



EQUAL TREATMENT PROMOTION  
AND AWARENESS IN ESTONIA

EQUAL TREATMENT  
IN ESTONIA:  
AWARENESS AND PROMOTION  
RESEARCH REPORT

Institute of Baltic Studies

Tartu 2013

## About the Authors

The book at hand has been compiled by researchers from the Institute of Baltic Studies and International and Institute of International and Social Studies from University of Tallinn. This research report analyses equal treatment perceptions among Estonian society including the reception of Equal Treatment Act, influence and impact of previously conducted projects on equal treatment promotion projects good practices regarding equal treatment in other countries.



The Institute of Baltic Studies (IBS) is an independent non-profit research and development centre that aims at assisting the development of public policy in the Baltic Sea region by providing high-quality socio-economic analysis. With its activities, IBS aims at contributing to the increase of knowledge and understanding of the development challenges and opportunities facing Estonia in particular and Baltic Sea region in general.



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The authors wish to thank interview and survey participants, also experts from Finland, Sweden and Germany for their time, effort and input into this research.

This project was carried out by Kristjan Kaldur, Kristina Kallas, Kats Kivistik and Kaarin Plaan – researchers from Institute of Baltic Studies and Triin Roosalu, Maaris Raudsepp, Larissa Kus, Kadri Aavik, Marion Pajumets, Margarita Kazjulja and Pille Petersoo from Institute of International and Social Studies, University of Tallinn.

The website of the research with additional data: [www.ibs.ee/VKE](http://www.ibs.ee/VKE)

The project is funded by the European Fund for the Integration of Third-Country Nationals, Ministry of Culture and the Integration and Migration Foundation Our People (MISA)



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Issued by: Institute of Baltic Studies / TLÜ RASI

Tartu 2013

ISBN 978-9949-9494-3-4

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# Introduction

The constitution of Estonian Republic states that no one shall be discriminated against on the basis of nationality, race, colour of the skin, gender, language, origin, religion, political or other convictions, based on property and social status or other factors. Ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. In 2009 the Equal Treatment Act came into force in Estonia, in which § 1 prohibits the discrimination based on nationality (ethnic origin), race, colour of the skin, religion or beliefs, age, disability or sexual orientation. The principles on the prohibition of discrimination and the promotion of equal treatment in Estonia originate from the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which Estonia joined in 1996.

Promoting tolerance and equal treatment is one of the most fundamental principles in the currently prepared Estonian integration development plan “Integrating Estonia 2020”. Equal treatment of people can help to prevent separation resulting from the ethnic and racial segregation, which in turn supports the objective of creating a more cohesive society. Therefore, one of the goals for the process of integration is to avoid ethnic and cultural isolation both for the existing population, but also for the new-immigrants as well.<sup>1</sup>

The constitutional protection against unequal treatment has existed since Estonia regained its independence, but only recently the state has begun to promote the principle of equal treatment. The Equal Treatment Act entered into force in 2009, which also laid the foundation for the creation of the position for the Gender Equality and Equal Treatment Commissioner. However, only a few large-scale activities have been carried out to promote equal treatment and just as few studies have been conducted that would provide a thorough overview of the manifestations of unequal treatment. Only cases of unequal treatment based on gender and equal treatment have received more public attention. Estonia also has more knowledge of inequality in the labour market (e.g. wage gap, gender segregation among professions etc) as well as in other areas, among others thanks gender equality monitoring, which are carried out regularly.<sup>2</sup> Indications of unequal treatment based on nationality (ethnicity) are monitored to a certain degree in the monitoring of integration in the Estonian society.<sup>3</sup> However, since their focus has been rather on the presentation of data of the general social structure of Estonia, then the mechanisms of unequal treatment have been reflected there only indirectly.

This research report is based on a project carried out in 2013 and titled “Promotion of equal treatment”, which aimed to analyse the promotion of equal treatment and manifestations of unequal treatment in Estonian labour market, based on ethnicity, race, skin colour and language proficiency. As a part of the quantitative survey which was carried out during the project, the awareness of Estonian citizens on the issues of equal treatment was measured. Since the project’s target groups were third-country nationals and people with undetermined citizenship, the focus of the study was primarily aimed at researching the (un)equal treatment based on nationality.

Three activities were carried out to achieve the goals of the project.

First, a research on the reception of Equal Treatment Act was conducted among the Estonian population, in which data was collected about the awareness of the principles of equal treatment and the extent of unequal treatment. Then, the reach of the principles of equal treatment among Estonian population were analysed, including key target groups such as third-country nationals who permanently reside in Estonia and people

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<sup>1</sup> See more: Kultuuriministeerium (2012), “LÕIMUV EESTI 2020”, Lõimumisvaldkonna arengukava koostamise ettepanek Vabariigi Valitsusele.

<sup>2</sup> The monitoring of gender equality has been carried out in 2002, 2005, 2009 and 2013. See more at the website of the Ministry of Social Affairs: <http://www.sm.ee/meie/uuringud-ja-analuusid/sotsiaalvaldkond.html>

<sup>3</sup> Integration monitoring has been carried out in 2000, 2002, 2005, 2009 and 2011. See more at the website of Estonian Integration and Migration Foundation Our People: <http://www.meis.ee/uuringud>

with undetermined citizenship. The results of this research are presented in chapters 1 and 2 of this report.

Second, the impact and sustainability study was conducted on the projects that have been funded to promote equal treatment and raise awareness in Estonia. This evaluation analysed the scope of activities that were carried out, and assessed the inclusion of different target groups and stakeholders in these projects. The aim of this activity was to examine whether the results and impact of the activities carried out during the projects have been sustainable, to which extent do they last after the end of the project and what kind of impacts do they still have. Results of this analysis are presented in the third chapter of this study.

Third, four European Union member states – the United Kingdom, Sweden, Germany and Finland – were analysed for a good practices which promote equal treatment in the labour market. Research focused mostly on the observation of legal and policy framework. It was also examined how the selected countries implement measures to combat unequal treatment and create equal opportunities for different ethnic and immigrant populations. Collection of these good examples are outlined in the fourth chapter of this report.

The results of the research and analysis are unique in many ways. First of all, in previous years no analyses on this scope have been carried out in Estonia, which combine different aspects of equal treatment: the research on the awareness of equal treatment in Estonian society, the assessment of the impacts of activities that have been carried out so far, complemented by the good practices of other countries. The results of this project offer an insight to the topics such as dismissive attitudes towards features which are seen or considered foreign, intolerance towards people speaking other languages, the overall social climate towards equal treatment and its impact on the awareness and the manifestations of unequal treatment. The population survey showed that also the lack of knowledge and carelessness could often be the incentive for perceived unequal treatment.

The need for a more active promotion of equal treatment arise directly from the results presented in this report. The results show a rather inadequate understanding about the principles of equal treatment in the society as well as about the existence or purpose of the Equal Treatment Act. This applies both to officials, employers and media as well as to the population as a whole. At the same time and despite the lack of knowledge among the population on the subject, it is a pleasant exception that there is a relatively high interest in this topic.

This research report ends with an overview of findings and suggestions for the improvement of the current situation. The accumulated knowledge in this study acts as an input for shaping the measures and activities in the new sectorial development plan “Integrating Estonia 2020”. The data and information collected during the project, analyses completed and conclusions as well as recommendations brought forth, enable to enhance the activities of Estonian integration policy. This includes developing also other policies aimed at the promotion of equal treatment and an increase in tolerance, particularly among the key target groups. The mere involvement of third-country nationals and people with undetermined citizenship as respondents in this study has most likely increased indirectly their awareness of equal treatment as well.

This study report is targeted to officials, analysts and researchers involved in developing and implementing policies at the national and local government levels. It is also meant for the civil society organisations and other interested parties whose aim is to promote equal treatment in Estonia and combat manifestations of unequal treatment. Different parts of the report have been prepared so that all chapters can be read independently, while the main conclusions and policy recommendations are brought out at the end of the report. The report is also available in Estonian and Russian.<sup>4</sup>

We hope that the results of this study will prove valuable and thought-provoking, and will be widely used, especially by those directly responsible for the promotion of equal treatment in Estonia. Enjoy the reading!

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<sup>4</sup> Additional website accompanies this research report, where more statistical data and advanced version of the first chapter of this report (research on the reception of Equal Treatment Act) are published. See more at [www.ibs.ee/VKE](http://www.ibs.ee/VKE)



# 1. Attitudes and awareness of equal treatment and awareness of Equal Treatment Act

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## 1.1 Background and goals of research

The goal of this research was to gather information about awareness of equal treatment (ET) in Estonian society and to analyse the reception of Equal Treatment Act (ETA) by the Estonian population, including the reception among the main target group: third-country nationals (TCN) who live permanently in Estonia and people with undetermined citizenship. Sub-goals of the research were to find out the following amongst different important target groups, including TCNs permanently residing in Estonia and persons with undetermined citizenship:

- Awareness and attitudes towards *equal treatment principles* and *its main terms* (as set out in the law);
- Awareness of the existence of the law and exposure to issues related to equal treatment, current experience and criticism regarding the application of the law.

**Reception of equal treatment** in society and on the level of individual person is a complex phenomenon which includes several components: cognitive (knowing the law, understanding, interpreting, recognizing situations of unequal treatment (UET)), estimated (attitudes, regards, values) and behavioural (skill to apply the law). In addition to directly accepting principles and definitions that the law includes, it is important to take into account understandings and practices spread in a society, for example – which groups are included or excluded as being worthy of equal treatment or how requirement for equal treatment is justified in a society.

Describing and analysing such a complex research object is possible only through combination of different methods. Through a representative population survey, we analysed the distribution and prevalence of attitudes towards equal treatment among Estonian population, including the target groups mentioned above. In addition, we carried out focus groups with representatives of key areas of social life in terms of equal treatment – education system, labour market, media, and civil society. The focus groups were carried out in Estonian, Russian and English. The aim of the interviews was to identify awareness of the principles of equal treatment among the professionals whose responsibility is to deal with equal treatment questions. The results of the interviews are presented in Chapter 2. In the current chapter, we introduce the results of the survey. Chapter 2 is followed by a summary of both studies.

For a detailed version of this chapter and comparisons to previous studies and practices of other countries, please see Roosalu et al 2013.

## 1.2 Population survey: research method and sample

Relying on previously carried out surveys (see Lagerspetz et al 2007, Eurobaromeeter 2009, 2012, Eesti elanike õigusteadlikkuse uuring 2007, Lindsalu et al 2011) and originating from the research task, a questionnaire labelled “Nationality, tolerance and equal treatment in Estonia 2013” was created. The goal of the questionnaire is to clarify understandings, attitudes and experiences of different population groups in regards to discrimination and ET and their awareness about ETA. The compilation of the questionnaire was based on the following principles:

- comparability with previously carried out polls – a number of questions were repeated from in the previous polls on ET and discrimination;
- comparability with target group interviews;
- substantive importance to representatives of different target groups (stateless persons, third-country nationals (TCN), ethnic and linguistic minorities)
- The questionnaire consists of both closed and open questions, 105 questions in total, including background questions about the interviewee. Content questions covered the following topics:
  - Common understanding of the key terms: awareness of and attitude towards principles and main concepts of ET (discrimination, equality, ET); emotional attitudes, knowledge, ideological perceptions as the basis for tolerance or intolerance;
  - Legal awareness: awareness about ETA, evaluation of how accessible and understandable is the law; awareness about possibilities to protect one’s rights;
  - Subjective experience of discrimination: experiences of discrimination and unequal treatment (UET) – what are the areas of and reasons for discrimination, multiple discrimination, reaction to UET;
  - Evaluation of Estonian situation: perceived inequality between social groups, general evaluation of ET situation in Estonia, who are the risk groups and what are the critical areas where discrimination often occurs, critical remarks regarding the application of the law.

The survey was carried out in May-June 2013 by Turu-uuringute AS. The sample size was 1000 individuals aged 15-84, out of whom 86,2% were Estonian citizens, 6,5% Russian citizens, 6,2% persons with undetermined citizenship and 1,3% citizens of other countries. Among Estonian citizens, 81,7% had Estonian as mother tongue and 17,7% Russian as mother tongue. The sample of the questionnaire was representative vis-à-vis the population of Estonia and the results of the questionnaire can be generalized to the entire Estonian population, thus, in presenting the results, we have used “population” and “respondents” interchangeably, and they carry the same meaning for the purpose of given research.

For data analysis, we have grouped respondents according to their citizenship and according to their declared nationality (ethnicity). In the context of ET, we found it important to define, where do the respondents belong, measured by their citizenship, because the citizenship provides certain rights. Thus, some of the people, who live in Estonia, do have some rights and duties not only toward Estonia, but also toward other countries. In Estonia, there are e.g. citizens of Estonia, citizens of other EU countries, citizens of non-EU countries or third-country nationals (including Russian citizens who live permanently in Estonia) and people with undetermined citizenship, and they all have different rights. For example, the latter (persons with undetermined citizenship) are protected by an international legal framework in a completely different way than the aforementioned. Despite the fact that residents have different opportunities based on their citizenship, all members of society must be treated equally. Therefore, for the purpose of the research it was important to include the citizenship as one of the categories. The mapping the attitudes of population toward ET and when describing the scope of intolerance and discrimination that results from nationality (ethnicity), it

is important to compare experiences of different ethnic groups. Contemporary accounts approach national identity similarly to other identities, seeing it as rather an open and fluid category than strictly fixed and unchangeable (Bauman 2004). More and more people live in the context of multiple cultures, choosing their identities or being born into multi-ethnic family. In such context, the construction of ethnicity is primarily based on subjective feeling. In given research we rely on self-determined ethnicity, that is, subjective identity. In most sections of our analysis, we present responses according to five citizenship groups (see the composition in Table 1).

Table 1. Composition of the sample according to the citizenship

	Percentage in analysis	Percentage in sample	Percentage in population
1 Estonians with Estonian citizenship	70	83	82
2 Russians with Estonian citizenship	13		
3 Russians with Russian citizenship	6	7	7
4 Other ethnic groups and citizens of other countries	5	4	1,5
5 Persons with undetermined citizenship	6	6	9,5
Total	100	100	100

Hence, in interpreting the results it should be taken into consideration that groups 4 and 5 are more heterogeneous compared to other groups. While the other groups reflect a combination of ethnic identity and citizenship, for the sake of clarity the analysis does not consider ethnic identities of individuals with undetermined citizenship.

This kind of categorization based on citizenship is, despite subjectivity of ethnic determination, still a rather mechanic way of distinguishing different groups. Therefore in order to understand the background better, we decided to check how this sample is distributed between more subjective categories that involve groups of integration. To do that, we created three composite indexes, which represent three dimensions relevant from the perspective of integration (we followed the experience of EIM2011 study and Nimmerfeldt 2013). Based on these three characteristics, we divided respondents into three almost equal-sized clusters. The results are presented in more advanced version of the Equal treatment promotion and awareness in Estonia research report (see Roosalu et al 2013). It is important to keep in mind that, all in all, the studied groups did not divide along the formal citizenship (civic nationality) lines. Rather, the groups differentiate along their world views, social activities etc. Out of the studied groups, two were mostly compiled of Estonians with Estonian citizenship, but all the groups included persons with other citizenships.

With regard to the abovementioned, we primarily wish to emphasize that when considering subjectively determined dimensions of participation in the society, groups that reach beyond citizenship-boundaries, are formed. This, in turn, allows us to assume that the differences appearing in the area of ET are not so much based on formal citizenship but rather on other factors that stem from individual identities and attitudes.

