Representatives of the NGOs were also asked for their views regarding the need for anti-discrimination advisory services in the region. The majority of the respondents stated that there is a need for the services and that awareness of different advisory services should be increased. The provision of advice concerning discrimination in work life was considered insufficient. The respondents also felt that there was a need for a municipal contact person for advisory services on matters concerning discrimination. Information centres aimed at immigrants were also thought to offer support for victims of discrimination. According to some respondents, the minorities' own organisations are used as initial points of contact. A need for advice concerning ethnicity was also expressed, particularly with respect to language skills and cultural knowledge required in the handling of cases.

In general, the need for anti-discrimination advisory services was considered to be great. According to one respondent, women, young people and the elderly can be said to constitute risk groups due to the limited provision of advisory services. In regions with large immigrant populations, the need for anti-discrimination advisory services was considered to be greater than in the other regions. The availability of different advisory services in general was

deemed important. According to the respondents, the provision of information about different advisory services should be notably increased.

Who should be responsible for providing anti-discrimination advisory services?

Almost all respondents stated that the responsibility for arranging the advisory services should lie primarily with the municipality or state bodies. Municipalities and regional cooperation were clearly highlighted, as was network cooperation between the municipality and non-governmental organisations in the region. According to the respondents, the advisory services should be arranged in the form of a centralised service. In addition, the advice service should constitute a separate body focusing on discrimination matters and the provision of anti-discrimination advice, and sufficient resources should be allocated for its operations. The following actors, among others, were also mentioned as possible parties responsible for the service: the Immigrant Advice Centre, the Regional State Administrative Agency (AVI) and Centres for Economic Development, Transport and the Environment (ELY). Provision of the advisory services as part of the regional service chain as a whole was also seen as possible. However, the responsibility of schools, hobby clubs, homes and NGOs in preventing discrimination was also stressed.

Sufficient expertise for the provision of anti-discrimination advisory services and accessibility of the service in the region

The NGOs were asked what arrangements would best ensure a good level of accessibility and a sufficient level of expertise for the service. In terms of arrangements related to communications, the following were mentioned: a good website and use of the internet to distribute information, informing citizens through local newspapers, brochures and bulletins. Based on the inquiry, the municipality could assume a greater responsibility for communications, as the networks for it are already in place. Reserving the necessary resources for communications was deemed particularly important.

According to the respondents, the aim should be for a low-threshold service that is easy to contact. The premises should ensure accessibility, the service should be suitably located, the employees should possess the necessary language skills and the services offered should include telephone and online service at minimum. As an effective way to guarantee accessibility, the respondents recommended making use of cooperation networks that would include employees of the anti-discrimination advice service as well as representatives of various NGOs. In particular, the answers highlighted

the expertise of the staff of the advisory services and the need to maintain that expertise.

Other important activities cited were training, regular meetings between different networks and the organisation of seminars on discrimination related issues. Training targeted at authorities and the creation of peer support groups were also recommended. The establishment of multi-professional working groups and the handling of discrimination cases in groups were experienced as being a pragmatic and educational approach. The respondents were also of the opinion that a liaison between the state level and regional level should be appointed.

The treatment of different minority groups in services provided by authorities in the region

One of the aims of the inquiry was to identify any differential treatment of minority groups, for example in the activities of the authorities or in the services provided by the authorities. The majority of respondents stated that they had not identified any differential treatment between different population groups or could not say if such treatment occurred. According to some NGOs, however, differential treatment does occur. Particularly in the case of people with disabilities, some stated that advisory services on matters related to discrimination and support for victims of discrimination were not available at all. According to the respondents, persons with certain diagnoses are granted fewer benefits compared to others. It was also mentioned that the conditions leading to discrimination can also be brought about by the individual providing the service in question. Even though immigrants, for example, were said to encounter inappropriate treatment or discrimination from the part of the authorities, it was also pointed out that comparable treatment was also often experienced by members of the majority population. In such cases, the problem may be inappropriate or poor level of service, not necessarily discriminating treatment.

Means employed by authorities in the region to tackle discrimination and promote equality

According to the respondents, there are plenty of methods that can be employed to tackle discrimination, but it is the willingness of the authorities to intervene in situations that is the greater concern. It is also important to focus on identifying discrimination and understanding its various aspects. Changing instructions, rules and legislation to cover all grounds of discrimination and increasing the means by which the authorities can tackle discrimination was considered

important. The following were cited as possible means of increasing the level of intervention: training, communications, open and frank discussion and, for example, prompt processing of discrimination reports by the authorities. The respondents also wished for more events and seminars arranged in schools, youth facilities and workplaces, i.e. day-to-day meeting places.

The representatives of the NGOs were asked to share their own wishes and development ideas with respect to the ability and willingness of the authorities in the region to tackle discrimination. Many of the responses emphasised an overall change of attitude and zero tolerance for discrimination. Regarding the Non-Discrimination Act, one respondent pointed out that the law does not guarantee equal protection with respect to all grounds of discrimination. The respondent was of the opinion that the Non-Discrimination Act needed updating and should provide equal protection to other population groups, too, not just ethnic minorities.

According to the respondents, defining operational responsibility in clear terms and increasing awareness among NGOs are important tasks of the anti-discrimination advisory services. Employees should be hired specifically for the advisory services and training should be provided. One person made a special request for training on the treatment of ethnic minorities in the workplace. According to the respondents, the authorities should become better acquainted with minority cultures and develop their own customer service skills. One of the respondents mentioned the possibility of rewarding positive operating methods in cases where people are treated especially well. More active cooperation between city authorities and the NGOs was also hoped for. The municipality was perceived as the actor that should shoulder the main responsibility for advisory services in matters related to discrimination and also function as a point of contact on issues of equality in the region.

Cooperation between different authorities and minority groups in the region

The NGOs were asked about their hopes for the development of cooperation between municipalities and the third sector. One respondent voiced a request to not develop any more new systems but to aim to utilise and improve those already in place. Further increasing a culture of discussion within the cooperation network emerged as a clear target for development. The following measures were suggested for intensifying cooperation: training, increased communications, clear division of labour, expanding the authority of NGOs, and organising seminars on topics related to minorities. Awareness of the existing anti-discrimination advisory services should be increased within the

cooperation network in order for actors in the network to be able to direct clients to the service more efficiently. The NGOs also wished for regular events and meetings regarding discrimination and equality in the region.

In total, 36 answers were provided to the question of whether the respondent's organisation was involved in work to promote equality in their municipality. In all, 14 organisations reported participating in efforts to promote equality in the municipality. A few organisations were also involved in networks with the municipality other than networks for the promotion of equality. Of the organisations, 19 stated not being involved in any kind of work related to the promotion of equality in cooperation with the municipality or within any other networks. In some municipalities, the NGOs are represented in municipal councils on the elderly and disability, thus impacting the work done to promote equality in the municipality. Many NGOs also stated promoting equality in their own activities.

2.3 Assessment of inquiry results

Summary of the survey targeted at the authorities (Referenssi Oy)

In their view, the interviewed authorities hardly ever encounter cases of discrimination in their work. They were, however, aware that anti-discrimination advisory services were provided in the regions, but hardly ever had the need to direct people to these services, as clients did not contact them on matters related to discrimination. In other words, the interviewed authorities receive very little information about actual cases of discrimination based on disability or ethnicity, for example. Poor and inappropriate treatment is revealed, but practically never cases of discrimination that would be pursued by the authorities.

Moreover, the authorities sometimes fail to **identify** discrimination. In addition, the authorities very rarely recognise the concept of non-discrimination. Some representatives of the authorities are also completely uninformed about the concept of an equality plan and unaware if one has been prepared in their organisation. The Non-Discrimination Act had been applied only in the Regional State Administrative Agency. None of the other interviewees had applied the Non-Discrimination Act in their work.

The reason for the invisibility of discrimination in the activities of the authorities is not to be found exclusively in the actions of individual employees or authorities; the structures of society, too, are such that, in a way, they function to prevent the tackling of discrimination. Also persons who have experienced discrimination contribute to the hidden nature of

the problem, as they are **afraid to file complaints about discrimination**. However, immigrants, for example, are unaware of to whom they should file a complaint and of the kinds of issues they can file complaints about. In addition, it seems that the authorities sometimes fail to tackle discrimination due to a lack of understanding of what counts as discrimination. Furthermore, there is the problem of **attitudes** that serve to misguide the discrimination debate. This happens, for example, when members of the majority population find themselves discriminated against when certain services available to minorities are not available to them. Due to the limited size of the interview material, evaluating which professional groups or regions would be the most knowledgeable concerning matters to do with discrimination is difficult in the light of the inquiry. The police, however, stand out as a professional group that would benefit from more information on the matter, for example through better communications.

Based on the inquiries carried out for this report, it is clear that there is a need for regional anti-discrimination advisory services. There are specific grounds in favour of the provision of the services. Some of the interviewed authorities were not always clear on **which authorities they could turn to** regarding different grounds of discrimination. If this has proven problematic for the authorities, it is certain to be problematic for many citizens, particularly in the case of immigrants. For many interviewees, it was difficult to make a clear distinction on a conceptual level between discrimination and problems related to equality. Discussing and raising matters related to discrimination is important. Even the interviews carried out for the purposes of this report served to considerably increase awareness of the issue among the interviewees. For example, some interviewees mentioned that they studied the Non-Discrimination Act or their organisation's equality plan for the first time in preparation for their interview.