Therefore, the analysis indicates, that when discussing ET or when raising awareness in this area, we do not always have to target groups that on the basis of the citizenship or mother tongue or language proficiency, we can surpass these boundaries. . It should be kept in mind that in each citizenship-based group, all responses are represented, thus, each so-called virtual group that is formed on the basis of specific attitudes towards ET and tolerance, includes people from all citizenship groups as well as citizenship dimension groups. Therefore, TCNs, for example, Russian citizens are represented in three out of four citizenship dimension groups and multi-ethnic Estonian residents are spread across all four groups, and this applies to ethnic Estonians as well. This aspect is reflected in the analysis that follows, although we present attitudes according to citizenship-based groups.

## 1.3 Results of the population survey

### 1.3.1 Openness or closeness to topics of equal treatment?

We researched the general attitude towards unequal treatment (UET). 32% of respondents are characterized by rather negative attitude towards this topic (discussion about ET does not interest them or even irritates), 26% are interested in this topic only when their own rights are being violated, 28% are following discussions about the topic both in Estonia and globally, and 22% may be considered as active persons who are interested in the topic (by agreeing with the statements “this is a very important topic to me, I discuss it with my close ones” and “I actively engaged in standing up for equal rights”). Among Estonians, there are many more individuals who are not interested in ET topics and feel reluctant about the topic. Amongst Russians, on the other hand, there are more of those who are actively interested and who are following discussions about ET in Estonia and globally.

### 1.3.2. Are intolerance and unequal treatment problems in Estonia?

Generally, respondents’ were inclined to believe that intolerance and unequal treatment is an existing problem in Estonia. The question “*Do you think that intolerance is a problem in Estonia?*” was answered with “very serious” or “rather serious” by 54% of respondents, and “not very serious” or “not serious at all” by 40%. Looking at the groups that were based on formal citizenship, it could be said that according to Estonian citizens, intolerance is not a “very serious” (43%) or “rather not serious” (34%) problem. On the other hand, the other groups deemed the problem very serious: this estimation was given by almost third of Russians with Estonian citizenship (27%) and Russians with Russian citizenship (29%) and nearly 40% of persons with undetermined citizenship. From this, one could assume that Estonians do not perceive Estonian society as intolerant or when they do, the intolerance is not considered important (“it is not very important”), while other groups perceive Estonian society as very intolerant. We emphasize again that we did not measure actual presence of intolerance in the society, but subjective perception of intolerance as seen the population.

In order to clarify, **towards which social groups the society seems to be especially intolerant**, we presented a list of different population groups to the respondents. This list was based on different variables (status, language, country of origin). Respondents were able to point out, which groups specifically, according to their opinion, are not tolerated in Estonia. Thus, we did not study, which groups perceive the society to be particularly intolerant, but, which groups seem to be least tolerated (towards which groups respondents perceive intolerance). **Our first finding is that none of our listed groups were seen as suffering from intolerance or hostile attitudes by more than 50% of respondents.** The clearest admission was that Roma people are being least tolerated – this response was given by 40% of the population. Furthermore, 30% of respondents think that Russians who immigrated to Estonia in the Soviet era, are confronted with intolerance, whereas only 16% of respondents claims the same regarding other ethnic groups who arrived in Estonia during the Soviet era. 6% of the population perceive intolerance towards new immigrants and 18% perceive intolerance towards citizens of contemporary Russia.

One fifth (20%) of the respondents think that it is not easy for dark-skinned people to live in Estonia and 10% think that Asians may encounter hostile attitudes in Estonia. Other groups were named in less than 10% of responses, however, among them were mentioned Estonians (8%), Caucasians (8%), Jews (5%) and others. We defined children from ethnically mixed families as a separate group in the questionnaire, and to a certain extent this group was perceived as somewhat stigmatized: 4% of the respondents thought that they encounter hostile attitudes.

Considering differences between groups who are perceived as targets of hostile attitudes, Estonians with Estonian citizenship differ from other groups in emphasizing especially the Roma people as targets of hostility (48%). Among respondents from other ethnic groups who have Estonian citizenship and among representatives of other countries, 23% responded, that Roma are being treated hostilely, including 14% of Russians with Russian citizenship and 17% of persons with undetermined citizenship. Estonians with Estonian citizenship pay more attention to hostile treatment of people of colour (24%; 12% and 7% respectively in other groups) and consider refugees in general as the most endangered social group (24%; 5-8% respectively in other groups). Russians with Estonian citizenship, as well as respondents from other ethnic groups and respondents from other countries, pay more attention to the hostility towards Russians who arrives in Soviet era: 41% and 46% notice hostility, compared to 26% of Estonians with Estonian citizenship, 32% of Russians with Russian citizenship and 33% of people with undetermined citizenship.

Estonian citizens with Russian background also noticed more hostility toward other Russian-speaking minorities; similar perception was shared by respondents from other countries and respondents with undetermined citizenship (23%).

Table 2. Intolerance towards whom? Four factors according to whom intolerance is perceived.

1st factor: perceives intolerance towards people from former Soviet Union	2nd factor: perceives/presumes that there is intolerance towards non-European looking people	3rd factor: perceives intolerance towards traditional Russian minority, and towards (English-speaking) people from other EU countries	4th factor: perceived intolerance towards Estonians / Seto people, children from mixed families and people from distant countries
<ul style="list-style-type: none"> <li>• Russians who arrived in Estonia during the Soviet era;</li> <li>• Other mainly Russian-speaking ethnic minorities;</li> <li>• Individuals with undetermined citizenship;</li> <li>• Russian citizens living in Estonia;</li> <li>• Estonian Russian-speaking inhabitants who are not proficient in Estonian;</li> <li>• <i>New immigrants from former Soviet Union, e.g. Ukraine</i></li> <li>• <i>Estonian permanent residents who do not speak Estonian, Russian or English.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Roma people;</li> <li>• People of Asian origin;</li> <li>• People of colour;</li> <li>• People of Caucasian origin;</li> <li>• <i>Jews;</i></li> <li>• <i>Refugees.</i></li> </ul>	<ul style="list-style-type: none"> <li>• Traditional Russian-speaking Old Believers who reside near lake Peipus;</li> <li>• New immigrants from other EU countries, e.g. Finland;</li> <li>• Estonian inhabitants, who speak English, but not Estonian or Russian</li> </ul>	<ul style="list-style-type: none"> <li>• Estonians;</li> <li>• Seto people;</li> <li>• <i>Children from mixed families;</i></li> <li>• New immigrants from outside the EU, e.g. USA;</li> <li>• <i>Refugees.</i></li> </ul>

Various groups agreed that it in Estonia, it may be difficult to be a citizen of Russia (a little less than 20% of all agreed), Caucasian descent (10%) or Estonian (6-9%). Differences in the perception of hostility were more dominant however towards other groups: Estonians with Estonian citizenship noticed (or admitted) intolerance toward Roma, people with dark-skin, and toward Russians who came to Estonia from the former territory of Soviet Union. To a lesser extent, there is an intolerance towards other Russian-speaking people from the former territory of Soviet Union.

The analysis also revealed the so-called perception factors of discriminated groups. One can distinguish between four types of vulnerable groups (see Table 2). It should be noted that respondent who feels threatened by one or another group within one factor, tends to also see problems regarding tolerance towards other groups within this factor.

One can distinguish four groups who are perceived as threatened: migrants from the former territories of the Soviet Union, people with a different physical appearance compared to the locals, people (including people from other EU countries) who have become indigenised and lived in Estonia for a long time and who do not speak the local language. The fourth group of threatened people include locals – Estonians, Seto people, children from mixed families; and on the other hand migrants originating outside the EU. By using the data collected for this research, it would be also useful to analyse in the future, which attitudes or social demographic characteristics differ among people who see threat to one or another type of groups.

### 1.3.3. How much unequal treatment there is in Estonia?

In the narrower, **legal meaning of discrimination**, opinions on discrimination in Estonia were divided into two rather equal parts: according to 35% of the population, there exists “very much” (9%) or “rather very much” (26%) discrimination and UET in Estonia, while 38% thinks that there is rather little discrimination or none at all. Here, a previously mentioned trend is repeated, as Estonians with Estonian citizenship see less discrimination in Estonia: only 6% think that there is “very much” discrimination (in other groups, 13-17% of respondents) and 22% agree there is “rather very much” discrimination (in other groups 31-44%). However, it should be noted that many respondents (23-24%) answered “do not know” to the question on discrimination, which could partially be due to fact that the question does focus on legal meanings and this might have created a feeling of uncertainty.

To specify, which individual characteristic could result, according to our respondents, in UET, when compared to others, we confronted respondents with different **possible grounds for discrimination**. Looking at overall results, the most important factors respondents clearly emphasize as potential grounds for discrimination, are lacking knowledge of Estonian, i.e. the official language (60%), disability or health problem (59%), and age (55%). Half of the respondents also think that unfortunate economic situation can lead to increased risk of UET.

If lacking state language skills were stressed as potential grounds for discrimination by two thirds (60%) of respondents, the mother tongue (unspecified) was mentioned by a third (35%), while nationality or ethnic belonging were mentioned by 40% of respondents. Racial features were mentioned by 27% and citizenship by 23% of respondents, speaking Estonian language with an accent was considered as basis for discrimination by 14% of respondents. This different prioritisation of categories related to ethnicity (mother tongue, state language skills, nationality and ethnic belonging, race, citizenship) suggests that Estonian language skills constitute the primary basis for discrimination while others are secondary. However, it is important to keep in mind the possibility that different grounds for discrimination are multiple, i.e. lacking language skills refers simultaneously to ethnicity- or citizenship-related aspects. Such relationships and multiple bases for discrimination should be further researched. In addition, respondents noted that in Estonia, UET could also be related to sexual preferences (35%), political views (31%) and gender (28%).

When analysing possible differences between groups, clear differences emerge between Estonians with Estonian citizenship and other groups. For example, while Estonians with Estonian citizenship do not consider speaking Estonian with foreign accent as a reason for discrimination (9%), other groups tend to be more pessimistic about this, as a quarter of the respondents from other groups consider accent to be a basis for discrimination. In addition to accent, citizenship was perceived to be a factor for discrimination: 46%-56% of Russians with Estonian citizenship, Russians with Russian citizenship and citizens of other countries consider citizenship to have a decisive role, whereas Estonians do not consider this important from the point of view of ET.

In evaluating particular situations as fair or unfair, in most cases, the views of Estonians and Russian-speakers generally did not differ a lot. However, evaluation of fairness of following situations differed along the language lines: the unavailability of package insert in Russian for medicaments, the monolingual functioning of the E-School (online school-records system for school and family), and refusal to grant extra holidays for followers of the Russian Orthodox Church to celebrate religious holidays. While most of Russian speakers considered the above-mentioned situations unfair, there were much fewer Estonian speakers who deemed these situations unjust. However, many respondents did not have an opinion. The issue of the medication leaflets was repeatedly raised as problematic also in the focus group discussions.

#### 1.3.4. Awareness of institutions ensuring equal treatment

Most of the respondents (77%) consider that **ensuring ET is primarily the responsibility of the state**. The state must ensure that every social group in society is being treated equally. Only 11% of all respondents thought that ET is a personal responsibility. Even if the latter opinion was somewhat more common among Estonians with Estonian citizenship, the difference was marginal when comparing absolute values. In future, it would be important to research more in depth the opinions and attitudes of each group.

**Awareness of ETA** is generally rather low although we could detect rather big interest towards the topic. Every fifth respondent (i.e. 21% of respondents) is already familiar with the Act, 55% admit their lack of knowledge about the law but at the same time express their interest in the law, while 24% of respondents neither do not know anything nor are interested in knowing more. Comparison of national and citizenship groups indicated that in the group of Estonians with Estonian citizenship, the percentage of those who claim to neither know nor be interested in finding out more about the Act was highest (29%). Among Russians with Estonian citizenship and Russians with Russian citizenship, the rate of those not interested amounted to 15-16%.

Similarly, most of those who were not **aware of the work of the Gender Equality and Equal Treatment Commissioner**, were interested in knowing more: 35% of respondents are already aware of the work of these institution, 43% did not know but were interested in learning more and only 23% of respondents neither did not know nor wanted to know anything about it. Also on this question Estonians with Estonian citizenship were standing out as a group that was least interested in the Commissioner's work and were not interested in knowing more.

In addition, we analysed separately the awareness about harassment at the workplace and knowledge on the employers' duty to take responsibility in those cases. The awareness of respondents regarding the concept of harassment at the workplace is low. A large proportion of respondents are not aware of employers' responsibility to ensure equal treatment of their employees, protect them from harassment and advance ET at their workplaces. Therefore, it would be important to discuss how to organise awareness raising amongst the most vulnerable groups, but also in society in general.

### 1.3.5. Personal experience of unequal treatment

Personal experience of discrimination and illegal UET within the past 3 years in the area of work was reported as follows: 12% of respondents have had experiences of UET in receiving remuneration, 9% in recruitment, 7% in appointment of work tasks, 7% in promotion, 5 % in hiring, 3% in work termination, 3% in other work-related situations, and 3% report having been exposed to UET by colleagues.

We asked the respondents to give examples of specific cases in open-ended answers. A large proportion of the examples had to do with discrimination on the grounds of age and health. In addition, different access to public services by rural and urban residents was mentioned. A fairly large proportion of the cases had to do with the respondents' ethnicity or language and examples of UET on the grounds of ethnicity or language were given both from the standpoint of respondents who were proficient as well as non-proficient in Estonian. The following table presents a list of cases, which relate directly to ethnicity, language or citizenship. We distinguish cases according to whether the respondent perceived discrimination by Estonians or towards Estonians.

Table 3. Example cases of perceived unequal treatment

Area	Examples of cases where UET was perceived
Experiences of ethnic minorities, where UET was perceived because of one's ethnicity, language or citizenship	
TCN less valued in job interviews	"Estonian citizen was preferred in the recruitment process although it was not a requirement"; "Lack of Estonian citizenship narrows job opportunities"
Bigger barriers in career progression compared to Estonians	"Cannot pass the qualification exam in order to receive pay rise because Estonian language is required, which I have been studying already for 2 years"; "Could not get promoted because I cannot speak the language – although we do not speak Estonian [inside the firm]"; "During firm reorganization not a single worker from Ida-Viru county was provided position of senior specialist irrespective of their experience, education or language skills"
Negative attitudes in health care provision	"When my doctor asked which language to speak with me and got Russian as an answer, s/he said 'Well, I will try to speak in your French then'; "There are places, where you can not get medical service in Russian"; "I was told it is not possible to book an appointment to the endocrinologist until the end of the year (in 4 months), but I got the impression that I was denied an appointment because I'm Russian, because an Estonian got an appointment"; "There is no information in Russian on medicaments, and even if there is, it is often covered with a sticker"
Negative attitude in dealing with the legal system	„In handing in documents to the court, they wouldn't even speak to me, saying that they don't understand Russian"; "The police implied to me that this is not Russia and I that I have no right to demand anything, if I cannot speak the (state) language very well"; "When I had to talk to the police, they were rude and didn't speak in Russian"
Denial of service in a store	"When I speak Russian in the store, I get bad service, but when I speak in Estonian, the service improves"; "In a hardware store they refused to speak Russian with me, and demanded that I speak Estonian. I tried to speak in Estonian, but was told 'If you cannot speak, don't speak at all'; "In a café in Tartu they wouldn't serve me, they claimed not to understand what I order"



Derogatory attitudes and disapproval in informal situations	“There was a occasion when I was among Estonians and got hold of a book in Estonian. The Estonians said to each other ‘let him/her look the pictures, these are in Russian’, although the text was in Estonian”; “I could not understand a question in public transport and then I had to hear the whole history of occupation”; “The neighbour of our rental apartment constantly calls us “damn Russians”
Experience of ethnic majority regarding UET based on ethnicity or language	
Providing services	“In an eating place they served a foreigner outside the queue, as they thought s/he tips better”
State and local municipality agencies	“I systematically perceive that I am treated as a foreigner in my own country and everyone else is preferred because government institutions do not honour the Estonian constitution”; “I was living in Narva and I could not get a place for my child in kindergarten, as the manager said that these are only for residents of Narva but it was not so – as a resident of Estonia I have the right for kindergarten place in Narva”
Denial of service	“We could not come to an understanding with the waiter, because I couldn’t make myself understandable in Russian”; “I was denied service in Narva because I couldn’t speak Russian”.
Practicalities with housing cooperative	“Living in cooperative housing where most of the habitants are Russian, the meetings of the housing association are held in Russian and as such are not totally understandable to me as an Estonian (usually they are translated but only partially);
Unequal treatment in the labour market	“We, Estonians, do the job in the firm, but Russians get higher salary for nothing as the firm wants to show that minorities are not being discriminated”; “As the boss speaks in Russian, s/he prefers the Russian employee, although his/her workload is only 3 days in a month – still s/he is being sent to different work trips”.

It appears that some cases were deemed as cases of UET although the law does not qualify them so. This is despite the fact that the questionnaire explained how the law defines ET. Therefore, people’s sensitivity and need for protection is somewhat higher than ETA framework and thus people should be informed about other bases and possibilities to protect their rights in everyday situations.

In conclusion, it can be stated that both Estonian and Russian speakers have experienced UET on the basis of nationality/ethnicity or language in certain contexts. As expected, personal experience with UET is connected to somewhat lower satisfaction with one’s life in general (see table 4): those who have found themselves in a situation of UET are more likely to report being not very satisfied or not satisfied at all with their lives.

Table 4. Respondents' satisfaction with their lives according to experience of unequal treatment (%)

Respondents satisfaction with life in general	Have not experienced unequal treatment	Have experienced unequal treatment	Total
General distribution	48	52	100
Not at all satisfied	1	4	3
Not very satisfied	13	22	17
Quite satisfied	64	52	58
Satisfied	21	17	19
Do not know	1	4	3
Total	100	100	100

### 1.3.6. Responses to UET

The analysis demonstrates that out of all participants involved in this research, approximately one quarter (23%) have experienced UET in the past three years. From those, four out of five (78%) did react to improve the situation and restore justice. Predominantly, respondents sought emotional support (64% of all respondents, put of which 44% discussed the case of UET with colleagues, 20% discussed it with acquaintances). 40% of the respondents attempted to improve the situation by responding to the person who treated them unequally or tried to explain the inappropriateness of the situation to this person, and 12% turned to the superior of the perpetrator. Only 7% turned to authorities but remarkably not towards the Equal Treatment Commissioner. 4% turned to law enforcement agencies and 3% sought help from Trade Unions.

15% of those who did something about the situation achieved their goal and additional 38% achieved it partially. Therefore, it can be said that half of those who decided to act were successful.

From all of those who were exposed to UET, 40% stood up for their rights successfully, whereas 10% achieved everything they wanted to. In this research, we cannot determine how the justice was achieved - whether the previous situation was restored or to what extent the damage was compensated. It is possible that some of those who were mistreated set lower goals for achieving justice, which were deemed to be more realistic to achieve, but which did not annul the inequality. Further research should show which strategies are most efficient and who were the most successful in protecting their rights. Also, it should be researched, who did not succeed and which situations were most difficult to solve. It should be studied further, which groups were able to protect themselves more efficiently from inequality or who did not experience any UET at all.

22% of those who had experienced UET left it as it was and did nothing to improve the situation. We asked them to provide reasons for not acting in open question format. The following justifications were the most prominent:

- **Accepting the situation** for various reasons: "I accepted the situation..."; "The situation was not that bad"; "I don't know, I just accepted the situation"; "To preserve peace and my health"; "I am for a pleasant environment – my calling is to sing to people"; "I rather avoided the conflict/situation"
- **Hopelessness**: "It seemed pointless to do something about it"; "I wouldn't get any help anyway";

“It’s no use”; “Nothing helps”; “It wouldn’t have led anywhere”; “I would not have achieved anything”; “I know that it wouldn’t have been of any use”.

- **Giving up because of the perception that no one has control over the process** – “The processes that disturb me are global”; “There’s nothing to do about information being spreading Russian, there are too many Russians in Estonia”; “It is not easy to leave one’s home – do I really only have the option of leaving my homeland and going abroad?”
- **Fear that situation worsens:** “I don’t want to set myself in danger”; “Whom should I complain to when those enforcing law act the same way?”; “Reacting may turn the situation worse”; “There is no point to intervene, inequality will only deepen towards the formation of a gentry class and class of slaves”; “Because those who acted this way would not have liked it and it would have damaged relations between us”; “The employer does not explain his decisions and choices in appointing salaries for employees”; “I worked on an off-hour job and got less salary than in the main job, [but] I needed the money”.

Thus, it seems that non-reaction is caused by perceiving oneself powerless or being in a no-win situation. Risk groups might be encouraged by knowledge that some people who have been in a similar situation have reacted and thereby managed to protect their rights.

### 1.3.7. Awareness of what do in case of discrimination

How aware are the respondents of possibilities to act if they find themselves to be victims of discrimination? The vast majority of respondents do not know what to do in such situations. Those who know what to do are spread more or less equally between the different citizenship groups.

In our research we asked respondents what they would do in a hypothetical situation where they rights have been violated. **Readiness to stand for their own or others’ rights** in a hypothetical situation and to turn to different institutions to get help were studied with the following question: *“If you were exposed to discrimination or harassment, if your, your employees’ or your close ones’ rights were violated, which steps are you ready to take to improve the situation?”*

The preferred option for two thirds of the respondents (68%) would be to turn to their superior or management, which, in turn, sets high expectations to employers’ readiness (i.e. preparedness and awareness) to deal with their employees’ problems in the area of ET. In addition, 60% of respondents consider reasonable to consult a lawyer. About half (51%) would turn to police, but nearly 40% would be willing to turn to an organization dealing with human rights (41%), to the Equal Treatment Commissioner (38%) or to court (35%). 29% of respondents would turn to the Chancellor of Justice. Every fifth respondent (22%) is willing to protest publicly or to stand up for one’s rights by approaching media (30%).

The analysis indicates that there are no large differences between citizenship groups but it appears that Russian citizens and those with undetermined citizenship exhibit the greatest uncertainty or lack of knowledge, since they have answered “do not know” much more frequently than other groups. This refers to the fact that **information should especially be targeted at TCNs and persons with undetermined citizenship to inform them on where to seek protection of their rights.**

Only every tenth of respondents (9%) assumes that s/he would not do anything in a situation where his/her rights have been violated. These replies should be viewed in light of the data presented in the previous section (“Responses to UET”), where most people who had encountered UET had reacted (78%). This may mirror different composition of groups but also may point to the fact that people tend to be too optimistic about their readiness or capability to stand for their rights and values in a complicated situation. Therefore, more attention should be paid to shaping the social background, so that protecting one’s rights would be considered a right thing to do and would not be associated with the person’s inclination to create a conflict.

### 1.3.8. Increasing ET in the society in the future

In assessing ways on **how to introduce the law to the public more efficiently**, respondents supported most unambiguously the idea of offering free legal aid (91% agreed or strongly agreed), and the idea of making state provided legal aid available in Russian and English (75%). Translating laws into Russian also gained majority support (67%), but many also believed that it would help if media would tackle the issue of equal treatment more seriously (67%) and agreed, that more public discussions should be held on the topic of tolerance and equal treatment (62%). More than half of the respondents (60%) agreed that the topic of equal treatment is not covered too much in the media – only 16% agreed that there was too much coverage and 24% admitted that they know too little to take a stand on this matter.

It is characteristic for these topics that there is no large and principal opposition among the population. Rather, many stated that they lack the necessary information to make a decision (12-21%, depending on the measure that was proposed). However, the general public was not convinced that establishing a permanent section in the newspaper(s) would be the most efficient idea of communication (42% agreed, 28% replied “I don’t know”). On the positive side, as many as one in four respondents proposed their own ideas on how to improve the situation. Thus, a large part of population is ready to actively contribute with their ideas to the topic of ET.

Responses between national groups vary to some extent, pointing to non-systematic and rather insignificant differences. Thus, it can be assumed that taking these steps compatible with the wishes of the majority while still matching the vision of minority groups (see Roosalu et al 2013). The similarities between answers of different groups are biggest in understanding the Equal Treatment Act (but close to half of the respondents were unable to position themselves in that matter) in agreeing that the issues of equal treatment are discussed too little in the media. However, there is some discrepancy in how open the respondents are towards meeting the needs of different ethnic groups. For example, the idea of translating the laws into Russian and to offer legal assistance in Russian and English was supported more by Russians than Estonians. Here, though, it is important to emphasize that the majority of Estonians were not opposed to the idea but rather lacked relevant information to make a decision. Compared to Estonians, other minority groups favour more having legal assistance available free of charge.

In the survey, we also asked for people’s opinions about different **activities, which could reduce illegal unequal treatment in Estonia**. It is evident that there is very strong support for the public awareness raising about rights in general and about specific possibilities for assistance in a situation of unequal treatment. 55% agreed that it is necessary to inform people about their rights, 46% would make it easier to obtain legal aid; 39% would inform people about the possibilities for getting help when encountering unequal treatment, 28% would encourage people to report unequal treatment, 24% would improve the implementation of existing laws, and 20% would support awareness-raising about the laws on equal treatment. When comparing citizenships groups’ support for the proposed measures, it appears that views of different groups are relatively similar. To a certain extent, differences in opinion seem to originate from their different status in the society / on the labour market which puts them in a different situation – the so-called ‘non-discriminatory-treater’ and ‘non-discriminately-treated’, i.e. a certain collective self-interest can be detected in the classification. For example, one third of Estonian citizens found that people should be encouraged to report unequal treatment but in all other groups only around 10% agreed. Representatives of other groups find more often that it is necessary to inform people about practical opportunities to get help and about the current legislation. They also find that the penalties should be stricter – 11% of Estonians and 25% from other groups think so. In addition, representatives of other groups, as compared to Estonians, were more supportive of the idea that the principle of equal treatment should become mainstreamed by integrating this as a working principle in every organisation, and that people should join to protect their rights. Particularly surprising is the fact that even though

40% of the respondents think that tolerance towards the Roma is low in the society and Roma people are treated unequally, the idea of taking specific actions to improve the situation of certain groups is not supported. This gives the impression that some part of the perceived intolerance in the society is indeed intolerance that is considered to be fair or reasonable. In fact, the question here is, whether or not the word *tolerance* (“*sallivus*”) as a goal for integration processes is problematic *per se*. While archaic meaning of the verb is “*to like*”, modern language use implies rather the connotation of *passive indifference/ polite indifference*. This is well in line with the paradigm of different language groups being divided into parallel societies – this has happened in Estonia, and it is not conducive to the formation of closer contacts between the groups. Therefore, as an additional challenge, one should look for a new discursive “objective” for the integration plan to replace the non-informative *tolerance* with a more meaningful, optimistic and influential term, for example, *respect/ mutual respect*. This would allow, to a certain extent, to overcome the current contradiction according to which **the acquisition of Estonian citizenship might give some practical effect but in terms of daily life and different aspects of unequal treatment, most Estonian citizens do not distinguish between minority groups according to their citizenship.**

In addition to the pre-determined response options, respondents had the possibility to explain their vision on how to reduce discrimination. Their answers are summarized below.

One set of the responses focused on **tightening the laws**: *to change the laws; [ensure] normal and proper laws; tighten sanctions up to the outlaw status; tighten the Citizenship Act; adopt legislation that would eliminate unequal treatment*. However, some respondents found that *free legal aid and the publication of existing laws in Russian* would be enough. Others felt that everyone should *be a good person* and that the key importance lies with **teaching values**: *lessons about tolerance in secondary school; home education; they claimed that such laws are contrived and do not change a person, his/her real values; the values [should be taught] from early age (in kindergarten); continuous education of people (school, media) – one cannot achieve anything with prohibitions and commands*. Third group of people believed that **Estonian state as a whole should be more caring**: *Estonia is not predisposed to equal treatment; the state should care more; the state should recognise that a problem exists and involve both politicians and public figures in seeking and communicating solutions*. In one response, it was specified that the solution could be ignoring American political ideologies, and in another response it was mentioned that increasingly adopting free market economy would help. Fourth group of respondents indicated that it is important to **ensure more equitable income**: *to eliminate the pay gap; raise pensions; raise pensions to the European Union level; to equalise pensions in European Union; to change the law on pensions to make it equivalent to EU; to increase social welfare*. Therefore, the respondents see possible solutions in wage adjustments; in restructuring the principles of social assistance and the pension reform. In terms of the latter, three clear options were indicated: to raise pensions (so that it correlates to the average wage in Estonia); raise pensions to the “EU level”; to equalise pensions within the EU but not necessarily by the highest degree.

One respondent expressed the view *that interests of the titular nation should be taken into account*. This, however, can be understood in many ways because according to some respondents considering the interests of the majority group can only come at the expense of other ethnic groups, but in another respondent’s view it can also be possible simultaneously with protecting the interests of minorities. Furthermore, our analysis suggests (Table 5) that those who are more inclined to noticing unequal treatment of other people, are generally slightly less satisfied with life in Estonia. We reached this conclusion when we created a cumulative satisfaction index which grouped together people’s assessments of their satisfaction with work, personal security, housing, family life, economic situation, communication with friends and loved ones, and with life in general (index value could be 1 ... 4 where 1 was “not satisfied at all” and 4 was “very satisfied”).

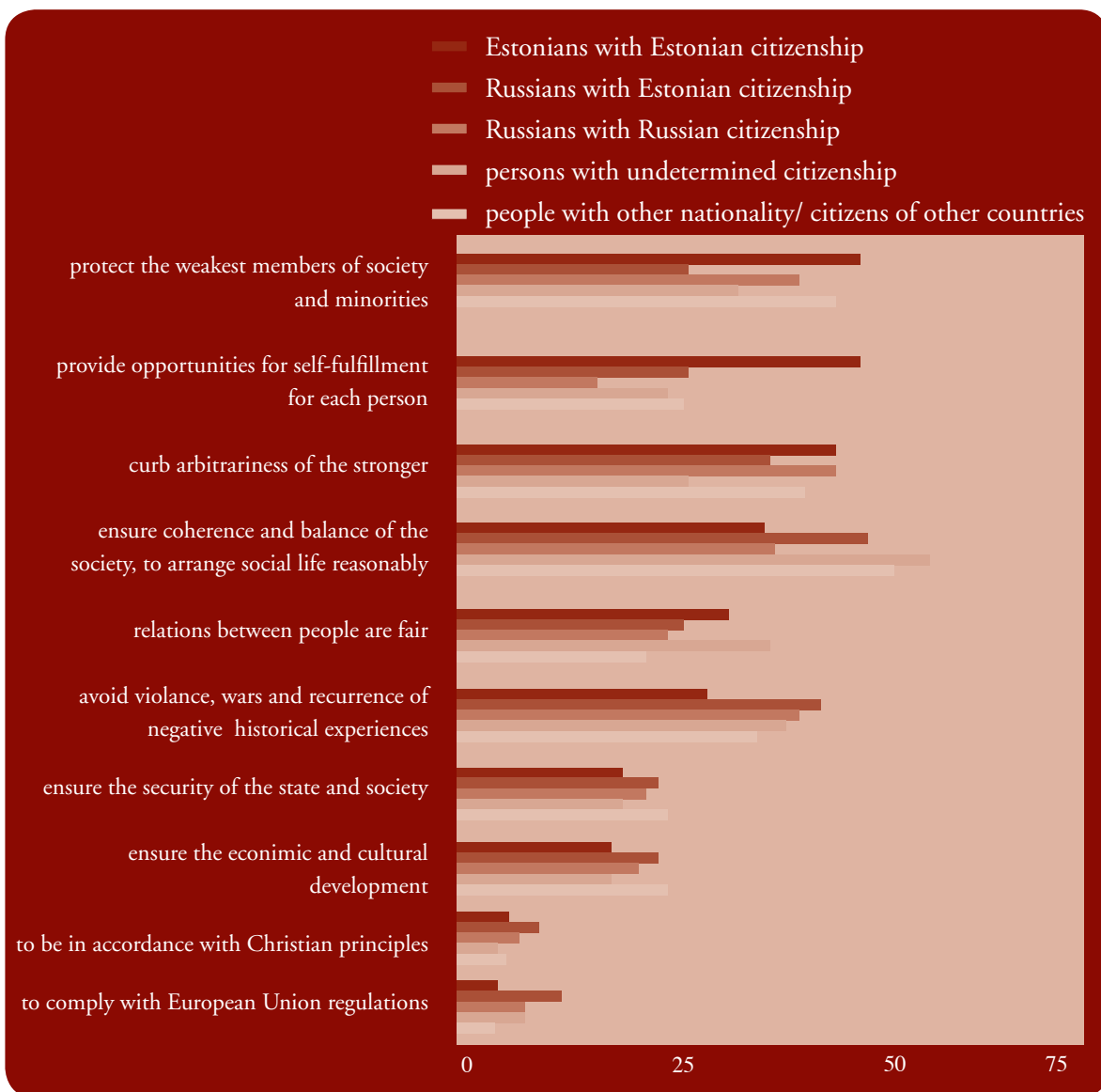


Figure 1. Answers to the question „Do you think it is necessary to pay attention to equal treatment because ...? Please select the three most important answers“, according to citizenship groups (percentage of people opting the response in the group).