On the whole, the **notion of discrimination and related terminology and definitions should be aired and discussed** more in society in order to promote the tackling of discrimination. The interviewed **authorities need support** in this if only because even interpreting what actually constitutes discrimination was difficult for them. Regular and long-term communications and the prevention of discrimination is also needed in terms of many other related issues, including the revealing of flaws related to structural discrimination or the immigrant's right to an interpreter during appointments with the authorities. In the light of our findings, **information is not reaching the people that need to know about discrimination and discriminating practices**. Pursuing matters to do with discrimination was also experienced as difficult, shameful and frightening. Moreover, it was not always clear which was the best route for pursuing the

matter in question. To this end, **the means and routes** through which a person experiencing discrimination can pursue the matter should be made as simple and straightforward as possible.

Summary of the survey targeted at NGOs (the Ombudsman for Minorities)

Based on the inquiry, NGOs are often **faced with matters concerning discrimination or inappropriate treatment**. On average, a few discrimination cases come to light every month, and the number is higher for some organisations. Even though the non-governmental organisations do not process client cases similarly to the authorities, according to the inquiry, **they possess better capabilities for identifying discrimination and directing the victim of discrimination to the right actor in society**. The NGOs also seem to have a clear role in **providing psychosocial support, listening to the victim and placating the situation**. Advice is provided within the limits of the employees' competence, as the organisations generally do not handle the matters on behalf of their clients. Based on the results, it can be concluded that the processing of discrimination matters remains at the level of advice and guidance provided by the organisation. As the majority of the respondents stated that they were able to identify cases involving discrimination, it is possible to conclude that the NGOs provide significantly more advice to persons who have encountered discrimination than the authorities do.

Yet, the responsibility for taking the matter further remains with the client. The results indicate that the clients are often unwilling or afraid to pursue the matter. Thus, the statement made by the authorities that few discrimination cases come to their attention may, in part, result from the clients' inactivity in pursuing the matters. However, based on the inquiry targeted at the authorities, one clear reason for the small number of discrimination matters processed by the authorities consists of the inability of the authorities to identify discrimination, or their unwillingness to tackle discrimination.

Based on the results, the level of inequality in obtaining basic services depends on the municipality of residence. This may qualify as structural discrimination. On the basis of the results and the fact that many of the NGOs in question encounter victims of discrimination from all parts of Finland, it is perhaps possible to draw the conclusion that **the greatest challenge may consist of encouraging the victim to take the matter forward**. The professional ability to identify discrimination and offer support to the victim in pursuing the matter is of primary importance for the organisations. As one of the key aims of developing anti-discrimination

advisory services is the creation of regional-level advisory services, the challenge of taking the matters from the NGO level to the level of local authorities will, in the end, depend largely on the professional ability of the staff of the advisory services.

The responses to the NGO inquiry show that **the provision of advice at the local level is often fragmented and divided between several different actors** and, in addition, often implemented in the form of projects and small-scale crisis group activities. Two key authorities from which the organisations did, however, expect to receive concrete advice on discrimination related matters were the police and the Occupational Health and Safety Division of the Regional State Administrative Agency.

The results of the inquiry highlight the need for anti-discrimination advisory services. Based on the responses, the **anti-discrimination advisory services should be coordinated by a single body**. The NGOs felt the **responsibility** for the services should **fall with the municipalities or subregions**. As a result of the development project, anti-discrimination advisory services run by the municipality or subregion have been established as a functional model. The results from the organisation survey thus support the idea of municipally-coordinated advisory services. According to the results, functional, efficient and easily approachable advisory services can be implemented with the help of communications and functional cooperation networks. The provision of **training and published guides** on discrimination issues should be increased.

The cooperation network between the municipality or subregion and minority organisations is considered essential in preventing discrimination in the region and bringing matters involving discrimination to the attention of the regional authorities. On the national level, the state is expected to assume a coordinating role in relation to the regional activities.

The NGOs' conceptions of their own capabilities to identify discrimination and advise victims of discrimination differ vastly from the ability of the authorities to identify and intervene in discrimination. Based on the survey aimed at the authorities, the police and the Regional State Administrative Agency are best able to intervene in cases of discrimination. This was also the opinion of the representatives of non-governmental organisations. A surprising finding was the large number of clients contacting NGOs upon encountering discrimination, even with such a small number of respondents. One might have assumed that the authorities – the police and the Regional State Administrative Agency in particular – would handle more discrimination cases. This may reflect the authorities' failure to identify discrimination, their lack of ability or

willingness to intervene in discrimination, or simply that few discrimination cases are brought to their attention.

Improving the capability of the authorities to identify discrimination and increasing their means to tackle discrimination emerged as the most important challenges in both the regional advisory services and cooperation networks in countering discrimination. Cooperation between NGOs and the advisory services must be used to increase the direction of victims of discrimination to the regional advisory services where they can receive the right advice and encouragement to pursue the matter further.

3. Service models for regional advisory services and assessment of the models

3.1 The nation-wide network of Victim Support Finland as a good foundation for a permanent service

The decision to involve Victim Support Finland (VS) in the project to develop regional advisory services was an easy one, as the functionality and geographical coverage of the network served as a good foundation for testing anti-discrimination advisory services. The resources available at Victim Support Finland for the launch of anti-discrimination advisory services included professional **expertise**, available **workforce**, a nation-wide **service network**, efficient internal and external **communications systems** and, most importantly, the **ability to grasp** the theme of anti-discrimination advisory services, as it was closely associated with other advisory services provided in the network.

The Tampere office of VS had also hired an employee for the Ulrik project, which is aimed at improving services for crime victims with a foreign background. As a result, the advisory services provided to victims of ethnic discrimination and foreign crime victims at VS Tampere were already functioning. VS also already employed **a system for reporting and compiling statistics** on client data that was well-suited for the service provided and **national service numbers** for all service areas. Use of the already established service numbers made the launch of the service easier, as there was no need to set up and market new contact information. The network also has a functional website that offers instructions and advice for crime victims and contact information for all service points in the network. Incorporating information about the new service on the site will also be straightforward.

In early 2011, training on the topic of discrimination for the employees of all seven regional offices of VS covering the whole of Finland and for volunteers in the regions was incorporated in a joint action plan for the Ombudsman for Minorities and Victim Support Finland. Discussions were carried out within VS regarding a possible schedule for launching anti-discrimination advisory services in the national VS network. The national service was commenced on 6 April 2011. In practice, existing numbers for seven regional VS offices were re-introduced as regional numbers for the anti-discrimination advice service.

Although the reporting system of Victim Support Finland already contains discrimination-related statistics, different and multiple grounds of discrimination should also be made visible in the statistics. Incorporating changes in the reporting system is not a simple task, but it is certainly possible in the long

term. There is a plan to further develop the reporting system in 2012. In spring 2011, separate instructions for investigating and compiling statistics on cases of discrimination were created for the system for compiling statistics on client cases at VS (Appendix 4). The instructions begin by citing a definition of discrimination, clarifying the difference between discrimination and racism and explaining the meaning of the item "other than crime". The instructions go on to specify that for the purposes of data collection, it is essential that the person contacting the service feels he or she has been discriminated against or discrimination is suspected by the employee.

The joint action plan for the VS network and the Ombudsman for Minorities sets the following goals:

- to provide training for all service points in the VS network covering all VS employees and contact persons (who will then train the volunteers),
- all actors at VS must identify discrimination, provide the right kind of advice and have the ability to guide people experiencing discrimination to the right actor in society,
- the clients of VS and all those living in the service area of VS are aware that VS provides anti-discrimination advisory services, and
- close cooperation is formed between the Ombudsman for Minorities and the VS network that enables the provision of training, communications, collection of data on discrimination and clear and fast movement of information.

Informing citizens about the service and creating cooperation networks in the region will take place at a purposefully slow pace. The main reason for this is that some of the staff have not received adequate training on discrimination. This does not, however, constitute an obstacle for proceeding with communications and networking and the provision of anti-discrimination advisory services. In addition, VS aims to internally ensure that the task portfolio for the provision of anti-discrimination advisory services is clear for all regions and that the associated division of labour is fully agreed upon. VS employs fully and regularly trained professionals who are well-prepared to receive clients who have encountered discrimination. VS has committed to providing advisory services from 6 April 2011 onwards.

3.2 Services obtained as a function purchased by the City of Tampere

In Tampere, two separate lines of development evolved for the provision of anti-discrimination advisory services as the project progressed. In addition to the development work continued at Victim Support Finland, the City of

Tampere expressed an interest in developing anti-discrimination advisory services as an externally purchased service. Discussions on arranging the service were initiated.

Tampere had for some time considered **incorporating the theme of anti-discrimination advisory services in the updated version of its equality plan**. The idea of anti-discrimination advisory services arranged by the city in the form of an externally purchased service originated in autumn 2010. Discussions were carried out between the City of Tampere, the Ombudsman for Minorities and the Inner Finland regional office of Victim Support Finland on practical resources, scheduling and an actual service model for the service to be purchased. The proposed model would consist of an outsourced service in accordance with the purchaser-provider model, where the city would buy the service from a non-governmental organisation. In the initial stage, the service would be bought from Victim Support Finland, as at the time of launching the service, it would be the only actor in the region with the necessary expertise in identifying discrimination. A possible future expansion of the service would bring the challenges of organising a bidding competition for potential service providers and the changes that might ensue.

In terms of schedule, **the outsourced service** was tied to the renewal of the city's equality plan that was initiated in the City of Tampere in late 2010. Only with the plan completed was it possible for the city to start considering the organisation of the outsourced service. The equality plan for the City of Tampere was completed in early 2011. In autumn 2011, the Inner Finland regional office of Victim Support Finland submitted a tender to the City of Tampere on the provision of anti-discrimination advisory services. The City of Tampere accepted the tender and concluded that **Tampere will purchase general advisory services on matters related to discrimination from Victim Support Finland from 2012 onwards**. The resource provided by the City of Tampere enables the same number of working hours to be spent on the advisory work as was the case during the development project. In addition, the city will cover certain costs incurred from the activities. A third of the funds will come from appropriations for the integration of refugees, a third from appropriations for the Council on Disability and the remainder from the city's joint appropriations.

3.3 Cooperation between subregions in Southern Kymenlaakso for the development of regional advisory services

A service provided by the City of Kotka has in a period of two years evolved into a service **organised jointly by the subregions as part of a regional equality plan that also incorporates the aim of gender equality**. The City of

Kotka, including its highest decision-making bodies, has shown great interest in anti-discrimination advisory services and has been an active promoter of a regional model for the services. Experiences from the advisory services have served as an inspiration for a joint equality plan for the subregions, which will also incorporate a plan for an anti-discrimination advice service arranged in the form of regional cooperation. The regional cooperation takes place between five municipalities: Kotka, Pyhtää, Hamina, Miehikkälä and Virolahti.

The following extract is from a memo of a meeting of the Regional Committee held on 16 March 2011: "The Regional Committee proposes to the municipalities of Kymenlaakso that anti-discrimination advisory services be arranged jointly between the five municipalities of Southern Kymenlaakso. In addition, it proposes to the municipalities of Southern Kymenlaakso that the preparation of a regional equality plan be initiated in a process for which each municipality will appoint their representative, out of whom the **representative of the City of Kotka** will act as the convener of the meetings of **the working group**.

More specific goals for further development have included:

- the working group for advisory services will continue their work in the anti-discrimination advisory service and carry out measures related to training and communications aimed to promote equality.
- alongside the advisory services, the municipalities will develop a regional equality plan, which is to include an item on the provision of anti-discrimination advisory services
- different models for arranging the advisory services may be considered in a separate working group
- the launch of the new model will possibly be initiated in late 2011 (depending on the progress of the equality plan)
- important aspects include networking and making use of the expertise of a range of actors by involving them in the project where possible

The first meeting of the regional working group took place in autumn 2011. The launch of regional advisory services and the initiation of the regional equality plan have been supported within the framework of the regionalisation project. The work on the equality plan will be started in late 2011. Salary funding will be applied for from the Regional Committee to support the work. Calculations on the cost of the advisory service and a proposal concerning the form of provision of the service will be included in the funding proposal. The Office of the Ombudsman for Minorities will continue to support this work in the future as the plan progresses.

3.4 Aspects in favour of the municipality as the organiser of the service

Society is waking up to the need to act to promote equality. For the present, though, municipalities still have the opportunity to take charge of equality planning in a controlled way. The residents of municipalities are becoming increasingly demanding service users. As a result, municipalities can expect to be faced with increasing numbers of user grievances. In terms of promoting equality, fixing the situation is likely to be both more expensive and produce a more fragmented outcome from a structural point of view compared to controlled equality thinking. In matters of equality, the municipalities cannot, from the viewpoint of their own development and functionality, afford to fail to provide their residents with the services they require.

Municipalities play a central role in the provision of anti-discrimination advisory services. In the Constitution, non-discrimination and equal treatment are prescribed as the duty of the public authorities. The means for practical implementation of anti-discrimination advisory services must be decided by the municipalities or subregions themselves. The main responsibility for ensuring that the service exists within the municipality or region and for monitoring the activities and quality of the service would fall with the municipality. The service is best implemented as part of equality planning within municipalities. Municipalities are involved in regional cooperation in different services and tasks associated with economic and regional development. Preparing joint service strategies between municipalities of the same region is becoming increasingly common. An anti-discrimination advice service can be easily incorporated as a part of an existing regional programme on immigration or multiculturalism or a regional equality plan.

All three municipalities or cities involved in the project were sent a proposal from the Office of the Ombudsman for Minorities concerning the organisation of anti-discrimination advisory services. The proposal stated the following grounds for establishing municipalities as the party responsible for the organisation of the anti-discrimination advisory service:

- Under the Non-Discrimination Act, the authorities must, in all activities, seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision-making. In particular, the authorities must rectify any circumstances that prevent the realisation of equality.
- Advisory services provided to clients in the municipality constitute activities governed by the Administrative Procedure Act and the

Administrative Judicial Procedure Act. This means that the legal protection of the client is secured. The authority has the right to receive information and the duty of secrecy.

- Municipal structures and services can be easily located in Finland. This would ensure the regional coverage of the service.
- The service produces information on shortcomings and development targets that the actors in the municipality can then utilise in the development of their own activities. Client cases will be used to improve the services, which in the long term will diminish the number of flaws in the service.
- A municipal service is located near to the resident and is easily accessible.
- Municipal services are perceived as professional and confidential activities performed with expertise.
- Municipalities have the prerequisites to provide the advisory service as a permanent part of their service offering. The continuity of the service is ensured.
- The municipalities have good opportunities for influencing society on a broader scale.
- Municipal employees and officials have official liability for their actions.
- The local regional state administrative agencies, the Parliamentary Ombudsman and the Chancellor of Justice supervise the activities of municipalities.
- The municipalities have the opportunity to build the service in the form of regional cooperation between several municipalities. This way, they are able to pool resources in terms of both finances and workforce. Regional cooperation in different service sectors is increasing at a rapid pace and is becoming a central feature of the future of municipalities.

The most significant challenge for municipally-organised services with respect to enabling equal treatment of all clients, and which merits particular attention at the point of setting up these services, consists of the potential for discrimination in relation to the municipal services themselves. Anti-discrimination advisory services provided in the municipality must prepare for the eventuality that many contacts by clients may concern municipal services. Neutral handling of matters should not be endangered in these situations. Moreover, the client's threshold for contacting advisory services arranged by the municipality should not be higher in matters related to the municipality. The credibility of the service must remain intact.

The functionality of the service is based on cooperation between organisations and the authorities. However, this should entail actual cooperation where the organisations would be genuinely involved in promoting equality in the region. Municipalities do not constitute parties actively involved in the promotion

of equality in the same way as organisations. Municipalities do, however, provide the basic services for their residents and, for this reason, cooperation with third sector actors is of primary importance.

3.5 Aspects in favour of service provided by a non-governmental organisation (Victim Support Finland)

The role of NGOs as the producers of different services has become significantly more active in recent years. The organisations have a central role in supporting victims. For example, psychosocial help is more easily available from organisations compared to authorities. In addition, organisations often aim to improve the status of the weakest in society and are engaged in advocacy work to promote the objectives highlighted in their operating principles. The level of networking between organisations is very high, and duties such as communications are carried out effectively through the networks.

Several NGOs engage in the promotion of equality and are thus very familiar with issues related to equality. A large number of both local and national-level organisations exist for promoting the rights of immigrants, young people, the elderly, gender and sexual minorities, the physically and mentally disabled as well as religious and several types of other minorities.

Key challenges for NGOs include securing stable funding and the absence of the right to receive information. The advice provided by organisations is, however, often unregulated. In addition, they are not subject to the planning obligation under the Non-Discrimination Act. However, work done in organisations is often perceived as flexible and pragmatic, and the services provided are found to be easily accessible to clients. Also, different minorities have wider representation among persons working in organisations compared to the authorities. On a general level, organisations are considered to provide services with a low threshold for contact.

There are several aspects in favour of choosing Victim Support Finland as the provider of anti-discrimination advisory services. It should also be noted that VS has several characteristics that cannot be found in other NGOs. The aspects in favour of VS are:

- advisory services and support activities covering the whole of Finland at both national and regional level
- local networks in all seven regions, functional regional cooperation and almost thirty service points in different areas of Finland

- a long-term, established operator; a well-known service in Finland
- staff has a high level of professional skills and is trained to encounter victims of crime and discrimination
- personal service, provides psychosocial support and different types of advisory services
- a person does not have to be a crime victim to contact VS
- minimal investment needed to create an easily accessible anti-discrimination advice service covering the whole of Finland
- neutrality of the organisation, no ties
- different service provision options (e.g. mobile service, online guidance, centres for out-of-hours service)
- a functional system for compiling statistics on client cases that can be easily adapted to cover anti-discrimination advisory services

A number of NGOs, in particular, have voiced concern that, as a name, Victim Support Finland would limit the range of clients finding their way to the service. The name may create the misconception that only persons who have become victims of serious crime should contact the organisation. However, at a meeting for nationally operating NGOs held in March 2011 and coordinated by the Ombudsman for Minorities it was concluded that VS is, in fact, contacted by people other than victims of crime. The threshold can also be easily further lowered by means of clear and well-designed communications.

In the same meeting for national organisations, concern was raised whether the competence level at VS is sufficient for the adoption of all of the necessary information related to the various grounds of discrimination. It should be ensured that the required competence level also covers volunteers working for the service. The capability of VS to receive clients who have encountered discrimination and offer them empathy and support was not questioned. It was concluded at the meeting that the staff and volunteers at VS have a good level of training and professional skills and that empathy occupies a central position with reference to listening to the victims, gaining their trust and helping them. The Executive Director of VS also emphasised that employee motivation is fundamental. Moreover, the fact that the anti-discrimination advice service would be launched before training had been provided to the entire staff was not seen as a cause for concern, as it was deemed that VS was already capable of providing a sufficient level of service. However, a significant challenge was identified in the limited authority of VS and other organisations to help the clients in the matters coming to their attention. At the beginning of the project, some were worried about information on discrimination becoming overshadowed by the other

advisory services provided by VS. This concern has, however, been allayed as the project has progressed further and the activities have developed. Furthermore, VS aims to highlight the availability of anti-discrimination advisory services in all its activities as well as in both internal and external communications.