The general assumption for the development equal treatment in Estonia is that this topic is understandable and legitimate to the population. What are the current attitudes regarding the necessity of ET among the Estonian population?

**Necessity for equal treatment** (*Do you think it is necessary to pay attention to equal treatment because...* – see Figure 1) is justified by the Estonian-speaking population through more **individualistic arguments**: a relatively high proportion of respondents agree that it is necessary to pay attention to equal treatment to provide opportunities for self-fulfillment for each person (45%), to protect weaker members of the society (48%), to curb arbitrariness of the stronger (44%). Russian-speaking people, however, give priority to arguments that focus on wider problems in the society and to state-level arguments, meaning that compared to Estonians, they agree more with the statements that equal treatment is necessary in order to ensure balance and consistency of the society, to arrange social life reasonably (47%); to avoid violence, war and the recurrence of negative historical experiences (40%); to ensure economic and cultural development (21%); guarantee the security of

society and the state (22%); to comply with the European Union regulations (10%). The results of citizenship groups are presented in Figure 1.

The levels of support for different arguments in different groups of the population has to be taken into account in promoting equal treatment, particularly when communicating the general issues of equal treatment, as well as when introducing the existing legislation. It is obvious that when certain values dominate, it is the messages that relate to these values that receive more positive feedback. Thus, for example, compliance with EU norms or compliance with Christian principles are not strong arguments that would convince the general public that in Estonia, people should be treated equally, and population groups relate relatively similarly to these particular arguments.

Table 5. Assessment of the extent of intolerance and equal treatment and satisfaction with various aspects of life

		Value of satisfaction index	Distribution of respondents (%)
In your opinion intolerance in Estonia is ...	a very serious problem	2,8	17
	a rather serious problem	3	33
	not a very serious problem	3,1	36
	not a problem at all	3,2	7
	I don't know	2,9	7
			100%
Assessment of the extent of unequal treatment:	very much	2,8	9
	quite much	2,9	27
	quite little	3,1	28
	very little	3,1	12
	I don't know	3	24
			100%
How <i>proud</i> are you of Estonia with regard to fair and equal treatment of all groups of society?	I am very proud	3,2	5
	Rather proud	3,1	25
	Rather not proud	3	25
	I am not proud	2,8	18
	I don't know	3	8
			100%

The existence of such link is not obvious – one would rather suggest that those who have themselves experienced unequal treatment are more dissatisfied. Still, it seems that in Estonia there is also a connection between *being a witness* to unequal treatment and dissatisfaction. This is why we conclude that **the existence of intolerance and unequal treatment in the society is rather disturbing for the majority of (privileged) population.**

## 2. Recognizing unequal treatment and awareness of Equal Treatment Act: sector-level experts' experience and evaluation

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### 2.1. Introduction

The quantitative population survey introduced above enabled to obtain an overview of the distribution of the attitudes and understanding of ET by the entire population, to specify target groups of measures advancing ET and clarify characteristics based on which to target specific measures. The qualitative research however enables more specifically to explain the system of views based on which people evaluate the situation of ET and construct ideals towards which to aim. In order to achieve these goals, we conducted focus group interviews with representatives of different areas.

The goal of focus group interviews was to increase the understanding of how the essential target groups – experts in labour market, media, civil society, and education field – relates to equal treatment: how do they understand the issue and how aware they are, are they exposed to discrimination in Estonia, and what do they know about ETA and its utilization.

### 2.2. Focus group interviews with experts: sample and method of the qualitative research

The research focussed primarily on UET that is based on ethnic belonging, race or skin colour. The following research questions were set:

- What is the awareness level in focus groups with regard to the ET principles?
- What is their attitude towards principles of ET?
- Have the interviewees had any personal experience with UET in Estonia?
- What do they know about ETA?
- Have the interviewees experienced ETA being applied in Estonia and what have been the problems?
- How do the interviewees evaluate Estonia: are people being treated equally? Which aspects are most problematic?

In order to ensure comparability and complementarity of quantitative and qualitative research, similar questions were used both in survey and in interviews.

Thematic analysis was used in analysing the interviews, to allow, according to research objectives:

- Explore, what knowledge each focus group member has about ET principles and if there has been any ETA;
- Explore dominant attitudes of focus groups towards ET principles and ETA;



- Identify what attitudes towards principles of ET and ETA were marginalised in each focus group by group members;
- Compare awareness and attitudes of different groups;
- Explain differences in awareness and attitudes between groups;

By using discourse analysis, we separated more general structures (discourses) that are used to think and speak about ET. In current report the definition of **discourse** is a way to speak and think about a phenomenon and it includes defining the problem, looking at what arguments as well as expressions and terms are used to speak about the problem. Discourses can be used interchangeably, as groups may not be consistent in their discursive strategies. It is important to note that discourses have real effect on politics (even if the users of a particular discourse are not aware of that) and therefore researching the discourses has a very practical value.

Focus group interviews were carried out in Estonian and Russian with experts in four different fields who presumably have more experience and competence in ET field, and with TCNs (in English), who were experts in the same fields. Estonian and Russian sample focus groups was compiled based on criteria that all four fields (media, work and employment, education and civil society) would include key representatives:

- **Work & employment** – business management and human resource administrators were chosen because they are the primary promoters of ET in labour market. Respondents were invited from both private and public sector. In addition, employees and representatives of workers' union were involved.
- **Education, schooling and culture** – respondents were from different education and schooling institutions, including students, teachers and managers from both Estonian and Russian schools. In addition, representatives from non-formal education organizations were involved.
- **Political activity and civil society** – representatives of political parties as well as active civil society representatives were involved. The sample included both people from multicultural organizations and ethnic minorities organizations.
- **Media and communication** – representatives of Estonian- and Russian-speaking media were involved. In media group, both small and big, private and public companies were involved, and we see their role in introduction of ET principles as crucially important.

In total, 4 Estonian, 4 Russian and 1 English focus group interviews were carried out. Additionally, 3 individual interviews were carried out with people who were chosen into sample but who could not join the focus group due to time restrictions.. Qualitative interview involved 4 persons with undetermined citizenship and 4 persons non-EU citizenship (15,4% out of all interviewees). In two Estonian interviews, besides ethnic Estonians we also had people whose' native language was Russian or who were bilingual. As the English focus group was compiled to be interdisciplinary, experts from all four fields were included there. Attention was also paid to the fact that both EU and non-EU from citizens would be involved.

It is important to point out that participants were not experts in Equal Treatment Act, but experts in their specific fields. We focused on these fields because we deemed that in these particular fields a thorough understanding of ETA is required.

## 2.3. The presence of unequal treatment in Estonia and the critical areas

### 2.3.1. Many critical areas

A wide variety of backgrounds for unequal treatment were raised in *interviews that were carried out in Estonian*: from belonging to a union to the unequal treatment of people with disabilities. The most frequent ones, however, were regional inequalities, age based discrimination and discrimination of women.

There was no consensus among Estonian focus groups and experts as to the extent of the problem. For example, in media focus group and in work and employment focus group, the dominant opinion was that generally speaking, unequal treatment is not a big problem in Estonia, there are only few problems in certain areas.

Civil society focus group members were more aware of unequal treatment. One reason for that could be that sensitivity to social justice in general is characteristic to civil society. The second thesis is, that in this particular area, networks may be somewhat more intertwined than e.g. in the media or education field, which makes the experiences and encounters of CSO representatives slightly more diverse. This assumption is supported by the fact that in civil society interview, we had four Russian-speakers / multilingual persons.

*Russian focus groups was the group, where ethnic factors were most frequently brought up, mostly spontaneously, during the discussion.* The ethnic factors were least frequently mentioned in the work and employment focus group and especially among employers. According to their opinion, the problem of UET exists in the public sector, but not in private sector. The other grounds for discrimination that were highlighted during the focus groups were: social status and regional, age (especially in the work and employment group) and gender inequality. In addition, the lack of equal opportunities for people with disabilities, that could ensure them a decent life, was also mentioned.

According to experts in *English focus groups*, the main problems in Estonia with regard to ET are wage differences between men and women, class differences (economic inequality) and the exclusion of sexual minorities. In their view, ethnic minority issues is artificially inflated, produced by the media and by the politicians, as keeping the attention of society on national issues diverts the attention from other problems, especially high economic inequality and poverty. The group found that politicians should avoid repulsive and ostracizing language towards ethnic minorities in their speeches.

### 2.3.2. Identification and awareness of unequal treatment that is based on ethnic belonging

In order to fight unequal treatment, the first step is to identify and acknowledge it. The participants of *Estonian focus groups* were of opinion, that the representatives of ethnic minorities can be not aware of being unequally treated and also be oversensitive, so the levels of awareness vary a lot.

Civil society experts in particular attributed Estonians stereotypical and demeaning attitudes towards Russian-speaking minorities. They expressed the opinion that the lower socio-economic status of immigrants and their descendants cannot always be explained by their lack of proficiency in Esto-

nian language, poor education or lack of training, but often precisely because of their ethnic origin.

Different Estonian focus groups differed in their evaluation of awareness of the ethnic minority: whether ethnic minorities are under- or hypersensitive of unequal treatment. According to civil society experts, ethnic minorities are often unaware of being discriminated:

*Silvia (CS): I agree that awareness of equal treatment in general is rather low. Definitely, it is a bigger problem for some groups than for others. But it is also true that often people do not even realise that they are not being treated equally or that someone is unfair to them.*

On the other hand, in the employment and education groups, the participants were of the opposite opinion. According to them, Russian-speaking part of population in Estonia are inadequately hypersensitive to noticing unequal treatment and at times too quick to link unpleasant experiences with their ethnic background and not with personal skills, like attitudes and motivation.

*Katrin (W&E): ...Russian-speakers may feel that they are being harassed because they are Russian-speaking, but the state has the same attitude towards Estonians, so it is also not nice for us ... [...] but in a work collective, we don't have a lot of these problems, because people are deemed by their skills.*

Thus, in some Estonian groups, the individual responsibility of ethnic minorities to achieve a higher socio-economic status, was stressed, rather than the stereotypical behaviour of majority ethnic group towards minorities.

Also in Russian *focus groups*, the opinions differed on the question whether people are under- or hypersensitive towards discrimination. Two opposing opinions were expressed: on the one hand, it was thought that there is an overestimation of incidences of discrimination and on the other hand, it was found that there is lack of awareness of the actual incidences of discrimination. The fact that ethnic groups do not notice each other's problems was considered an issue.

*Pavel (M): In nearly all cases here, we have this problem, when we are talking about them, that we are stuck; we notice the cases, startle, pay attention to them... but I have noticed, that in most cases, Estonians do not really react on those cases. They do not notice the problem, they think that everything is OK. „What kind of discrimination are you talking about?“*

Work and employment experts, who stated, that the problem with unequal treatment in Estonia is rather small, emphasised primarily individual responsibility in improving one's life and did not think that that the ethnic barriers should be blamed that much.

The focus groups also differed in their opinions on levels of levels of expression of unequal treatment in Estonia: e.g. Russian media focus group distinguished between everyday, legal and political levels, the latter of which was considered the most critical.

However, several areas of concern where ethnicity-based unequal treatment happens were pointed out. In different topic-based focus groups (i.e. focus groups that consisted of experts in the same field), different problems were mentioned, but all groups agreed that some ethnicity-based discrimination exists. Media and work & employment focus groups pointed to the wage gap between Estonians and Russians doing the same work, education and civil society groups named the absence of the possibility to obtain education in mother-tongue, media group mentioned prioritizing Estonians in the constitution, civil society and work & employment group agreed on existence of ethnicity-based unequal treatment in public agencies, and civil society group pointed also out that Russians sometimes are seen as a „second-class people“.

According to participants in *English focus groups* (i.e. people who have come to live in Estonia from other countries), there is enough public information in Russian language (and, consequently, the situation of Russian-speaking population cannot be very bad). Comparisons with Serbia and Greece

were drawn, where information in „unfavourable“ minority languages is not publicly available at all. The English focus group rather felt that the lack of (public) information in English is the problem. It also turned out that experts with international background had planned to learn Estonian while staying in the country (and in many cases they already had done so over the years) but had no plans to learn Russian. Interviewees justified it with the lack of direct need and said that once they were in Estonia, it made sense to them to learn Estonian. However, this creates a new artificial barrier, because information in the native language is available to Russian-speaking minorities and local Russian-speaking Estonians but not to foreign new-immigrants. Given the excellent infrastructure for learning and practicing Russian, the new immigrants could become an important uniting link of the chain. New immigrants will probably be able to successfully navigate in international and supranational networks, and in this sense, they could function as intermediaries between networks.

### 2.3.3. Other institutions and divides that re-produce inequality between ethnic groups

*Participants of Estonian interviews* were quite aware of lower levels of employment, income, education etc of Russian-speaking part of population compared to the titular population. In general, it can be said that experts in all groups considered a very broad range of reasons for the existing situation. The mentioned both the circumstances that can be changed more easily and quickly, and efforts that will take more time and demand more work. Yet, the participants tended to express the belief that belonging to a minority ethnic group *per se* was not a barrier to acquire a high status in Estonian society, blaming other problems.

Some of the problems mentioned in Estonian groups and deemed to be “repairable” were: lower human capital (education, work experience), thinner or less lucrative social networks (missing contacts, both personal and work-related), access to different information, and poor self-motivation. Estonian mainstream media was also blamed of disseminating derogating attitudes and Estonian government was blamed for poor political decisions in recent past, but to a much lesser degree. This emphasis on individual resources creates the impression that every person is responsible for finding individual solution, while the state, agencies and the surrounding society is exempt from taking responsibility. **This is a convenient approach but scientists have convincingly demonstrated that the context for a seemingly individual problem in most cases is social or institutional** (Wright Mills 2000: 187), **thus, the problems should be addressed from that level.** However, it can be assumed that if the experts who are working in this field on a daily basis are looking for individual explanations then the same approach applies also to the broader society.