3.6 Other models for arranging advisory services

In addition to the service models opted for, other means of providing anti-discrimination advisory services at the regional level have been explored in the context of the development project. The parties offering the services could include a centre for multiculturalism, an immigrant advice centre or a general-purpose information desk maintained by the city. During the project, questions have also been raised as to whether it would have been possible to try providing the advisory services in connection with legal aid offices or, for example, from the office of the municipality's social welfare ombudsman or other comparable actors. Suggestions were also made to test the provision of the advisory services through a national-level service number similar to the FINFO service offered by the Family Federation or, for example, in connection with the citizen info type services provided by some municipalities. The decision was made not to explore these avenues further. The main reason for this was adhering to the specific models determined for the modelling work at the beginning of the development project: non-governmental organisation, municipalities and the VS network.

The upside of a national service number is that for a national non-governmental organisation, it is easier to launch due to a larger background organisation and network and it covers the entire society. Its downsides include a certain "facelessness", as the remoteness of a national service may appear awkward when divulging sensitive matters. The possibility for face-to-face interaction is also excluded. Ensuring a professional level of service would, on the other hand, not be problematic for a national telephone service. However, with a national-level service, obtaining and maintaining the necessary regional and local level knowledge about NGOs, support functions and the general equality situation in the regions would be difficult.

Anti-discrimination advisory services should be free of charge. Under the Legal Aid Act, legal aid is given at the expense of the state to a person who needs expert assistance in a legal matter and who for lack of means cannot pay the expenses of having the matter dealt with. Prior to granting legal aid, a calculation is made of the person's income and necessary expenses, based on which a decision is made on whether the person is entitled to

legal aid provided by a legal aid office. For many people, becoming the victim of discrimination is a situation that they do not wish to talk about and that they would rather forget. The advisory services would therefore also provide the added benefit of having someone to discuss the matter with while it is still "fresh". The process at the legal aid office may be too lengthy for this, as gaining an initial appointment (for income calculation) can take a long time.

To this end, legal aid offices now provide national-level legal aid guidance aimed at helping people to seek help for their legal problems at a sufficiently early stage – before they become too difficult to manage. The advisor can help clients to consider whether they would be best advised to contact a lawyer or if an authority or some other party might be of help. The phone service will tell the clients where to find additional information or, for example, forms to facilitate the handling of the matter. The purpose is to help guide the caller in the process of handling the matter. However, the service does not provide answers to legal problems. The phone service is national service number based, and thus lacks a local perspective. Some may also experience a higher threshold for contacting the services at the legal aid office. This may also be the case with the option of municipalities' social and welfare ombudsmen acting as advisors.

Today, many municipalities maintain a tourist information service or some kind of information desk for residents of the municipality that provides, for example, application forms for licences. A good example of a public information service such as this is the Virka Info service operating in Helsinki. Virka Info also provides advisory services for immigrants. Virka Info is a general-purpose advice service that answers questions concerning the City of Helsinki and its services in person, by phone or via the internet in several different languages. Virka Info provides services to all Helsinki residents, native Finns as well as immigrants.

A general-purpose service point such as this, with advisory services as its general form of operations, might be suitable for the provision of anti-discrimination advisory services. In an advisory service such as Virka info, the range of expertise in terms of content is very broad, as the advisory services provided are of a non-specialised nature. Virka Info also provides advisory services for immigrants, which requires special expertise for example in the interpretation of the Act on the Promotion of Integration and provisions on licensing practices. Incorporating information related to discrimination into the activities of 'citizen info' style services could also be a possibility.

4. Assessing the functionality of an anti-discrimination advice service

4.1 Characteristics of a well-functioning anti-discrimination advice service

Previous projects to develop advisory services implemented at the Office of the Ombudsman for Minorities have identified a number of key characteristics that are needed in order to provide good-quality and well-functioning anti-discrimination advisory services. The same characteristics have been found to apply also in the context of the current development project. In addition, the present project has also identified new, previously unrecognised characteristics.

Form of operations

Different people, particularly those with different cultural backgrounds, use different approaches to handle their affairs. For this reason, anti-discrimination advisory services should provide both written and spoken channels for the use of the services. The services of an interpreter must be organised where needed. The advisory services should always be provided free of charge. The service should be implemented in a centralised manner, and care should be taken so as not to create overlaps within the region. The use of networking for efficient distribution of information is highly recommendable. Being able to reach the service quickly by telephone is important, but face-to-face service is sometimes also needed. This could take place in one of the region's pre-existing service centres. The service should have its own brochure, email, telephone number and address. For out-of-hours use of the service, an option for leaving a message and contact information, for example via voicemail, should be included.

The service staff should focus solely on the core service provision, i.e. providing clients with advice, and not take matters further into their own hands, for example by taking on the role of an assistant. When using municipal services, citizens have become accustomed to confidentiality of service provision. This should also be the case with anti-discrimination advisory services.

Professionalism

When providing anti-discrimination advisory services and helping victims of discrimination, it is important to be able to identify discrimination and the consequences of discrimination. It is necessary to be able to advise the client on their case and, where necessary, guide them to the correct actor in society. Listening to the client is an important aspect of the employee's professional

role as an adviser. The service situation should build confidence between the client and the employee. The situation in which the service is provided is essentially not equal, as the client is in a position of having to address and highlight his or her difference and having to rely on the help of someone who, in most cases, does not represent difference. It is also important to help ensure that the service produces the desired results by verifying in the service situation that the client knows how to utilise the advice provided.

Continuity

The anti-discrimination advice service should be a permanent part of society. Services provided by the authorities are permanent, irrespective of the way in which they are arranged. Municipalities and the state have better opportunities to ensure the continuity of the services. Continuity from the viewpoint of the service provider should also be considered in situations where a municipality is weighing up the option of purchasing the advisory services from an outside provider, e.g. a non-governmental organisation. When purchasing the services, the Act on Public Contracts shall be applied, which obliges municipalities to organise bidding competitions for potential service providers. As the provider of the anti-discrimination advice service changes due to requirements posed by the Act on Public Contracts, this may effect changes in aspects such as levels of expertise. For this reason, particular attention should be paid to the expertise of staff when purchasing the service from an external service provider.

Independence and neutrality

If the service is organised by a municipality, the service must retain its independence and neutrality even in cases of discrimination within the services provided by the municipality itself. The role of non-governmental organisation in handling discrimination cases can be considered more neutral. In municipalities, independence and neutrality can be ensured by constructing the service as an independent "unit", creating the image of a neutral service and utilising the support provided by a network of NGOs and the monitoring group.

Coverage

The public sector must ensure that the essential services it provides are available in all parts of the country. Activities related to public health care and the maintenance of public order must be arranged in a way that promotes regional equality between individuals. In order to protect the basic rights of all citizens with reference to obtaining anti-discrimination advisory services

on a regional level, a nationally comprehensive public-sector service network must be constructed through the efforts of municipalities or through municipal cooperation.

As several national networks of non-governmental organisations – such as Victim Support Finland – are active in Finland, the low-threshold role of organisations with reference to client contacts should be taken into consideration. A functional and comprehensive advisory service can also be guaranteed through a network of NGOs and through cooperation between NGOs and municipalities.

Low threshold

The characteristics of a low-threshold service can be considered to include easy approachability, being free of charge, availability of online services, a professional and expert approach, option for client feedback, and the possibility to obtain services as anonymously as possible. In case of advisory services, non-governmental organisations are generally considered to be low-threshold service providers.

In anti-discrimination advisory services organised by municipalities, residents should be able to approach the service as easily and as readily as they would contact their local health station. The service itself and information about the service should be equally easily available to all. Easy approachability should also be a key consideration when establishing the physical service point, including sensitivity to the great variety of client groups targeted. For example, immigrants may find it difficult to seek services in the premises of an organisation for people with disability, whereas an ageing Finnish person might not feel comfortable visiting an advice centre for immigrants.

Visual image and visibility of the service

An effective visual image should be created for the service, aimed at maximising the adoption of the service in the locality in which it is being offered. The objective is to attain a neutral, independent and visible status through efficient communications. The service must come across as being as neutral as possible in order to have equal appeal to clients from different minority groups. If the visual image of the service is changed too frequently, this will confuse the clients and may even diminish the credibility of the service.

From the viewpoint of the client, the service should be presented as a reliable service in a suitable location that is also easy to use. It is possible that the

service provider may change, particularly in the case of externally purchased advisory services. In this case, the service should continue to be advertised using the same messages as before. From the viewpoint of the client, it is important that information about the service is provided and that good-quality service is made available. It is not important who produces the service or whether the staff have a background in, for example, social work or immigrant affairs. What is central is that the service is functional and that the client is provided with the advice he or she is looking for. This creates trust in the service. A crucial element in producing anti-discrimination advisory services is the utilisation of networks consisting of non-governmental organisations, various authorities and individual actors. Each member in a network functions as a mediator to their respective group. The distribution of information on the anti-discrimination advice service should also be equal. Organisations representing different groups discriminated against should be accounted for in a comprehensive manner. Advertisements for the service should be visible on bulletin boards, walls and websites of different service points, municipal organisations, libraries and other institutions. The service should be automatically visible to all residents of the municipality. The residents of municipalities should thus not be required to go to great lengths to seek information on anti-discrimination advisory services.

The external image and visibility of the service can be effectively managed through communications. It should be remembered, however, that the results of the work to distribute information about the service are only visible in the long term, sometimes after several years. The efficiency of communications can be increased through more active cooperation and utilisation of networks. The visibility of the service can be promoted online. Producing a website for the service conveys a professional image. A uniform visual image for all anti-discrimination advice services throughout Finland creates a more reliable image for the service and helps communicate more effectively to the intended audience, i.e. the people requiring the service.