To advance integration and reduce ethnic gaps in Estonia, participants of the education focus group suggested that the state should vigorously promote the „concept of people of Estonia“, which allows to broaden the understanding of „our people“, and would include all people living in Estonia, regardless of their nationality or language skills. The key to the belonging to “people of Estonia” would then be „being pro-Estonian“ which all focus group participants saw as being loyal to Estonian state and having related attitudes.

*Rein (E): ...in fact, it is more important to have pro-Estonian mentality than to have Estonian language skills. And, looking at the research, it seems to show, that while the language proficiency increases, the loyalty decreases... so, we kind of move in the wrong direction..*

*In Russian- focus groups*, on the contrary, it was highlighted, that both Russian- and Estonian-speaking media has a negative influence on ethnic questions and increases the gap between ethnic

groups. It was considered very important that media should not differentiate between people on the basis of their ethnicity, and rather bring out positive aspects. In addition, the group agreed that there should be a ban on derogatory language use (e.g. „*tiblad*“)<sup>5</sup> in the media.

#### 2.3.4. Personal and mediated exposures to unequal treatment on the basis of ethnicity

The interviewed experts were not able to share cases where they themselves would have been discriminated based on their background. However, especially in the Russian and English language interviews there were mentioned many cases, that were perceived as being discriminatory towards their close relatives or where they indicated to the (perceived) cases of discrimination among their close networks or in the society in general.

The cases, where the close relatives and colleagues of the experts had been treated unequally, were very seldom raised in the *interviews that were held in Estonian*.

The main examples of ethnicity-based unequal treatment, as pointed out by participants in the *Estonian interviews*, were related to the residence permit policies, citizenship policies and language requirements. For example, the participants of work & employment group criticised unnecessary and often “frantic” bureaucracy that one has to go through to get Estonian citizenship and felt it was discriminatory. The participants were also not happy with obligatory citizenship exams: some of the respondents considered exams to be unfairly difficult, some of the respondents claimed that the criteria for passing the exams are not explained properly. The problems with the language criteria as stipulated by the state was also discussed on the focus group on education. The participants were aware and disapproved of the fact that Russian-speaking staff of schools in Ida-Virumaa (the county in Estonia that is mostly populated by Russian-speakers) faces the risk of being dismissed, due to their insufficient Estonian language skills, and despite their loyalty to the Estonian state. The question of language requirements and their perceived strictness was discussed also in the work & employment focus group, where an expert shared a story where a Russian-speaker was afraid to use the Russian language, and labelled this as “self-discrimination”:

*Katrin (L): I remembered a case, it was in the city bus, back when we had bus assistants in the public transport. It was evening, rush hour and our bus broke down. It was a big long bus, full of people. And then this driver, a woman, she couldn't speak Estonian. She, well, she could have just said in Russian... “võitje iz avtobusa, avtobus sloman, dalše ne jedet, slutšilaš avarija”[please exit the bus, the bus broke] or something. Everyone would have gotten off the bus. Nevertheless, she went to the back end of the bus, called the bus assistant, who was some kind of a young man and asked him to announce, that the bus is broken and everyone should exit. It was comical that the driver did not have courage, she discriminated herself, she could have just said it in Russian and everyone would have understood. However, she got this bus assistant and told him...*

The participants in the media focus groups saw the salary requirements for TCNs applying for the residence permit unnecessary high, even discriminatory (Estonian yearly average salary times 1,24). In the participants' view, there are some jobs in Estonia that would benefit from having a foreign worker, but where the salary is relatively low or not stable.

*In interviews with English-speakers*, mainly positive experiences were emphasised. The interviewees felt that being English-speaking foreigners could lead to being even somewhat privileged. However,

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<sup>5</sup> See more about the definition of “tibla” at <http://en.wikipedia.org/wiki/Tibla>

there also shared situations that were considered to be discriminatory: consistently being confronted with negative comments about their country of origin; great difficulties in finding suitable English-based Estonian language courses; too high requirements for obtaining living permit and having to prove work status; not allowed to work while being an exchange student, while local students are expected to be working alongside their studies, etc.

Compared to the locals, foreigners who settled in Estonia are characterised by supranational and transnational identities. There seems to be at least two contradictory approaches: whether the expectations on the equal treatment are very low, or the standards are rather high. It is worth to mention that the level of expectations is not directly related to the country of origin or the status of the individual. Although the participants in English-speaking interviews had personally very rarely encountered unequal treatment, they were aware of the general inequality in Estonian society. However, they also expressed the opinion that ethnicity-based inequality is actually less important than social and gender inequality in Estonia.

*In Russian-speaking focus groups*, the participants brought out, based on their own interpretation, examples of unequal treatment, that they themselves or their close relatives had experienced or that they had witnessed in their close environment. Main issue was the salary inequality between Estonians and Russians, unequal treatment on the basis of Russian name and ethnicity and due to language requirements and language skills. In some cases, the topic of unequal treatment was connected with the general tendencies in the society – for example, outward migration and decrease in numbers of persons who apply for Estonian citizenship.

Both in Estonian and English focus groups, the participants rather mediated unequal treatment, experienced by others, than their own personal experiences. The same phenomenon has been observed in many international surveys – often, people tend to estimate extent of the discrimination on the group level (incl. on the society level) and the rate becomes higher than their own personal experience would provide for. The perception of discrimination on the group level is largely influenced by the question of to what extent the person identifies him/herself with the discriminated group. The higher is the level of identification with the discriminated group, the more attention is being paid to the problems that other members of this group are experiencing. Thus, the outcome of focus group interviews cannot be called surprising, as *in Russian FG-s many more examples of unequal treatment were shared than in Estonian FG-s*.

The way Estonian Republic defines unequal treatment, and interviewee's intuitive evaluation of a situation as being discriminatory, may not always fully overlap. It is possible that some of the focus group participants, while experiencing discrimination (directly or indirectly) may not have been able to identify them as discrimination pursuant to the law. It may have happened that they rather classified some of the cases as unethical behaviour or just as bad manners. Yet, there are also opposite situations where the focus group participants intuitively noticed discrimination, which does not classify as discrimination in legal sense. In the interviews, the terms "discrimination" and "unequal treatment" were rather used in their colloquial meanings, rather than in legal meanings.

In Russian-speaking focus groups, it was also mentioned, that what might intuitively seem to be unequal treatment, would not be incorrect in the legal sense. For example, the seemingly unfair transition to Estonian-language based secondary education was mentioned, but since the law provides for level playing field conditions, then according to the law it does not constitute the unequal treatment. However, some specific conditions concerning students with Russian background are not taken into account here, leading to the situations where they cannot equally participate and achieve equal results in education. The analysis shows (Table 6) that the non-compliance of intuitive understanding and the law provisions occurred in all focus groups.

Table 6. Critical areas of unequal treatment (UET) that were considered important by the focus group participants and their overlap with law-regulated areas.

FG participants' evaluations and experiences with unequal treatment (UET) on the basis of ethnicity	FG	Participants' citizenship	Does ETA cover the particular unequal treatment area (UET)?
UET critical areas in Estonia			
Income gap between Estonians and Russians	RM, RW&E, ECs	EC, UDC, non-EU	Yes
Lack of educational opportunities in mother tongue	RCs, REdu	EC UDC	No
Favouring of Estonians in the Constitution	RM	EC, UDC	No
Ethnicity-based UET in state agencies' employment policies	RCs, RW&E	EC	Yes
Russians as "second-class people"	RCs	EC, UDC	No
Gender-based UET	RM, RCs, E, ECs, EW&E	EC, UDC, EU	Yes
Age-based UET	RM, EEdu, ECs, RW&E	EC	Yes
Disability-based UET	RW&E, E	EC, EU	Yes
UET on the basis of social status	REdu, E	EC, EU, non-EU	No
UET of sexual minorities	E, EC	EU	Yes
Regional inequality	RM, EW&E, EEdu	EC	No
Risks for Estonians to fall victims to UET in Estonia	EEdu	EC	No
Personal and/or mediated experience with UET			
Income gap between Estonians and Russians	RM, RW&E	EC, UDC	Yes
UET based on name or nationality	RCs, REdu, RW&E, RM, EEdu, ECs	EC, UDC	Yes
UET due to high language requirements and/or low language proficiency	RCs, REdu, RW&E, EEdu, EW&E	EC, UDC	No
UET on the basis of social status	REdu, E	EC, EU; non-EU	No
UET due to lack of citizenship	RM, EW&E	UDC, non-EU	No
UET of newly arrived immigrants in relation to residence permit	E, EM	EU, non-EU	No

"R" stands for Russian-language, "E" for Estonian-language and "E" for English language focus group; "M" for media sector, "Cs" for civil society sector and "Edu" for education sector.

Citizenship: EC= Estonian, UDC= Undefined, nonEU=Third-country national, EU= National of EU country

### 2.3.5. Awareness of the principles of equal treatment

In order to explore whether the experts were able to recognize violations of the basic principles of UET, we asked them to discuss three brief cases of (i) direct discrimination, (ii) indirect discrimination or (iii) failure to comply with the obligation to implement and promote principle of equal treatment. For the discussion, we chose employment, education and social welfare cases that fall under the regulation of the ETA.

In each case, we asked the focus group participants to answer two questions: first, we wanted to know, if the experts believed that everything was correct in the particular case, or if they were in conflict with any moral principles, and secondly, we wanted to have their opinion on whether the incident violated any Estonian law, and, if so, then which ones. By posing these two questions we wanted to test how big compliance was there between the interviewees' subjective and intuitive ethical principles and ETA principles. This means, that in the three abovementioned cases, we were able to explore the legitimacy of the law in the eyes of experts. This is important because, if population generally feels that the law is close to their own perception of what is fair, then it is easier to ensure respect for law and it is easier for people who encounter unequal treatment to seek help.

We found that in all focus groups (Estonian, English and Russian), in most cases, the participants based their case analysis on their subjective understanding of justice, and only few spontaneous references to the law were made. By the help of additional guiding questions from our side (e.g. do the cases violate any laws?) primarily "direct discrimination" cases were recognized. When spontaneous opinions were given also on the case of unequal treatment based on nationality, then in legal terms, in most of the cases, there was an agreement that there has been discrimination. Most of the respondents thought that the case should be regulated by the Constitution, however, some of them also named Equal Treatment Act

In the example of "indirect discrimination", many experts thought that this was most likely a case of unequal treatment, but they tended to agree that in legal terms, there were no violations of the law. The "indirect discrimination" term was used only once, in the civil society Estonian-speaking focus group, in no other groups the term was not mentioned during the case analysis.

In the case of "promotion of equal treatment" it was indicated, in all language groups, that the systemic intervention from state's side is required. However, there was little concrete reference to the law. Most participants were inclined to believe that there was no violation of law. Neither did any of the interviewees mention the obligation to "implement and promote the principles of equal treatment", which lies with e.g. the employers, ministries, and educational institutions and organisations. Thus, it can be concluded, that the experts may have not been aware of these obligations. In sum, it can be said, that most of the experts did not have a good knowledge of the Equal Treatment Act, and it is possibly the case with regards to Gender Equality Law on Equal Treatment.

Table 7. Overview of the awareness of equal treatment principles in all FG cases.

	Intuitive perception of unequal treatment	Perceived violation of the law
Direct discrimination	Easy recognition of discrimination in most cases	Violation of law identified in most cases
Indirect discrimination	Aspects of discrimination recognized in half of the cases	Violation of law not identified (almost in no cases)



Disregard for commitment to Equal treatment promotion	Aspects of unequal treatment recognized in most cases.	Violation of the law identified only in one of the cases (e.g. school legislation)
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During the case analysis, interdependence of certain attitudes could be observed. For example, unequal treatment was recognized mostly only when no reason or justification was found for the behaviour. This is consistent with many theoretical approaches, in which it is emphasized, that people only notice inequality, when the behaviour or phenomena can be considered unfair (Tyler, 2006). The present analysis showed that in focus groups, the perception of discrimination was not always based on legal provisions, rather than on generally accepted norms and comparisons with other countries' standards. In groups, where individualistic approach to success was emphasized, the participants were less likely to notice the need to promote equality.

## 2.4. Knowledge of and critique towards institutions

### 2.4.1. Ethnic minorities' awareness of violation of rights and awareness of existence of institutions that deal with unequal treatment

Generally speaking, the participants of the *Estonian-speaking focus groups*, were of the opinion that in Estonia, there are sufficient legal assistance institutions that work to protect the rights of ethnic minorities. Participants named e.g. Office of the Chancellor of Justice, labour dispute committees, Labour Inspectorate, the Gender Equality and Equal Treatment Commissioner's office, courts and police as institutions, that could be sought to get help, as well as non-profit organizations. Thus, according to the interviewees, the state's institutional framework is sufficient to ensure equal treatment.

However, as it was put in, e.g. civil society focus group, there could be risk, that that many minority representatives who could be the primary targets of discrimination, might not be aware of existence of these institutions. The participants of civil society focus group were also concerned that minorities may not be able to even recognize the unequal treatment when they encounter it. At the same time, in education focus group, the opposite opinion was expressed: ethnic minorities in Estonia are too inclined to label situations as discriminatory and can be sometimes too quick to link their unpleasant experiences with their ethnic backgrounds.

*In Russian-speaking focus groups*, level of knowledge about institutions that provide legal aid, varied greatly. In civil society and media focus groups, the participants were generally aware of opportunities for legal assistance. The Gender Equality and Equal Treatment Commissioner, the Ombudsman and the Human Rights Information Centre were mentioned, among others. The participants were also aware of possibility to get interpretation/ translation in the court. According to the participants, the possibility of legal aid is positive, but they also emphasized, that there is need for more information about these options, since this knowledge might not be commonplace. This information should be provided with the help of the government. In education and work & employment focus groups, this subject remained rather undiscussed, and the discussion moved over to the issues of barriers to getting assistance. In the education focus group it was also noted, that on the background of extensive social problems, the knowledge about existence of legal aid bodies is not of great value. It was also highlighted that the public institutions have not provided sufficient information

about legal assistance to Russian speakers, for instance regarding the possibility of approaching Equal Treatment Commissioner.

Participants of the English-speaking focus *group* were generally aware of the various options for getting help in the case of discrimination. The ombudsman, the Chancellor of Justice, the Consumer Protection Agency and social workers were mentioned.

#### **2.4.2. Assessment of requesting assistance and receiving it in reality**

All the experts, who participated in the interviews, differentiated between the existence of institutions that deal with equal treatment and between the efficiency of their work. While the first did not attract much criticism, then latter did. The participants claimed that the most common barriers for getting help are lengthy procedures, high costs and stress, associated with the process. Additionally, in all focus groups participants mentioned that one of the obstacles is the fear of worsening the situation and e.g. losing the job (i.e. fear that the person who discriminates will retaliate with a “punishment”). This fear was also expressed in the responses of the survey.

In the *Estonian-speaking focus groups*, the participants speculated, that members of ethnic minority groups may not be emotionally ready to deal with the time-consuming and often exhaustive process, and it might prevent them to file an appeal. People, who do not live in the capital (Tallinn), were critical of fact that all the institutions’ are positioned in Tallinn so people from e.g. South Estonia do not have equally good access to them. It is worth mentioning, that the experts of Estonian focus groups also noticed, that Gender Equality and Equal Treatment Commissioner’s Office has improved its work and it’s effective in providing aid to ethnic minorities has increased. However, they also claimed that the commissioner is overloaded with work and there is a lack of finances, that substantially increases the time for processing the cases and providing the legal response. Also, the commissioner’s relatively unpopular reputation was mentioned. The participants in education focus group were of opinion that Estonian Republic is no “old” enough to understand the need for such an institution. It was also mentioned, that media has not understood the role of commissioner and has been very critical and it has adversely affected the commissioner’s reputation in the public. The civil society focus group noted that the reputation of the Commissioner and its work in Estonia is “low and conflicting” and the reason might be the large number of complaints, the lack of personnel in the office and insufficient budget. The participants blamed the government for insufficient attention towards the topics of human rights and equal treatment.