Advocacy work

Part of the role of anti-discrimination advisory services consists of functioning as an "antenna" for equality in their local area, and as active seekers of related knowledge and information. The staff of the advisory services are familiar with local actors and actively collect information on topics such as different support and discussion groups, which they can then pass on to their clients. Advocacy work may involve giving lectures on equality in schools or, for instance, participating in events arranged by organisations. Cooperation with the working group in charge of equality planning in the municipality

also serves to support the work done at the advice service. Advocacy work benefits all parties: the client receives the advice they need, and, the service point gains advance knowledge of any significant shortcomings in the local community and is able to adjust its methods of communication and education accordingly. Information obtained in this way provides an opportunity to tackle the shortcomings identified in the region.

Monitoring group

The functionality and effectiveness of the advisory services should be assessed regularly. The presence in the region of a party responsible for proposing measures for combating discrimination and for activating local actors is also required. The advisory service must have a clearly determined support and cooperation partner to which it will, at regular intervals, provide information on discrimination based on client cases. In order to support the anti-discrimination advice service and other efforts to promote equality in the municipality, it would be recommendable to establish a monitoring group which the advisory service could provide with information on local discrimination and equality issues. The group would then use the information to support municipal decision-making and equality planning. The monitoring group should include representatives from the following groups: employees of the advisory service, the party responsible for equality planning in the municipality, the most significant organisations representing different minority groups, the police and the social welfare ombudsman. Functional cooperation should be established between the Ombudsman for Minorities and the monitoring group.

Interest groups and cooperation

The anti-discrimination advisory services should be viewed as a chain of events produced through cooperation. The work done by NGOs is flexible, practical and easily accessible to the client. The strengths of the authorities include better opportunities for receiving information, continuity of operations and the means to impact society at a general level. As authorities and NGOs function from different starting points and in different roles, it can also be concluded that the expectations regarding services provided by an authority and those provided by an NGO will differ.

The resolution of discrimination cases may sometimes require processing that involves broader and multi-professional expertise. Expertise on the different grounds of discrimination is best found in organisations representing different minorities. Authorities nevertheless have the opportunity to promote the status of the client through various official routes. Through cooperation,

information about the service and its functions can be distributed to different groups. Forms of cooperation available for anti-discrimination advisory services include utilisation of a monitoring group, cooperation in the area of training and distribution of information, and advocacy work performed in the municipality. Cooperation may also involve the hearing of NGOs in municipal decision-making, regional cooperation and inter-authority cooperation in the municipality. Cooperation is used to promote the opportunities of all actors to work more efficiently towards the promotion of equality and the prevention of discrimination.

Collection of information on discrimination

The service points have a central role in the collection of data on discrimination. One source of discrimination data are client cases received by the advisory services. In addition, cooperation with the social welfare ombudsman and the patient ombudsman, the employment and economic development office, the local regional state administrative agency and the police is important in the monitoring of discrimination. Each of these bodies produces reports on discrimination based on their own activities, and compiling this information is important for determining the equality situation in the region. Such broader assessments can be implemented at certain intervals, and the monitoring group could function as a coordinating party in this respect.

The information obtained from the regions is important for the work of the Ombudsman for Minorities and for the collection of data on discrimination carried out at the national level. However, the information would be of particular importance for the monitoring group in the region: it would be the duty of the group to consider matters related to equality and discrimination and also to function as one of the parties heard in municipal decision-making.

4.2 Assessment of the functionality of different advisory service models

Reaching potential clients

As it takes several years for a service to be fully established and reach its potential clients, one of the challenges of the anti-discrimination advice services in the pilot municipalities has been finding clients for the service. One reason for the low number of clients has been the low level of communications about the service. In the future, it is important to realise that communications and networking play an important role in spreading information about the anti-discrimination advisory services. Reasons for the **low level of communications** have included uncertainty over the continuation of the project period and the

experimental nature of the project. According to staff at the service points, the need for the service exists, but challenges concerning the accessibility of the service need to be resolved. In addition, the **activation of non-governmental organisations and other actors** in the region to distribute information about the service and increase awareness about the existence of the service has been challenging. Based on experiences from the project, it can be concluded that the support of the network in the development of the advisory services and in distributing information about them through organisational networks is of essential importance.

In addition, **becoming labelled to some extent as an advisory service promoting the interest of a single group** may also have contributed to the lack of clients. For example in Turku, organisations representing people with disabilities have been highly networked and active. The Turku advisory service was, for a period, run by the Threshold Association (Kynnys ry), which promotes the rights of people with disabilities. Most of the client cases received by the service were related to disability or health. In Kotka, the advisory service was mostly staffed with employees from immigrant services. Even though the fact that the employees work in immigration affairs was not mentioned in any in communications concerning the advisory service, the client cases have been nevertheless focussed on ethnicity. The creation of a neutral service image with the aim of engaging victims of discrimination based on each of the different grounds mentioned in the legislation will continue to pose challenges also in the future.

One of the challenges in reaching potential clients has been the **identification of discrimination**. Identifying discrimination has been a challenging task even for employees of the service. Thus, it can be assumed that when an individual is faced with discrimination he or she can be very unsure of whether the incident qualifies as discrimination or may not even realise that they have been discriminated against. This observation was made in various training events and seminars arranged during the project, which used concrete examples to explore different discrimination situations. The staff at the anti-discrimination advice services also stated that discrimination was not self-evident in all cases, and the clients themselves did not always recognise that they had, in fact, been the target of discrimination. Thus, informing the public about what constitutes discrimination as well as the rights of an individual who has been discriminated against is of primary importance. Armed with this knowledge, victims of discrimination will be better prepared to seek support in pursuing their case. At this stage, the **accessibility of the service** is of crucial importance. The visibility of the service to the public can be enhanced through effective marketing, network cooperation and creating a reliable service image.

Promoting equality and acting as an antenna in matters related to equality in the region are both part of the activities of the advisory services. During the project, the following duties can be said to have formed a part of **advocacy work** to promote the advisory services: marketing of the services to the public in different ways, responding to training requests, participation in different events and presenting the service, contacts with city administration and involvement in activities related to the city's equality plan. The issues addressed may be very **sensitive** to the individual, who often must consider whether or not they are willing to talk about their experience with outsiders or may feel ashamed about the matter. **The threshold for seeking help** thus originates both with the individual and in the structures of the service.

Content of client cases

The number of client cases received by regional advisory services during the project – after the service points began their operations in early 2010 is 45. The largest number of cases has been received by the regional service point of Victim Support Finland operating in Tampere. Out of all cases received by the service points, 23 clearly involved discrimination, out of which 21 were associated with ethnic discrimination. A case example: persons with an African background were not admitted to a restaurant, even though people from the majority population were queuing as normal. In one case, speaking English was forbidden in the workplace. Some cases concerned difficulties experienced by Roma in obtaining rental accommodation. One discrimination case was related to sexual orientation: an employee was required to divulge information on their minority background in the workplace. One case focused on occupational discrimination and harassment in the workplace. In this case, the client was a member of the majority population. Regarding the frequency of grounds of discrimination, disability emerged top alongside ethnicity. Cases where no discrimination was identified consisted mainly of inappropriate treatment and poor service.

In most cases, the opposing party was a municipality or an entrepreneur. The cases reflected discrimination or insulting treatment in a range of different life situations. By far the most widely represented sectors were the provision of services and social services and housing. Other areas of life highlighted in client contacts were working life, health services and relations between individuals. For the most part, the activities of the service points in client cases have consisted of the provision of advice and directing clients to the relevant actor in society. Sometimes, obtaining a full picture of a client case has required the staff to contact different parties. No generalisations should be made based on the client cases, however. They should each be treated as individual cases. The majority

of clients wanted to open up about their experience in the advisory service, but were unwilling or afraid to pursue the matter further with the authorities.

Pursuing matters involving discrimination

For this section, the material has been collected by consultancy firm Referenssi Oy which in autumn 2011 conducted interviews among staff at the service points in Tampere (VS), Turku (Threshold Association – Kynnys ry; Western Finland regional office of VS) and Kotka (City of Kotka). The assessment was part of an overall evaluation of the YES4 project administered by the Ministry of the Interior Legal Affairs Unit. The regionalisation of anti-discrimination advisory services, falling within in the area of responsibility of the Ombudsman for Minorities, was specifically chosen as one of the key topics for evaluation.

The service points for anti-discrimination advisory services stated that, usually, even in clear cases of suspected discrimination, the clients are not interested in pursuing the matter further. This is because clients wish to avoid possible additional problems, including fear of differential treatment in future contacts with the authorities. For example, if a person is dependent on a social worker and social assistance on a monthly basis, the threshold for pursuing an investigation on suspected discrimination is high so as not to jeopardise the benefit. These were among the reasons why the clients were generally not interested in pursuing the matter further. The staff reported that almost all callers are content simply to have someone to discuss the matter with. Having someone confirm that they have been mistreated and that they would have the opportunity to take the matter further was enough for the callers. Even with this affirmation, the threshold for pursuing the matter further is often too high.

The following five points summarise the message of the employees of the advisory services:

- 1) discrimination as a phenomenon is hidden and difficult to detect,
- 2) people who have experienced discrimination do not readily file complaints or pursue the matter,
- 3) if they complain or contact the advisory service, the incident does not always qualify as discrimination; also, people may not be aware of actual discrimination when it occurs, and
- 4) in general, people are not interested in pursuing the matter further but only wish to be heard. In addition to the above, one of the most pivotal comments made by the staff of the services was that
- 5) it is important distribute information and raise awareness of the issue in different contexts and to think of new ways of improving communications.

As with other low-threshold services dealing with sensitive issues, launching the operations of the anti-discrimination advisory services has been slow. Reaching those in need of help is a major challenge for such a service. Time is required in order for information about the service to spread and confidence in the service to be formed. Active communications play a central role in this. Communications concerning anti-discrimination advisory services should take place increasingly using methods and channels of communication that reach the desired target group.