*Silvia (K): ... Estonia is actually not interested in the equal treatment of people, at least not in an active way. It can be clearly seen from the fact that for years, there are only two people working in the commissioner’s office, and they obviously cannot manage all the awareness raising and information work. Moreover, when we say that people’s awareness is low, regarding where to turn for help, then the reason of why is it low is because we have not had enough publicity, because Estonia does not allocate enough money to carry out this task in an effective way. And in this sense, when thinking about the adoption of the Equal Treatment Act by the Parliament, the comments, they made in Parliament (that we only adopt it to meet the requirements of EU) n, we can clearly see how little interest there is from the “above” to promote equal treatment. And I think, that same attitudes certainly are also being reflected in general population.*

In the *Russian-speaking focus groups*, the discussion moved often towards the question whether people actually do receive any real help, and whether they apply for it at all. In this group, it was pointed out, that legal context in Estonia is not bad, and the problem is rather, that people do not take any steps to restoring equality, when their rights are violated. People’s own initiative in fighting for their rights was not rated very high. Thus, just knowing about the opportunities for getting help and knowing the legislation is not enough for people’s rights to be protected. Further, the lack of faith or hope in a positive outcome was considered an important obstacle. In the interviewee’s view,

people rather agree with the unfair situation and don't take any steps to protect one's rights. This situation refers to the "learned helplessness" among the Russian-speaking groups.

*Kirill (W&E): I can take myself as example. There are two different groups at a workplace: one group of Russian-speakers and one group of Estonian-speakers. They are not directly linked, but it's one enterprise. There is no proof, but everybody says that Estonians have better salary than Russians. It is not important, if it's true or not, but when that question was raised at the meeting of the Russian-speaking group, they were told straight that if they do not like it, they can leave. The problem is that, it is more difficult to say that to Estonians, because they simply go and find themselves a different job in the same sector. However, Russians agree to what is offered, even if it is many times less than what is offered to Estonians, for one simple reason – it is not possible for them to find another job in the same sector.*

It was also said, that in Estonia, there is no tradition to stand actively up for one's right through the court, and fight discrimination. It was also pointed out, that Estonian society is not very tolerant, which does not make it easier for the minorities to stand for their rights.

*Mihhail (M): Our society is intolerant. Therefore, for example, when a Russian starts to protect his rights, to demand to stop discrimination, then most of Estonians will unite against him. It is the same story when a homosexual starts to protect his interests and says that he is being discriminated, then the majority of heterosexuals will unite against him.*

In the English-speaking focus groups it was pointed out, that there are different institutions, to where a person can turn, he will probably not get any real help from these institutions.

### **2.4.3. Knowledge of Equal Treatment Act and critique of the Act**

In *Estonian-speaking education, work and employment and civil society focus groups*, there were experts who had looked through the text of the Act, so they had more than just mediated knowledge. There were also many experts who had not read the text. Many experts only knew that this Act exists, but did not know any details. On the whole, knowledge of Estonian focus groups participants' can be described as moderate.

Only one expert from Estonian-speaking focus group directly criticized the Act. The critique targeted towards the hierarchical structure of the Act: as of today, the scope of the application of the Act is wider in cases of ethnic discrimination (i.e. discrimination based on ethnicity, race or skin colour), while the scope of application in cases of religion-, age- disability or sexuality-based discrimination is more narrow. This expert would prefer to see the rights of the latter groups to be lifted to the same level as the rights of the former. In addition, Estonian education group claimed that the law is too poor and general, therefore it is difficult to use in specific situations. Thus, it can be concluded that even the experts who felt, that they had good knowledge of the Act, did not know how to use it in solving the concrete cases. The reason for generally not very high knowledge of ETA can be specifics of this particular focus group (i.e. that the majority of experts were Estonians). However, the reason might also be that the Act is quite recent (took effect in 2008). The survey shows that one-fifth of respondents stated that they "know something" about the Equal Treatment Act and 3% of the respondents were critical about the Act. Thus, we can say, that one-fifth is moderately familiar with the Equal Treatment Act.

Although participants of *Russian-speaking focus groups* had generally quite good knowledge about state-provided legal aid, the knowledge of particularly Equal Treatment Act varied a lot. In education group, the participants didn't have any knowledge of the Act, in other groups the scope of knowledge was from no knowledge to use of the Act in everyday work. The critique of participants was targeted toward the fact that by Estonian Constitution, discrimination is already prohibited

and ETA only repeats European norms, thus it does not have any practical value. However, the participants view of the Act might not comply with the actual content of the law.

*Vadim (W&E): We know that it exists, but it is mainly declarative, it is mainly about fighting gender discrimination. It does not expand to ethnicity-based discrimination [...]/ This Act is not perceived as a tool to fight ethnic discrimination. I have not heard anybody saying that there is an [anti-discrimination] law that deals with ethnic discrimination. It is kind of “women’s law”.*

Yet it was highlighted that it is important to increase the awareness to overthrow fears, which prevent people from standing up for their rights.

*Margarita (W&E): The practical idea is, that people will start to know of its existence. If there is more information there will be less fear. Well, I am saying, that we fear that something will happen. But what will we have to do then? We don’t know, that’s why it frightens us.*

In English-speaking groups, the participants were not aware of Equal Treatment Act and rather referred to the international laws and declarations.

In conclusion, the authors of the research expected a higher awareness and better knowledge of the Equal Treatment Act, since the participants were public figures and experts in their particular fields. Thus, they have a higher probability that they will need to have the good knowledge of ETA in their work.

## 2.5. Comparison of main discourses

The analysis of focus groups interviews gave general insight and helped to map general ideas that people use when thinking or speaking about equal treatment. Hereby, we identified some antitheses, which characterize how people understand inequality and factors that influence the inequality:

- 1) individuals’ own qualifications and responsibility *versus* the influence of general structures of society;
- 2) top-down *versus* bottom-up activities to promote equal treatment;
- 3) risk of losing Estonian language and culture and risk of Estonians becoming marginalized *versus* embracing the cultural diversity;
- 4) justification of Estonians’ priority status *versus* equality of all ethnic groups.

### 2.5.1. The responsibility of individual versus the responsibility of society

The reasons of unequal treatment can be explained with two major factors. On the one side, people do not have enough motivation and don’t make enough effort, which prevents the rise of their status; on the other side, problems may arise from objective structural factors, e.g. macroeconomic context, which hinder individuals’ efforts. While the first approach stresses individual’s own activity, then the other stresses rather economic, political and cultural influences on a person’s or group’s status in society.

In Estonian-speaking focus groups, especially education experts emphasized individuals' own responsibility to learn Estonian language. In their opinion that is the main way to prevent unequal treatment.

*Evelin (Edu): ... then there are some who have been able to learn [Estonian] language very well. Then there are some who, well..., people are different.. their capabilities, [but] for some, this is a domestic problem- that parents are against it, like, why should you speak Estonian at all. Then there are others who put their children... Well, a Russian family, they put their children into Estonian schools, already since first grade. Because for them, knowing Estonian, is a high value.*

On the other hand, media and civil society experts rather stressed the negative influence of society, which hinders improvement of the situation for ethnic minorities. Speaking Estonian is not enough to be accepted by Estonians. Minorities have to be able to create personal relationships with Estonians in order to break deep cultural and psychological barriers.

In all Russian-speaking focus groups similar attitudes were represented, i.e. that language is an obstacle in achieving equal opportunities. However, in all groups, except work and employment group, the participants agreed that to overcome this barrier, the activity of the individual might not be enough and that help and intervention from the system is needed. In Russian-speaking work and employment group, the experts yet stressed that everything depends on the individual him/herself.

*Kirill (W&E): It seems to me that people often exaggerate that (discrimination) problem and many use that to justify their lack of success in their lives. It seems to me that it all depends on the person in the first place. There are opportunities for minorities in Estonia, quite equal with Estonians, but people use widespread opinion that we are being harassed and use that as explanation.*

### **2.5.2. “Top-down” or “bottom-up” approach in promotion of equal treatment**

The other category is based on the source and direction of equal treatment. On one hand, the promotion of equal treatment can be imagined as a personal responsibility, so called “bottom-up” approach. On the other hand, it can be seen as mainly governments responsibility (so-called “top-down” approach). We explored the opinion of experts on how big input should the experts themselves make to initiate changes in society.

In Estonian-speaking civil society group, the dominant opinion was, that people from civil society organisations could initiate many important developments. Below we bring a quote by an expert, who has Russian background, and who also emphasizes that also minority groups themselves are responsible for getting included in Estonian society.

*Irina (Cs): Ten years ago, for example, I understood people, well, Russians, who spoke that we are offended by the state, that state should give them something, but has not given anything, there were problems with that.. But... now I think, Russian community and Russian youngsters and maybe also not so young people, but well these people that already live here, who already know, [...] we do not have to accuse that much, we should do more [on our own]. Also, we [Russian-speaking experts working in integration area] should deal a lot more with children and young people.*

The participants of the Estonian-speaking focus group on media saw the role of media in promotion of equal treatment rather modestly. The importance of media on creation and reflection of public awareness was not reflected by the participants. The participants mainly came up with suggesting minor changes, such as translation of press releases into Russian. The approach of the media-workers that the state should initiate the changes, and media would then follow them, was

in sharp contradiction with other focus groups' expectations to media, as the participants of other groups regarded the role of media in mediating the topic of equal treatment to the public as of utmost importance. In other focus groups, the participants repeatedly blamed the media on reflecting the minorities and the issues of equal treatment in trivialising and in ridiculing ways.

There was also contradictory approach to the role of civil society: while the participants of the civil society focus groups were optimistic about their opportunities to create change in the society, the participants of other focus groups did not necessarily regard civil society organisations as strong game-changers in the society.

In Russian-speaking focus groups both approaches were supported with regards to the promotion of equal treatment. On one hand, the activism and courage by the minority groups and people themselves is necessary:

*Pavel (M): It is clear that nothing happens by itself. The people whose rights are violated, should show the initiative. They have to do something through the labour unions (...) we have the chancellor of justice, we have courts (...). Here the people themselves are passive and are just afraid of losing their job. Therefore they try to be satisfied with what they have. This relates to the whole Russian-speaking population in Estonia in general, who thinks that – it could have been worse...*

On the other hand, there participants expect the state to be more active and show initiative for developing legislation (in cooperation with the target groups) and for monitoring the implementation. For example, it was repeatedly mentioned that there is a need for the legal regulation of non-derogatory language use in public, so it would not insult the minorities:

*Zenja (Cs): We need a politically correct legislation. Perhaps not in the form of absurdity, but definitely we have to create it (...) We discuss in the newspapers that it is derogatory to use the word “nigger”, but why cannot we discuss the even more important question: the use of word “tiblad”? This all could be regulated by the law. If this would be regulated, then when the newspapers would use some derogating words, then they would be fined, and then I think some things would just disappear.*

### **2.5.3. The threat of marginalisation of Estonians, losing Estonian language and culture versus embracing the cultural diversity**

One of the main dissenting opinions between focus groups was the question whether the inclusion of ethnic minorities and supporting the languages spoken by them would bring along risks to Estonians and Estonian language and culture, or whether (ethnic) Estonians can feel safe in Estonian Republic and should not worry about preserving their culture. In the Estonian-language focus group on education it was emphasised that in addition to Russian language, also the English language has “invaded” the Estonian society and education system. It was also argued that the incursion of foreign languages is increasingly a threat to Estonian nation.

Civil society experts in Estonian-speaking focus groups had more diverse opinions. For example, one expert claimed that s/he would gladly send her/his children to foreign language kindergarten (including Russian kindergartens), so her children could learn a new language. In this discourse, sending the child to a kindergarten, where the main language is not the same, as home language, is a bonus – child will “know two languages”, rather than be a “rootless-person”. Comparing the discourses of focus groups, it can be said that education experts were most worried about preserving Estonian culture and Estonians, while cultural diversity was most welcomed by media and civil society s group where some participants even contested the use of ethnicity as a category (for details, see the full version of this chapter in Roosalu et al 2013).

In Russian- and English-speaking groups, the dominating opinion was that diversity does enrich society.

*Margarita (W&E): At least cultivating the confrontation must be stopped. We must learn tolerance. We are different, absolutely different and that is even good that we are different, but it does not mean that we could not co-exist in a friendly way. Elina (E): I think we should find ways to be hospitable towards different religions and people with different backgrounds [...] I think we should give individual opportunities to people who come live here so that they could feel welcome and be accepted to celebrate their traditional holidays.*

The topic of preserving Estonian culture and language was also mentioned in our survey. The responses show that also most of non-Estonians felt the need to preserve Estonian culture and language. Probably it would be important for Estonians to know, and it would decrease the sense of threat in Estonian community. It can be said if the feeling of threat fades, maybe then it will be easier to treat and acknowledge non-Estonians equally.

#### **2.5.4. Justified priority status of Estonians *versus* equality of all ethnic groups**

In the *Russian-speaking media focus group* a perceived contradiction in Estonian constitution was pointed out: the Estonian Constitution states that all residents are equal in front of the law and everybody must be treated equally; at the same time it prioritizes that the status of Estonian language, culture and people. The sentence in preamble obliges Estonian Republic to “*guarantee the preservation of the Estonian nation, language and culture through the ages*” and it can be viewed as providing a priority status to Estonians over other ethnic groups.

Estonian-speaking focus groups did not refer to the constitution, but the hidden understanding of justified priority status was present. It was most clearly expressed in focus group on education:

*Kaisa (Edu): ... even when answering your question [Is there ethnic inequality in Estonia] it seems that there is no problem and maybe we should not look into it, I think that studying this has two goals. We should ask these questions to ourselves all the time in order to avoid Estonians becoming victims of unequal treatment at some point. That is why we must always discuss these topics, to avoid this negative development. Even if it currently seems that there are not many examples to give.*

The results of the survey indicate that the majority of non-Estonians are in favour of the discourse of equality (agreeing with the following statements: *Everyone, despite their ethnic background, must have equal rights and opportunities in Estonia and Estonia as a democratic state should guarantee equality of all groups regardless of their origin, ethnicity or languages skills*). Ethnic Estonians are distributed between two large groups: the priority status of Estonians in different issues is justified by two-thirds to two-fifths of respondents, while equality of all groups is also favoured by two-thirds to two-fifths of the respondents: 27% agree with the statement *Estonians have suffered a lot in the past, therefore it is right to give preferential treatment to Estonians in all spheres of social life* and 61% of respondents agree with the statement *Everyone, regardless of their ethnicity, must have equal rights and opportunities in Estonia*. 44% of respondents picked the argument *Estonia is a country of Estonians and other ethnicities must have fewer rights here* and 44% chose *Estonia as a democratic state should ensure the equality of all inhabitants, regardless of their origin, ethnicity or language skills* (for further details, see Roosalu et al 2013).

## Summary of the results and main conclusions of the study on the reception of the Equal Treatment Act

In this section, we present a summary of the study of the reception of Equal Treatment Act introduced in chapters 1 and 2.

### I. Awareness of legislation: knowledge of the law enforcement institutions, knowledge of existence of the ETA and contacts with, previous experiences of and critique of the *implementation* of the law

- The participants in the focus group discussions had rather general and abstract knowledge of the Equal Treatment Act. Even when participants have rather good knowledge of the law, they do not know how to apply it in concrete situations. Also, public sector officials who participated in the research and whose task is to promote equal treatment, are not aware of their role and, consecutively, of the need to know the legislation that regulates equal treatment; they tend to evaluate the cases based on their own intuitive understandings.
- Focus groups showed that the experts are not aware of the **obligation of the employers to promote and introduce the principles of equal treatment to their employees**. There is a tendency to believe that the private companies do not have to follow the principles of equal treatment. The survey shows that two-thirds of the respondents know that the employer has to guarantee that there is no harassment at the workplace. However, a rather large number of people do not know exactly who is responsible for solving the cases of unequal treatment at the workplace. As the majority of the cases of unequal treatment happens precisely in connection to work, it is extremely important to raise the awareness amongst the employers.
- Both in the focus groups as well as in the population survey the participants' **intuitive understanding** of injustice and unequal treatment does not always overlap with the regulations as stipulated in the law. This discrepancy between the subjective feeling and legal definitions may decrease the legitimacy of the law among the population. Open questions in the population survey that were answered with the examples of the unequal treatment cases, indicate that a large majority of examples would not classify as unequal treatment as defined by the law.
- Focus groups experts who have rather good knowledge of the Equal Treatment Act **criticised the law for unequal protection of different minorities** (for example, when compared with the other minority groups, the scope of application of the law is narrower in case of the disability or the sexual orientation). It was argued that the law, which regulates equal treatment, should also itself be based on the same principle. The survey showed that there are 3% of respondents who deem their knowledge of the ETA to be good, but who do not support several provisions of the Act.
- The participants of focus groups do have the knowledge of some of the important **institutions providing legal aid** (e.g. the Gender Equality and Equal Treatment Commissioner), yet they also point out the inability of these institutions to provide effective help and assistance due to their underfinancing by the state. The participants also mentioned the unpopular reputation of the Gender Equality and Equal Treatment Commissioner among Estonian public, and saw one of the reasons being the biased media coverage. The population survey shows that as much as one-fifth of the population is aware of the Equal Treatment Act, which entered into the force in 2009 and as much as one-third knows about the work of the Equal Treatment Commissioner. One-third of the remaining population is not aware of the work nor the law, however, they would like to know more. Only less than half of the respondents had a reticent approach to this topic and answered that they do not want to know more about ET.
- The survey shows that in one-fifth of the cases of the unequal treatment the victim does not take any steps to protect his/her rights. These victims settle with the situation and justify it



with the hopelessness, or with the fear that by stepping up, things may get worse. Focus group discussions show that the experts are generally aware, that people are afraid of speaking up against discrimination, because they fear unwanted consequences (victimisation, job loss etc) or that they dread that standing up for their rights demands too many resources. The focus groups showed that people do not have the experience of standing up for their rights and they do not believe that something can be done. The participants mentioned that the feeling of hopelessness is not only characteristic to the cases of the ethnicity-based discrimination, rather than that missing dialogue with the people in power is characteristic to many other areas as well. Several respondents perceive that the civil activity does not always lead to expected results and, for example, in the work relations, the asymmetry of power is very important hurdle.

## II. Knowledge of and attitude towards the principles and terms of equal treatment: (un)equal treatment, discrimination, different concepts of the equality

In focus group interviews, we explored, what people understand by discrimination. It becomes clear that there is a need to clearly distinguish between the legal term, and common understanding of the meaning.

**Discrimination in the legal sense** is the unfounded unequal treatment in certain areas and due to certain personal traits. The Equal Treatment Act defines the equal treatment as a situation, where there is no discrimination based on the nationality (ethnic belonging), race or the colour of skin, belief or conviction, age, disability or sexual trait (§ 3, section 1 in ETA). Both the participants of the focus group interviews as well as the survey respondents have rather vague understanding of this meaning of discrimination. The cases of unequal treatment in public or private sector are rather not interpreted in the context of the law. On the other hand, for different reasons the existing legislation and institutions are not used for the protection of one's rights. Low awareness of the discrimination and generally rather low knowledge of legal context has also been pointed out in previous studies (Kallas 2008; Eesti elanike õigusteadlikkuse uuring 2007).

**The common understanding of discrimination and equal treatment differ from the definitions of this terms as stipulated in the law.** In everyday-life these concepts are used in a broader meaning (and are also applied to more areas and also to groups, not only to the individuals as representatives of the group). In focus groups the meaning “(un)equal” treatment was interpreted very broadly and rather in the sociological meaning than in the narrow meaning of the law. Unequal treatment is mentioned on the occasions when one wants to point out the gaps and cleavages in the society or the exclusion of some groups or persons, the pejorative attitude towards someone or the depreciation of someone in some areas of social life. For the people, the important aspect is the status of groups in the society rather than the absence of the legal basis of discrimination as stipulated in the law. This tendency was also confirmed in the survey, where the respondents brought examples of the cases, which cannot be classified as discrimination according to the law.

We can thus conclude that the population's understanding of **the equality** as an ideal go much further than the formal requirements of the equality (that are ensured by the law). Therefore, the expectations of the population exceeds the possibilities provided by the state. Three-fourth of the respondents find that equal treatment is first and foremost the duty of **the state** – the state should guarantee that all groups in the society are treated equally.

## III. The perception of unequal treatment in Estonia

In all focus groups, it was argued that **ethnicity- and language-based unequal treatment** exists in Estonia in the areas of labour market, education and media. The respondents perceive the situation to be worst for the people whose mother tongue is not Estonia, and especially those who do not know Estonian. This includes both the citizens of third countries as well as the people with undetermined citizenship. We did not observe differences in different citizenship groups regarding this kind of perception of social inequality and exclusion, however, this was noticeable when comparing the

majority and minority groups. People with the mother tongue other than Estonian are more apt to notice the cases of discrimination both in the legal and wider sense. Lack of vital information (e.g. laws, pharmaceutical information) in Russian and the limitation of education in Russian is interpreted as the discrimination of the Russian-speaking population by the state. Numerous examples were described where the Russian family name or the accent was, according to the respondents, related to the refusal to employ the person, constituted the barrier to the career, led to the rejection to be admitted in the university or to lower salary compared to Estonian; or were related to other examples of unequal treatment, that is, however, difficult to prove as ethnicity-based discrimination. Participants criticise the ideologies that put more emphasis on the knowledge of Estonian than on the professional skills or the personal traits. The survey also shows that the perception of unequal treatment is mostly related to the ethnicity, language and citizenship. Also in the examples of personally experienced unequal treatment, the mother tongue and language skills were the main factors, both among the Estonian and non-Estonian respondents (i.e. respondents whose mother tongue is not Estonian). However, language skills are not considered as discrimination according to the legislation, yet this is very important basis of the unequal treatment in Estonia.

Both in Estonian and Russian-speaking focus groups, **too high requirements for the proficiency of Estonian language for some positions** were criticised. Those situations are being perceived as possible indirect discrimination and thus as unfair. In Russian-speaking focus groups it was stressed that educated doctors, teachers and other specialists, who cannot fulfil the language requirements, do not find professional employment in Estonia and leave, and this was seen as a loss for Estonia. In Estonian-speaking focus group, the question of the loss of specialists was not raised, which indicates that this aspect went unnoticed or was not seen as important.

The participants of focus groups recognized the existence of the widely spread **language based segregation** in Estonia, within the communication networks as well within the working teams, which may foster the reciprocal distrust between the ethnic groups. This may reproduce the stereotypes and thus increase the possibility of occurrence of the unequal treatment.

The use of **different information** by Estonian and Russian speakers is important problem according to both Estonian and Russian respondents. In addition to overcoming the language barrier (which is already slowly happening), the need for the substantial convergence of the information spaces is felt. Russian-speaking respondents emphasised the lack of equal opportunities, especially in relation to the accessibility of official information for the population who is not proficient in Estonian.

In Estonian-speaking focus groups, the participants justify the preference of Estonians in certain situations with **the need to preserve dominant and firm position of Estonians and Estonian language in Estonia**. On one hand the participants are convinced that becoming proficient in Estonian will provide the Russians the equal position in the society (it was repeatedly emphasised that these Russian-speaking people, especially young ones, who have mastered Estonian (and English) even have an advantage in the labour market compared to ethnic Estonians). On the other hand, the interviewees were on the opinion that loyalty to Estonia do not always have to be tied with the language skills (although the knowledge of Estonian is seen as a “entry ticket” to the Estonian society). Some experts in the Estonian-speaking focus groups were of the opinion that Estonian language and culture must be protected not only from the Russian, but increasingly more from incursion of English. On this background, where Estonian language is perceived as being endangered, Estonians do not look positively at improving the opportunities of using more Russian in Estonia. However, the survey also showed that 71% of non-Estonians consider the knowledge and preservation of Estonian culture and language important (see Roosalu et al 2013), which suggests that Estonians’ sense of insecurity has no real basis.

In Estonian-speaking focus groups, **gender inequality** was pointed out as equally important or even bigger problem than the ethnic inequality. In English and Russian-language interviews also the

**social-economic inequality** was emphasised, and it was said, that more attention should be paid to that.

The participants of the English-speaking focus group do not perceive themselves being unequally treated. However, they notice the unfavourable situation of the Russian-speaking population in Estonian society in some areas. Yet these English-speaking experts who belong to visible minorities, have mentioned that they have experienced race-based discrimination. Nevertheless, they did not consider it as a huge problem, since they presumed that when moving to another country, some (negative) attention might be targeted towards them due to their different appearance.

The focus group interviews demonstrate how **different categories of inequality**, such as education, work-experience, living place, salary, age, gender and, consecutively, social expectations can often magnify each other. The problems with the unequal treatment have not changed since the previous studies (e.g. Kallas 2008): most often the respondents describe the indirect cases of discrimination where a formally neutral demand or the implementation of a restriction places the Russian-speaking person into unfavourable situation.

As a **positive trend**, participants of Estonian-speaking focus groups highlighted the improvement of Estonian language skills of the Russian-language population, but also increased tolerance by the state and the society towards the celebration of national holidays by national minorities. It was concluded that in Estonia, all the necessary institutions for ensuring the equal treatment, do exist. In Russian-speaking focus groups, some positive examples and initiatives by the civil society organisations were mentioned, such as “Back to School” (Tagasi kooli) or “Lets do it!” (Teeme ära!), which help to guide people of different backgrounds to the creative cooperation. In addition, the positive impact of language immersion methods on decreasing the educational segregation was mentioned.

#### IV. Differences between groups opinions on the equal treatment and practices

Survey results show very clearly how **different population groups have different experiences and attitudes towards equal treatment**. However, also within every group it is possible to observe the diversity of different attitudes and understandings – both among Estonian-speaking and Russian-speaking population, one can differentiate subgroups with different attitudes and understandings. It is important to keep this in mind when planning awareness raising about equal treatment: the groups should be approached in a different way. For example, among the Estonians there are relatively more of those who have lower interest for equal treatment, and who are less sensitive towards the cases of intolerance and illegal discrimination in Estonia. Persons with undetermined citizenship are relatively less knowledgeable of the existing legislation than other groups.

Similarly to the previous studies we've identified the **asymmetry between the groups** with regards to their perception of ethnicity-based discrimination: while the ethnic Estonians tend to deny the existence of the discrimination, the ethnic minorities are much more sensitive towards the discrimination.

Survey respondents see **Roma** population being the most vulnerable group with regards to equal treatment in Estonia. Participants in the Estonian and Russian-speaking focus groups attributed the unequal treatment of Roma population to both the group's own unique characteristics, as well as to structural issues, such as lack of expertise about how to teach children from other cultures in the education system. The participants also discussed whether Roma children should be treated as students with special needs due to their ethnic origin, but no consensus was reached. In connection to that, it is interesting to note that respondents of survey did not support application of special measures to support vulnerable groups.

### **Problems with unequal treatment among English speaking third country nationals and new immigrants:**

Participants in the English-speaking focus group shared the view that Estonia lacks the specific services targeted at new immigrants, as well as service-related practical information in English. According to the participants, this could facilitate finding information and help regarding residence permits and other aspects of Estonian life that are needed for successful adoption. In the English-speaking focus group the topics of citizenship and residence permit were discussed much more, compared to Estonian and Russian-speaking focus groups. It was pointed out that in order to acquire Estonian citizenship, third country nationals (TCNs) have to denounce their home-country citizenship, which they do not wish to do. With regard to work permit of TCNs, the salary requirement (the employer must pay third country nationals the salary that is 1,24 times of the average salary) was mentioned as a problem. However, on the positive side, relative lack of bureaucracy in application for permits was emphasised.

In English speaking focus group, the topic of learning Estonian language arose and attention was called to some of problems regarding the language learning. It was emphasised that Estonian classes are mostly to be found based on Russian. In addition, the language teaching materials are often in Russian, and new immigrants do not wish to learn Russian to study Estonian. It was argued that there are very few good courses and materials for English-based learners of Estonian. The teaching materials which are compiled on the basis of the materials from Russian-based courses, are criticised for the assumption that the language learner already knows Estonian cultural environment, while it might not be the case for TCNs. It was also argued that there is lack of courses that would allow to acquire certain language level of Estonian. Although the perceived access to Estonian language courses and study materials cannot be considered unequal treatment according to the Equal Treatment Act, this is an important aspect, as lacking language skills hinder full access to the labour market, and this, in turn, may lead to unequal treatment. Since opportunities for learning Estonian were raised by focus group participants as an important topic, this suggests that they might intuitively link access to language learning with equal treatment.

### **V. Societal background: tolerance towards social groups, societal values and attitudes**

Focus group discussions brought the attention to the fact that in Estonian society the exclusionist stance towards ethnic and linguistic groups has remained, and also emphasized the fact that the stigmatizing language in the media as well as coming from the politicians is present when speaking about ethnic minorities. Participants in Russian-language focus groups are on the opinion that Estonian politicians incite national seclusion and confrontation. According to the participants, especially insulting were the negative words by the Estonian president about the Russian language, but also using the term *occupants when referring to the people now living in Estonia* (for more detail on this issue, see Roosalu et al 2013). On the more positive side, the survey shows that there are similarities in attitudes and understandings among Estonia-speaking and Russian-speaking groups living in Estonia. Moreover, survey also shows that there are differences and different views within the Estonia-speaking group itself. Different patterns of attitudes which exist in the society point towards the presence of a healthy pluralism. The illusion of the consensus is created by the small yet vocal minority that presents itself in public as a having the “true” attitudes, which could be used to justify and perpetuate the unequal treatment of different groups.

### **VI. The negative consequences of the perceived unequal treatment**

Discrimination in Estonia is perceived in a broader sense than it is provided by law. For example, systematically publicly expressed malevolence (including in the media) towards some ethnic group or towards its mother tongue is perceived as harassing and insulting. In addition, the increasing limitations to mother tongue based education are also perceived discriminatory by parts of Russian speaking population. Although from a formal point of view, it can be argued that there is no discrimination in the sense of the law, so the problem is seemingly non-existing, there negative psychological and social consequences that result from the long-time perception of being a victim

of the discrimination are still there. The participants of the focus groups described some of the common attitudes among the Russian speaking population, such as perceived feeling of uselessness, lack of perspective, and feeling second-class citizen. Described behavioural reactions to the long-term perceived discrimination can be divided into three groups:

- leaving the situation; leaving Estonia;
- passive resistance, e.g. unwillingness to study Estonian language, unwillingness to become the citizen of Estonia, giving up the use of Estonian-language media, sabotage-tactics at in employment context;
- learned helplessness, resignation, lowered self-esteem, self-closure, increasing pessimism and despair over future.

Survey results confirm this connection. Estonian residents, who feel and perceive discrimination and intolerance the most, and those, who have personally experienced unequal treatment, express much less subjective satisfaction with their lives, compare to the residents who lack the experiences of unequal treatment and who perceive Estonia being a country of rather equal opportunities to its residents.