Summary of the work of the advisory services

The large number of cases received by the VS service point in Tampere is likely to be due to the fact that, throughout the test period, the service has operated in connection with Victim Support Finland, which has a long history of network cooperation and partnering with different actors. In addition, the number of organisations representing different discriminated groups is much larger in Tampere than, for instance, Kotka, where the number of contacts made to the advisory service was the lowest. The large number of clients in Turku is also the result of networked cooperation between organisations, which has enabled efficient dissemination of information on the service. In Kotka, however, organisations for the elderly and persons with disabilities are represented in the decision-making bodies of the municipality. This may explain the municipality's great interest in developing the advisory services and preparedness to develop the service all the way to the regional cooperation level.

The majority of discrimination cases involved ethnic discrimination. This may reflect either immigrants' organisations and immigrants having greater awareness of their rights, ethnic discrimination being easier to identify, or ethnicity being more common as grounds of discrimination. The number one concern within the advisory services was cases being abandoned at the advisory services level and clients not pursuing them further in cooperation with the authorities. Why is this? Several reasons can be found: the authorities are unable to identify discrimination or do not know how to address the issue; individuals are afraid to pursue the matter further; non-governmental organisations are unauthorised to intervene in the progress of the matter, even though they might have the desire and ability to do so; or advisory services are not provided in the municipality in question. According to the staff of the advisory services, a mediating party is needed to encourage the clients to put the matter to the authorities, to inform the public about discrimination and to provide clients with the right advice. Advisory services are needed to identify discrimination and to encourage people to claim their rights.

5. Summary and recommendations

The need for anti-discrimination advisory services exists throughout Finland. The provision of advisory services at the local level must be strengthened. There is a need for regional advisory services, coordination of the services and collection of information on discrimination. The work done in the development project has produced an understanding of the characteristics of a functional advisory service and three functional models that provide a foundation for developing anti-discrimination advisory services in Finland.

In addition to advice, the advisory services should aim to provide training to different actors, support the authorities in their efforts to promote equality and tackle discrimination, and actively and in a targeted way inform different actors and the public on matters related to discrimination. All this can be accomplished in cooperation with the Ombudsman for Minorities, the authorities in the region, national and regional non-governmental organisations and between regional advisory services and regional monitoring groups.

5.1 Results of the development work and recommendations for its continuation

The regional development work has produced models for the implementation of anti-discrimination advisory services, the use of which in the development of regional advisory services will continue to be supported by the Ombudsman for Minorities.

MODELS FOR REGIONAL ANTI-DISCRIMINATION ADVISORY SERVICES:

- regional equality plan incorporating the aspect of gender equality, regional anti-discrimination advice service as part of this plan
- national-level anti-discrimination advisory services within the network of Victim Support Finland
- anti-discrimination advisory services obtained from a non-governmental organisations as an externally purchased service

The development work has also yielded observations regarding the development of regional advisory services. **The Ombudsman for Minorities recommends the following for further consideration:**

- cooperation networks should be formed between the third sector and the authorities in the regions, organisations representing discriminated groups should be involved in efforts to promote equality in the municipalities
- a monitoring group should be established in the municipality to support the service and to monitor efforts made to promote equality
- the monitoring group together with the anti-discrimination advice service should form a local-level link to the Ombudsman for Minorities and function locally to support equality planning in the municipality
- the monitoring group should gather information on equality and discrimination in the region
- actors representing different grounds of discrimination should be involved in equality planning and in the monitoring group.

To support their work, regional service points for anti-discrimination advisory services should:

- seek information on organisations and actors representing the groups discriminated against within the region in order to be able to use their awareness of the advisory services, support groups and different networks available in the region for the betterment of their work,
- cooperate with representatives of the municipality as part of the monitoring group,
- prepare a clear plan for communications regarding their own activities
- prepare specific plans regarding the training needs of the staff of the service and, where possible, the training needs of the municipality and other actors and organisations in the region
- determine the equality situation in the region through other means such as training, discussions, visits and reports produced on the region and information gained through the work of providing the advisory services.

5.2 Activities of the Ombudsman for Minorities regarding future development of regional models

The Ombudsman for Minorities has identified clear models for regional anti-discrimination advisory services through pilot projects performed in cooperation with various actors over a period of two-years. The results

have been obtained through the actual provision of advisory services, and the service models produced as a result of the development work have proved fully functional. Although the two-year term of the YES project ended in November 2011, the work done in the project will continue to impact society, as the results of the work will remain active and continue to develop.

The Ombudsman for Minorities will continue to support the development of the models for the advisory services, for example, in the following ways:

- engaging in the preparation of future plans for 2012 and in the longer term in cooperation with the current advisory services,
- the degree of use, accessibility and functionality of regional service points will be assessed after a few years once the services have been better established; this will be repeated more regularly later
- cooperation with the Discrimination Monitoring Group coordinated by the Ministry of the Interior will be intensified to promote more efficient collection of data on discrimination with the help of regional advisory services
- municipalities and the Association of Finnish Local and Regional Authorities will be approached with the aim of transferring functional models for advisory services elsewhere in Finland
- regular meetings with national NGOs; preparation of operating principles for cooperation together with organisations, for example regarding communications from the national to the regional level
- the role of regional advisory boards operating under the Advisory Board for Ethnic Relations in the development of the regional advisory services will be considered
- trade unions and the Regional State Administrative Agency will be approached with the aim of informing them about the service and considering possibilities for cooperation
- the role of the Ombudsman for Minorities in informing the public about the regional advisory services will be considered (e.g. the website of the Ombudsman for Minorities must include contact information of the regional service points; information provided to the media on the activities of regional service points at the national level)
- efforts will be made to create methods for measuring discrimination and collect information on discrimination
- the Office of the Ombudsman for Minorities will provide training to the advisory services, monitoring groups and cooperation networks and offer support for the actual work done by the services.

Cooperation with Victim Support Finland to continue

In late 2011, discussions will be carried out with Victim Support Finland concerning plans to develop anti-discrimination advisory services both in 2012 and in the longer term. In the last two years, training has been provided in three of the seven operating regions of VS. Additional training on different grounds of discrimination has also been provided in one of the regions. The remaining four regions will be provided with training on discrimination issues in 2012. Efforts will also be made to arrange training on different grounds of discrimination in the areas.

Aspects to be addressed in the plan include networking with organisations representing different discriminated groups in the regions, regional and national level communications, harmonising practices for compiling discrimination statistics, and producing information on discrimination. In addition, different tasks related to the promotion of equality, such as responding to training requests, informing citizens about the service, participation in events and, for example, close cooperation with the city constitute future development areas for anti-discrimination advisory services carried out by Victim Support Finland.

Service contract between the City of Tampere and VS to come into force in 2012

For the most part, the implementation of the contract will remain the responsibility of the City of Tampere and the Inner Finland regional office of Victim Support Finland. The financing for purchased services has been secured, and Victim Support Finland has the necessary expertise in place to carry out the work. Irrespective of this, the Ombudsman for Minorities is prepared to support both parties if needed, for example by offering training and expertise to support the work of the advisory services.

Both parties – the City of Tampere and VS – possess functional channels for communications. Next, they should come up with an efficient communication plan to market the service in the Tampere region. Both parties already have effective networks that can be utilised for communications. Training should be organised both for the actors in the City of Tampere and for the workers and volunteers at the Inner Finland regional office of Victim Support Finland. More in-depth additional training on the different grounds of discrimination should be arranged, in particular for the provider of the advisory services, i.e. Victim Support Finland.

Development work in the subregions of Southern Kymenlaakso to intensify

Discussions between representatives of the subregions and a representative of the Ombudsman for Minorities resulted in a decision to go forward with the practical implementation of the regional model. In the future, the subregions must be offered training in equality and discrimination. Moreover, training on the different grounds of discrimination should be provided to employees of the anti-discrimination advisory services in the Kotka region.

The cooperation between subregions to produce a regional equality plan will continue, and the Ombudsman for Minorities will support the preparation of the plan e.g. by offering advice concerning the content of the plan. In addition, the possibility of changing the practical implementation of the model for advisory services can be considered in the near future, and it would be recommendable to consider different implementation models in cooperation with the representatives of the subregions. The Ombudsman for Minorities is currently supporting the actors in their funding application to the Regional Committee for hiring additional the workforce needed for the preparation of the equality plan and for the provision of anti-discrimination advisory services in 2012. In the future, issues regarding the collection of information on discrimination and instructions for the compiling of statistics should be discussed with the Ombudsman for Minorities. Joint communications at both the regional and national level should be included in the plans prepared jointly by the subregions.

Conclusion

Two functional service models have been established for the provision of anti-discrimination advisory services by municipalities. However, these models cannot and should not be replicated identically in all municipalities. It is inefficient for small or even medium-sized municipalities to provide anti-discrimination advisory services independently. In regions where municipalities are unable to organise the services independently and no opportunity for regional cooperation exists, advisory services are still provided through the service points of Victim Support Finland.

Essential elements in the work of providing anti-discrimination advisory services are effective use of cooperation and avoiding overlaps in service provision. Regional-level provision of anti-discrimination advisory services is recommended, as this enables better local expertise in matters specific to the region. The advisory services are able to provide advice on local services and

information centres and on different support and peer group activities in the area. Regional anti-discrimination advisory services would function as a filter for the client work carried out by the Ombudsman for Minorities, whereby discrimination cases most significant from the perspective of society and the promotion of equality would be directed to the Ombudsman for Minorities, who would assist the client in pursuing their case further, including through the possible court process.

Developing any services aimed at supporting clients in need of help and support can take years. It is important to acknowledge this fact when developing anti-discrimination advisory services. The following aspects can be considered the most important findings of the development work carried out in the pilot project and should be taken into account when constructing the services:

- identifying discrimination and providing the right kinds of guidance are the most important goals of the anti-discrimination advisory services
- the advisers do not need to be experts on all grounds of discrimination: the most important thing is to recognise the problem, provide the client with the right advice and, if necessary, direct them to the right authority
- communications and network cooperation are of primary importance in ensuring the accessibility of the service

It is important for the Ombudsman for Minorities, and later possibly the Ombudsman for Equality representing all discriminated groups, to establish connections with regional monitoring groups in order to obtain information on discrimination. The Ombudsman for Minorities should continue the work of developing the regional advisory services and raising public awareness of the service models created in order to also establish the models elsewhere in Finland.

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Appendix

Appendix 1: Inquiry targeted at the authorities

Referenssi Oy was commissioned to chart views and conceptions regarding discrimination and matters related to equality in the operating areas of the project on anti-discrimination advisory services. The work was carried out between 8 September and 31 October 2011. The members of the working group were researchers Kari Huotari, D.Soc.Sc., and Sinikka Törmä, D.Soc.Sc., of Referenssi Oy, and subcontractor Kati Tuokkola, M.Soc.Sc. (Tmi Kati Tuokkola). Project Manager Päivi Okuogume from the Office of the Ombudsman for Minorities functioned as the commissioner's contact person. The working group also included the following representatives of the commissioner: Katriina Nousiainen, Project Coordinator, and Panu Artemjeff, Senior Adviser, Ministry of the Interior, and Rainer Hiltunen, Office Manager, Office of the Ombudsman for Minorities. The persons implementing the inquiry wish to thank the representatives of the commissioner for their excellent cooperation.

Aim of the inquiry, materials and analysis methods

The aim of the inquiry was to determine the views and conceptions regarding discrimination among different authorities. The inquiry examined the ways and extent to which discrimination and equality issues were addressed in the work of public officials with respect to contacts made with them by members of the public. In addition, the aim was to explore the capabilities of public officials to support persons who have experienced discrimination and to provide them with advice and forward guidance. In addition to these objectives, the inquiry also set out to determine the extent to which equality plans have been drawn up by the authorities and whether the Non-Discrimination Act has been used as a tool in daily work. The inquiry also investigated the kinds of obstacles that arise with respect to pursuing discrimination matters and the reasons for these obstacles. The inquiry was implemented in the Finnish municipalities currently providing regional anti-discrimination advisory services, i.e. Tampere, Turku and Kotka.

The inquiry provides answers to the following questions: *Are existing problems related to discrimination observed/detected/identified and is there sufficient competence to pursue the matters further? and To what extent will the need for activities comparable to the advisory services continue in the future?*

A total of 17 public officials were interviewed for the inquiry in three different regions (Kotka, Tampere and Turku). The persons interviewed represented the following bodies:

- 1) social welfare ombudsman (3)
- 2) patient ombudsman (2)
- 3) the police (2)
- 4) Regional State Administrative Agency/Occupational Health and Safety (2)
- 5) public official involved in the preparation of the equality plan (2)
- 6) employees of advisory services for immigrants (4)
- 7) lower secondary school principal (2).

The following topics were addressed in the interview: 1) How do the interviewees define discrimination? 2) To what extent does discrimination occur, in their opinion? 3) Does information about cases of discrimination come to their attention through client contacts (e.g. based on ethnicity, disability, etc.)? 4) Do people become victims of crime as a result of their background and, if so, to what extent? 5) Do different population groups (e.g. the Roma) receive different treatment? 6) What is the level of preparedness among public officials to pursue these matters? and 7) If, for some reason, they have not been able to pursue a matter further, why not? The interviews were analysed using qualitative methods.

Appendix 2: Inquiry targeted at non-governmental organisations

(EMAIL MESSAGE ON 30 SEPTEMBER 2011)

Dear Sir/Madam

The Ombudsman for Minorities is interested in your views concerning the need for anti-discrimination advisory services in your area (municipality, city, subregion) and the capacity of actors and authorities in your area to identify and intervene in discrimination and promote equality in order to ensure the realisation of equality for different minority groups. We would ask you to spare a moment and complete the attached questionnaire that we are sending to NGOs and advisory organisations operating in your area.

Regional anti-discrimination advisory services are being developed by the Office of the Ombudsman for Minorities. Different models for providing the advisory services (arranged by organisation or municipality) are being tested in the regions of Kotka, Tampere and Turku. Experience from the actual work of service provision has revealed a need for closer cooperation with actors at the regional/local level. A visible and easily accessible advisory service could encourage persons to openly discuss any discrimination they may have experienced. Identification of discrimination is a precondition for tackling discrimination as well as for the development of good-quality advisory services.

We kindly ask you to forward this questionnaire to the person who in your estimation is best qualified to complete it (experience of advisory work, advocacy work, is involved in a working group on the issue, etc.) Please complete the questionnaire with care. We also accept questionnaires in which only some of the questions have been answered. The results of the inquiry will be utilised in the development of regional advisory services. The results of the project will be summarised in a final report to be published at the end of November. The report will also be available online at www.ofm.fi. Individual respondents and organisations will not be identifiable in the presentation of the results.

Information on the current status of the project can be obtained by visiting www.ofm.fi under the link "Alueellinen neuvontapalvelu" (Regional advisory service) or by contacting the project manager paivi.okuogume@ofm.fi / Tel. 071 878 8669. We request your answers by 21 October 2011. Click on the link below to access the questionnaire: <https://www.webropolenquiries.com//S/62F188F57D7102C6.par>

Thanking you for your contribution
Päivi Okuogume

On the results of the NGO survey:

The non-governmental organisation survey was aimed at organisations representing different groups discriminated against in four regions: the three regions where the advisory services were being tested and the Oulu region. The inclusion of the Oulu region was based on two reasons. Firstly, it enabled a greater number of survey responses. Secondly, for the sake of comparison, it was beneficial to assess the situation in a region that does not currently provide the advisory services in question. The results obtained proved to be highly similar for all municipalities, and no major differences between respondents were found with respect to the identification of discrimination or the provision of advice.

Number of NGO survey respondents by organisation (total: 196)

	Turku	Kotka	Tampere	Oulu
Child and youth organisation	8	11	7	6
Organisation for senior citizens	6	9	6	3
Disability and health organisation	10	11	6	16
Organisation representing sexual minorities	1	1	1	1
Immigrant organisation	3	3	7	2
Religious organisation	4	-	3	5
Roma and Sámi organisation	1	-	1	3
Other organisation	<u>16</u>	<u>11</u>	<u>16</u>	<u>18</u>
Total	49	46	47	54

Summary of respondents:

A total of 41 responses were received. The number of organisations for the regions of Kotka, Tampere, Turku and Oulu were 11, 12, 7 and 11, respectively. The organisation background of the respondents was as follows (no. of respondents):

Disability and health organisation	6
Child or youth organisation	7
Organisation for senior citizens	6
Immigrant organisation	3
Religious organisation	1
Roma or Sámi organisation	1
Other organisation	17

Appendix 3: Description of the development project

Regionalisation of anti-discrimination advisory services is part of the Equality is Priority (YES) project, which has received funding from the European Union's PROGRESS programme (2007–2013) promoting employment and social solidarity. The project was implemented between 1 November 2009 and 30 November 2011 (YES3 and YES4 projects). In the course of the project period, the models for advisory services tested during the project have been developed and selected. For example, during the term of the YES4 project, two forms of municipally-organised anti-discrimination advisory services have been established: regional cooperation and services purchased externally.

In spring 2009, a proposal was presented to the European Commission by the Office of the Ombudsman for Minorities concerning a regionalisation project for anti-discrimination advisory services to be launched in autumn 2009. The proposal was accepted by the Commission in October 2009. Actors from three municipalities expressed their wish to take part in the project: Turku, Tampere and Kotka. An experiment on the provision of anti-discrimination advisory services would be initiated in all three municipalities, each employing a different operating model.

In Turku, the advisory service would be provided mainly by Kynnys ry (the Threshold Association, an organisation promoting the rights of people with disabilities), in Tampere by the Inner Finland regional office of Victim Support Finland, and in Kotka by the City of Kotka. The selection of Turku was based on its extensive and well-functioning network of non-governmental organisations. Tampere had a functional service point run by Victim Support Finland, and Kotka, located in a very different part of Finland, represented a municipality with a significantly smaller population base.

Aims set for the development work:

The development project for regional anti-discrimination advisory services was divided into two separate entities, i.e. the project periods YES3 and YES4. The YES3 project was active between 1 November 2009 and 31 October 2010, and the YES4 project was implemented between 1 December 2010 and 30 November 2011.

Originally, the YES3 project was defined as a pilot project with the following aims:

- establishing service points for anti-discrimination advisory services in three municipalities,
- offering advice to clients who have encountered discrimination
- collecting information on discrimination based on client cases received by the advisory service.

In order for the service to be able to begin its operations, advisory service staff in the three municipalities were provided training on discrimination issues and on the various legally defined grounds of discrimination. Initial seminars were held in each municipality in order to invite organisations and actors representing different grounds of discrimination to join the cooperation network. A reporting form for compiling statistics on client cases was drawn up for the staff of the advisory services. The form included information on aspects such as the grounds of discrimination, area of life in which the discrimination occurred, and advice provided to the client.

The YES4 project also contained more profound goals associated with the impact of the project. The objectives of the YES4 project were:

- further development and increasing the efficiency of anti-discrimination advisory services
- disseminating information on discrimination and anti-discrimination legislation to different actors,
- preparing a review of the equality situation and collecting statistics on discrimination in the target regions of the experiment,
- engaging different actors in the distribution of information,
- increasing the number of clients for anti-discrimination advisory services,
- systematic communications on the existence of the service and
- increasing individuals' awareness of their rights on a general level.

The activities in the second project period are best described by two words: impact and advocacy. The aims of collecting information on discrimination and receiving clients were still valid. The deeper objectives of the YES4 project included locating real and functional models for anti-discrimination advisory services and the development of operations.

Originally, the YES4 project was planned to include three new municipalities for testing the model. This idea was subsequently rejected as the inclusion of new municipalities would not have introduced a significant amount of

new information in terms of results. Instead, the focus on new regions could have slowed the development of the existing services. In addition, the project duration for the new recruits would have been just 12 months. For these reasons, it was considered more feasible to invest in existing service points.

Summary of the advisory services included in the project:

Victim Support Finland – VS

Victim Support Finland (VS) has been involved as an active cooperation partner in developing the anti-discrimination advisory services since the start of the project in November 2009. The initial stage involved almost no challenges. The Executive Director of VS considered that out of the whole VS network the service point for the Tampere region was in the best position to take part in the project in terms of resources. At the time, the Tampere office employed a part-time employee who was able to begin developing the service required by the project to suit the VS model.

In the initial discussion with VS staff, identification of discrimination was considered perhaps the greatest challenge for the service. The decision was made to address the challenge through training. This paved the way for launching the service and beginning to plan the content of its activities. An initial seminar and a training day for VS employees were held in connection with the launch of the service. Operations began in the beginning of November 2009. One of the telephone service numbers in use at the VS Tampere regional office was adopted as the number for the anti-discrimination advice service. Notification of the launch was sent from the VS Inner Finland regional office in Tampere to the networks in the region, and information on the project was provided at a national meeting for the VS network. In addition, an operating model for receiving discrimination cases was developed within the network. In December, VS issued a press release on the anti-discrimination advice service and an extra item on discrimination was added to the form for reporting client cases for the purposes of compiling statistics. During Anti-Racism Week, VS employees offered their services and distributed information on the services at the Immigrant Advice Centre of the City of Tampere for three days.

Kynnys ry (The Threshold Association)

The regional secretary of the Turku regional office of Kynnys ry recruited two highly motivated new employees as part of the team for the anti-discrimination advice service. The regional secretary also handled the practical administrative measures required for the project and, in their capacity as lawyer of the

organisation, functioned as a support person to the employees of the service. Hiring extra personnel to implement the service was, however, necessary as the staff resources at Kynnys ry were already stretched to full capacity. A new telephone and subscription were obtained for the service, and a separate email address was established. The function began operations at the beginning of April 2010.

A key reason for selecting Kynnys as one of the parties to provide the services was that the association was already providing legal advice and so advisory work was already familiar to them. The advisers were provided training on the content of the Non-Discrimination Act and discrimination issues. The identification of discrimination was perceived as a key challenge. As a well-known organisation operating from a central location, Kynnys was able to provide facilities that were familiar to many other organisations and easily approachable.

As in April 2011 the VS network launched its nation-wide, though regionally implemented, anti-discrimination advice service, the actors in the Turku region had to re-evaluate the role of the advisory service provided by Kynnys ry. Maintaining two advisory services with the same content would not have been rational. Moreover in the future – after the termination of the development project – VS would be in possession of greater resources for the provision of anti-discrimination advisory services without the project funding. As the employees at the advisory service organised by Kynnys had been working in the service for one year, they had accumulated experience of client work associated with discrimination issues. Through client work, they had become familiar with the Non-Discrimination Act and the concept of discrimination, and the handling of client cases was already notably easier.

The role of Kynnys ry in the provision of the advisory services was thus reconsidered after the launch of the national VS service on 6 April 2011. The following were agreed as the new areas of responsibility for Kynnys with reference to anti-discrimination advisory services: organising training on the theme of the different grounds of discrimination for VS employees and volunteers, training provided to other parties on discrimination, and assisting VS in marketing and communications.

City of Kotka

The City of Kotka showed great interest in taking part in the experiment concerning the advisory services. Before the initial meeting between a representative of the Ombudsman for Minorities and the City of Kotka, the

city had already established the staffing and physical location for the advisory service. The city had decided that the advisory service should be staffed with employees from immigration services, as they already had experience of advisory work as well as knowledge concerning some of the themes central to the project. The meeting focused on practical arrangements regarding the service, mostly in terms of working hours to be spent on the project by municipal employees. The director of social services also presented the matter of initiating the advisory services in a meeting of the Social and Health Board on 24 March 2011.

Five employees from the immigration services and one employee of the parish union working part-time for the immigration services started work in the service. The team consisting of a total of six people began to operate the service in alternate weeks. A separate telephone line and email address were obtained for the service. The service began operations on 19 April 2010. The regional development work was initiated in autumn 2010.

Appendix 4: Client report template by Victim Support Finland and instructions for providing statistical information on a discrimination case

PROVIDING STATISTICAL INFORMATION ON SUSPICION OF DISCRIMINATION

If you selected the items **"discrimination"** or **"racism"** in the case information form, please complete this form. If you chose the option **"other than crime"**, please consider whether the case should be registered as a suspicion of discrimination. This is appropriate in cases where the client has been unable to find assistance for their case.

Discrimination can be based on different grounds: gender, age, ethnic background, religion or belief, opinion, health, disability or sexual orientation. These are cases of discrimination that can be pursued based on the Criminal Code, the Non-Discrimination Act, the Equality Act or the Constitution.

The matter is registered as discrimination when **the client feels he or she has been discriminated against or when discrimination is suspected by the employee.**

The name and contact information of the client are not included in the form unless they will be required later for further processing of the matter. Prior to registering the name of the client, always ask for permission.

PLEASE ENTER THE FOLLOWING INFORMATION IN CASES OF SUSPECTED DISCRIMINATION:

Contact information of the person contacting the service (only when required for further processing):

What happened? Where and when?

Contact information of the opposing party (only when required for further processing):

Why the person feels this qualifies as discrimination:

Underline the grounds of discrimination (one or more):
age, disability, health, ethnic or national origin, nationality, language, religion, belief, opinion, sexual orientation, other personal characteristics

What does the client wish to be done about the matter:

Has an authority been contacted about the matter? Which authority?

This form was completed by (name, VS office):

Send this form immediately via email katariina.westman@riku.fi or by mail to RIKU Pirkanmaa service point/Katariina Westman, Hatanpään valtatie 34 E 4th floor, FI-33100 Tampere. For further information, please contact: Tel. +358 (0)50 421 0236 (Katariina)

INSTRUCTIONS FOR PROVIDING STATISTICAL INFORMATION ON DISCRIMINATION CASES AT VICTIM SUPPORT FINLAND

Discrimination can be based on different grounds: gender, age, ethnic background, religion or belief, opinion, health, disability or sexual orientation. These are cases of discrimination that can be pursued based on legislation such as the Non-Discrimination Act, the Equality Act, the Constitution or the Criminal Code. If the matter also constitutes a criminal matter, it can be processed by VS in accordance with regular procedure. If the case does not constitute a criminal matter, direct the client to the relevant authority or source of assistance, e.g. the patient ombudsman, the social welfare ombudsman, the disability ombudsman, the Ombudsman for Minorities (see separate form), etc.

More specific information on suspected discrimination

If you selected items **“discrimination”** or **“racism”** in the case information form, please complete this form.

If you chose the option **“other than crime”**, please consider whether the case should be registered as a suspicion of discrimination. This is appropriate in many cases where the client has been unable to find assistance for their case.

For the purposes of collecting information, it is essential that **the person contacting the service feels he or she has been discriminated against or discrimination is suspected by the employee.**

Appendix 5: Contact information of the Regional Advice Services



CONTACT INFORMATION FOR REGIONAL SERVICE POINTS FOR ADVICE AGAINST DISCRIMINATION

SOUTHERN KYMENLAAKSO REGION

syne@kotka.fi

020 6116101

(Karhulantie 46, FI-48600 Karhula, Finland)

Service hours: Mon 12:00–14:00 and Wed 12:00–14:00

VICTIM SUPPORT FINLAND / Tampere

katariina.westman@riku.fi

(03) 3141 8513

050 421 0236

(Hatanpään valtatie 34 E, 4th floor

FI-33100 Tampere, Finland)

Service is available during office hours

VICTIM SUPPORT FINLAND / all regions

Western Finland	050 572 9265
Southwestern Finland	050 340 3580
Northern Finland	040 5433 495
Southern Finland	(09) 4135 0550
Inner Finland	050 3141 8513
Eastern Finland	(013) 221 990
Lapland	0400 979 175

The Equality is Priority (YES) project has obtained funding from the European Union's PROGRESS programme (2007–2013) promoting employment and social solidarity. For more information visit: www.yhdenvertaisuus.fi



Appendix 6: Advertisement of the Advice Service

SYNE ANTI-DISCRIMINATION ADVICE SERVICE

I, as a wheelchair user, was denied access to a restaurant even though it was not full.

I was refused service in a shop because I am Roma.

I am bullied at work because of my sexual orientation.

My chances of promotion are limited because my employer thinks I am too old.

I was unable to get insurance because I am a foreigner.

Have you been discriminated against because of your age, ethnic or national origin, nationality, language, religion, conviction, opinion, state of health, disability, sexual orientation or other personal characteristics?

**For free essential advice and guidance
contact your local SYNE advice service:**

Western Finland	050 5729265
Southwestern Finland	050343582
Northern Finland	040 5433495
Southern Finland	09 41350550
Inner Finland	03 31418513
Eastern Finland	013 221990
Lapland	0400 979175

The numbers reach the offices of Victim Support Finland (VS). The service is available during office hours. You are also welcome to leave us a contact request via voicemail.

We offer our services in Finnish, Swedish and English.
Interpretation will be provided where necessary.



Ombudsman for Minorities

PO Box 26

00023 Government, Finland

Tel.: +358 71 878 0171

Internet: www.ofm.fi