## VII. General concepts of the promotion of equal treatment

Different discourses of the equal treatment reflect general ideas and perceptions of the equal treatment, as well as the relations between different groups in the society. We identified some common antitheses that illustrate different understandings of people about the inequality and the factors which influence the inequality:

- (1) individuals' own qualifications and responsibility *OR* the influence of general structures of society;
- (2) top-down *OR* bottom-up approach towards promotion of equal treatment;
- (3) risk of losing Estonian language and culture and risk of Estonians becoming marginalized *OR* embracing the cultural diversity;
- (4) justification of Estonians' priority status *OR* the principal equality of all ethnic groups.

Based on these understandings, the current situation is explained, justified and the ideals are set, yet these understandings can also function as barriers to the acceptance of good practices of equal treatment.

The discourse of the individual responsibility was used for example in the Estonian-speaking focus groups, where the cases of unequal treatment of Russian-speaking population were interpreted as individual cases rather than a general problem. The responsibility was often attributed to the victim of the unequal treatment (e.g. because s/he has not made enough of an effort to acquire good command of the language or a qualification). The participants also brought examples that were meant to show that Russian-speakers might be too sensitive towards the unequal treatment. However, some indications about the unequal ethnic treatment were agreed to exist at the society's level, although the participants were often not able to connect the macro-level problems with the unequal treatment at personal (individual) level. This reflects the overall tendency – emphasizing the individual responsibility is more characteristic to people who are in power, while the systemic reasons behind the unequal treatment are mainly seen by people belonging to the minority group (see for example Vetik & Ivanov (2013); Kus et al 2013).

The majority of Estonians are less sensitive towards the ethnic inequality, yet they recognise that the Russian-speaking population is in inferior position in Estonia. The assessment of this situation depends largely on the wider understanding of how justified is the hierarchy of ethnic groups in Estonia.

### **3. The evaluation report of the projects promoting equal treatment**

*Kats Kivistik and Kaarin Plaan*

#### **3.1. Introduction**

This evaluation report provides an overview of the impact and sustainability of three projects, carried out from 2009 to 2012, to promote equal treatment. The report evaluates projects that have carried out in order to promote equal treatment of different nationalities. The specific actions of projects can be found in appendix in the end of report. While the equal treatment as subject or concept is rather new for Estonian society and the proportion of national/ ethnic minorities and also risk for discrimination is high, it is important to evaluate which actions promoting equal treatment have been effective, which of them are worth proceeding and which are not.

The report starts out with a brief description of the evaluation methodology, which comprises document analysis, an online survey and interviews. Next, key results of the evaluation of the projects are described, assessing both the different types of activities and the overall impact and sustainability of the projects. This is followed by a summary listing the most important conclusions and recommendations regarding the promotion of equal treatment and the continuation of the projects.

#### **3.2 General description of methodology**

The evaluation was based on four main activities. First, the documents (applications, interim reports, final reports and the addenda to these) related to the projects were analysed; additionally, a preliminary and post-project study conducted by OÜ Saar Poll regarding the 2009 project were used in the evaluation.

Second, (telephone) interviews with people (donors, project managers, heads and personnel managers of enterprises and organisations) involved in the projects were carried out; additionally, the representatives of organisations that are constantly concerned with equal treatment-related counselling, e.g. the Human Rights Centre and the Legal Information Centre for Human Rights, were interviewed for a more comprehensive view of the situation. The aim of the interviews was to study the effectiveness of the project activities; problems related with these activities and proposals for future activities; assessments regarding equal treatment and awareness of it in businesses and society more broadly; personal experience of discrimination; and proposals for the promotion of equal treatment in general. A total of 12 interviews were conducted.

Third, a quantitative online survey addressed to (personnel) managers of businesses and organisations was carried out. The aim of the survey was to get an assessment regarding the impact of the activities of the three projects; to get an idea about the awareness of equal treatment among the leaderships of businesses and organisations; and to collect suggestions as to the promotion of equal treatment. The target groups of the online survey were business executives (projects 1 and 2), non-governmental organisations (project 2), professional associations and representative organisations (project 3). The online form was filled in by 30 persons or representatives of organisations.

Forth, focus group interviews with people involved in the projects were conducted. The target group of these interviews were the beneficiaries of the project activities: journalists (project 1),

NGOs for Estonian speakers (project 2) and NGOs for Russian speakers (project 2). One journalist, two representatives of NGOs in the Estonian language group and one representative of an NGO in the Russian language group participated in the interviews.

### **3.2.1 Problems with impact evaluation**

There are three general factors that complicate the measuring of the impact of the project activities (on the awareness of the target groups). First, reaching the target groups is complicated (due to a lack of interest on their part); second, some of the activities, e.g. the distributing of folder covers and circulars, were relatively small-scale thematic introductions and sufficient time (2 to 4 years) has elapsed since their implementation for the beneficiaries not to remember their particular content; third, certain elements of the activities, e.g. media coverage, were too general to allow a clear evaluation of the impact: it is impossible to distinguish the media coverage launched as part of the projects from parallel media coverage.

## **3.3 Results of evaluation**

This chapter summarises the results of the evaluation for all project activities by grouping together activities of similar type. The activities performed in the course of the three projects have been divided into the following categories and sections (for a more detailed list of activities for each project, see appendix in the end of report):

- Media stories on equal treatment and tolerance
- Printed materials for target groups (folder covers, circulars, employee newsletters, manuals)
- Competition for multicultural organisations and the related badge
- Conferences / information days / training seminars
- Facebook homepage

As the projects have also produced results of a more general character that are not specifically related to any one type of activity, and results that only apply to one particular project, such results and proposals will be described in the concluding sections of this chapter.

For each activity, the results have been evaluated according to the following: whether the planned activities were implemented to the extent intended; whether the target groups' awareness of the Equal Treatment Act and their general tolerance have increased; what has caused the success/failure of the activities; whether the implementation of the project activities produced long-term benefits and impact; and to what extent the implemented activities have been sustainable. Additionally, proposals for future implementation based on the results will be made.

### 3.3.1 Media stories on equal treatment and tolerance

Publishing media stories on equal treatment has been carried out as planned when following the numbers – published stories (opinion articles mainly) correspond to the planned number of stories. At the same time it is more complicated to evaluate the influence of these publications on target groups' awareness and tolerance – although media coverage on the topic was evaluated as good and very necessary by the target group, there were troubles in recalling specific published stories. The participants of focus group interviews remembered stories about refugees, positive examples of successful non-Estonians (black hairdresser in Saaremaa, for example) and the campaign „Diversity enriches“. Both, interviewees and online survey respondents, brought out that although it is difficult to evaluate the direct impact of conducted project actions, media coverage generally is raising awareness and tolerance.

The main problem underlined regarding equal treatment stories in media is that project implementers have difficulties finding people who are qualified enough and willing to speak out about the topic. The problem is also the tendency that equal treatment is approached theoretically – in the published opinion articles, for example. Yet it was considered that the problem should solve rather by itself in parallel to raising awareness: if people are more aware, they will recognise the discrimination more clearly and turn to corresponding institutions. Moreover, this gives more examples about actual situations to illustrate equal treatment problems.

Media coverage can be assessed generally as sustainable process, it means that it has an influence also after the specific article has been published, for example. On the other hand, during the interviews it was repeatedly mentioned that when the discussion in media ends, then it loses its influence. Thus, it is important that media coverage on equal treatment would continue. Interviewees and online survey respondents brought out that clear political interest (adding equal treatment into some party's agenda) might highlight the area further on.

All interviewees and online survey respondents find continuous media coverage overall important. In addition, different campaigns should be carried out, whether in print media, television or on the streets. An important aspect is being stressed at the same time – media coverage must be balanced, it should not be aggressive, otherwise it will lead to opposite effects and pushes people further away. Messages should also carry positive tone, and not negative. It is important to note that enterprise managers consider media campaigns and public information materials as effective as well as important, preferring these to internal actions which sometimes might have only limited and narrowly targeted influence.

When speaking about equal treatment in media, it is important to pay attention to greater involvement of non-Estonians using them as opinion leaders or as being successful in their field in addressing the topic. It is necessary to keep in mind that non-Estonians are not one homogenic and large group thinking and acting the same, but there are differences and individuality that should be emphasised. Even more so as equal treatment is more important topic to non-Estonians compared to Estonians because it concerns them more directly (have a look at the II part regarding Equal Treatment reception)

### 3.3.2 Printed materials for target groups (folder covers, circulars, employee newsletters, manuals)

Printed materials for target groups (folder covers, circulars, employee newsletters, manuals) were prepared as a part of three projects in the same amount as planned. At the same time, it has to be



kept in mind that different materials might have had a different impact coming from their character. As a positive example, folder covers introducing the concept of equal treatment have been received good feedback, according to respondents these have been considered as simple, effective and purposeful. At the same time, the material prepared for employee newsletters emphasising the positive sides of multiculturalism is difficult to evaluate as it was sent to many organisations but it is rather unclear whether the material was spread in internal information channels and whether it arrived to the workers or not. In the follow-up study focus group interviews participants mentioned that they remember the materials but for various reasons, like shortage of time, the materials were not forwarded to the internal information channels. It is even more difficult to evaluate their effectiveness years later. A manual „Equal treatment at work“ (2012) that was created as a part of a third project and which main focus was changed as a result of discussion between contributor and project team, was evaluated by interviewees as a not purposeful and successful result. The main critique is that the manual summarizes another handbook „Equal treatment act: handbook“, which was published by Human Rights Centre in Estonia.

The awareness and tolerance of the target group has been taken place due to distributed printed materials. But at the same time, folder covers, which are considered informative and comfortable and turned out to be really popular (spreading was fast, they were placed between work contracts, etc.) are held to be suitable for short-term informing and might miss the long-term influence comes from the feedback of project team and beneficiaries. The influence of manual is difficult to evaluate since their distribution is still in effect.

When distributing folder covers can be considered as successful, then distribution of other materials have been that to a lesser extent. One reason can be the little interest in materials by enterprises. Quite often sending an e-mail is not enough as there will be no replies, thus project manager has to call and approach personally offering the materials. Regarding the material for employee newsletters it was brought out that enterprises were rather cautious spreading them because of the fear that they might stress the problem of equal treatment that does not actually exist.

In case of manual, it is reasonable to claim (also overlaps with the opinion of the people related to preparation of manual) that if the focus of the handbook had not been changed, it might have turned out more useful: first planned guide for personnel managers for implementation of Equal Treatment Act was replaced by guide for citizens of third countries for introducing their rights and obligations. The problem originated partially from the fact that in parallel with compiling the manual, other similar information material were published.

Based on the online study carried out among organisations, it can be concluded that printed materials are sustainable because public information materials and consequent promotion of the topic is rather expected among managers. At the same time, it is important to keep in mind that information materials should be easily and systematically accessible and offered to enterprises and organisations after certain intervals in order not to overwhelm with information.

When creating and distributing equal treatment materials it is important to think thoroughly how to reach to target groups. The best strategy seems to be aiming materials directly to specific groups and enterprises, journalists should be trained to better address the topic, for example. In addition, creating a common database where all existing and published materials will be gathered is worth considering. The materials could be gathered on the website administered by Ministry of Culture as [www.integratsioon.ee](http://www.integratsioon.ee) or [www.etnoweb.ee](http://www.etnoweb.ee).

### **3.3.3 Competition for multicultural organisations and the related badge**

The Competition for Multicultural Organisations can be evaluated as successful – in frame of two projects enough companies and organisations participated in order to consider the plan completely fulfilled. It is worth bringing out that the enterprise managers remember participating in competition clearly and consider it as an effective way to promote equal treatment. Both, the competition and the badge of the multicultural organisation is viewed as a good practice. The motivation to participate is based on positive media reflection, approval and recognition. On the other hand, people in the companies that have not participated in competition have not heard about such competition at all. In conclusion, this practice is definitely worth continuing by ensuring even larger attendance.

Participants of the Competition for Multicultural Organisations wish to see that in future participants will be trained and educated about equal treatment, and the cooperation between enterprises will be promoted. Also, the evaluation of organisations should be based on something more than just on questionnaires filled by companies. Non-participation is usually due to lack of time and information: people have not heard about competition and/or cannot assess the resulting benefit for their organisation. The feedback also shows that filling the questionnaire takes a long time, so simplifying the questionnaire should be considered. Many organisations have not participated also because of uncertainty which kind of organisations are welcome in the competition, whether multicultural anticipates the existence of many different nationalities in the organisation or it is important to care about your workers, for instance.

Positive tendency can be noticed in case of the competition: as a result of the first project, the experience and suggestions were carried into the next project. In the end of first project it was suggested that a thematic badge and conference should be added and in the next project both ideas were introduced. In addition, the competition expanded by inclusion of other organisations besides enterprises in second year.

Companies and organisations could be motivated to participate in Competition for Multicultural Organisations more actively by positive recognition, by stressing the positive sides of multiculturalism, by more media attention (other media channels beside Äripäev) and prizes. The focus of the competition could also be wider, more categories and special prizes could be introduced, for example. It could be useful when people from other countries would come and share their best practices. It should also be kept in mind that the competition is a perfect place to share experiences, thereby promoting cooperation and giving a chance to exchange ideas. So far, this kind of activity has been solely dependent on organisations' own initiative or being not planned/ accidental.

It is important to promote the understanding, including by the state, that multiculturalism is beneficial to organisations and business, that multiculturalism is directly connected to the profit and the success of the company. During the evaluation managers stated also clearly that multiculturalism is rather advantage.

### **3.3.4 Conferences / information days / training seminars**

Regarding all three projects, information days, training seminars and conferences were carried out but the amount of these was somewhat smaller than planned. There were some problems with project management when some team members were changed which also ended up with changes in planned seminars and trainings. There were more information days than first planned held for professional associations, and employees' and employers' representative organisations, and less training seminars for personnel managers. The reason behind the lesser amount of information days is the lack of interest among target groups and the project team's incapability to raise their interest. In

addition, the Conference held under the Competition for Multicultural Organisations was less popular than planned/ expected in terms of participants.

The main problem in raising the awareness of target groups through information days and training seminars lies behind the problem that most enterprise managers have not participated in such seminars (as coming from online survey). That is rather natural as managers do not consider equal treatment as essential as other topics like language skills or ability to run a business. Yet it is important to note that equal treatment as a topic is not considered unimportant by managers and thus it can be concluded that this field has some development space. The popularity of information days and training seminars could be raised by factors brought out in chapter 2.3 like emphasising the fact that equal treatment, multiculturalism and profit in business are related, as well as the fact that multiculturalism gives an advantage in communication with the clients.

At the same time, the awareness of equal treatment institutions or the lack of it cannot be directly connected to the participation in training seminars. Whether the participants in trainings are rather tolerant or the seminars influence them in this direction is difficult to evaluate. The online survey brings out that managers that have participated in such seminars value multicultural work environment more than others. Also companies with international background have had more experience with equal treatment which indicate that the topic is highly valued by foreign background companies, and equal treatment could be stressed a lot more in Estonian companies.

Both, project managers and participants in project activities, bring out one common problem – it is very difficult to get people to participate in equal treatment actions (information days, training seminars etc). At the same time, people who show up end up being mostly satisfied with events. Therefore the problem does not lie in the weakness of content or action (yet it was mentioned repeatedly that the given information should be more clearly related to everyday life) but rather making these activities attractive for target groups.

Information days and training seminars can be held sustainable based on the evaluation of the projects. Undertaking the training makes people probably more aware but it is important to note that so far most of equal treatment and tolerance campaigns have been initiated by NGO's and civic associations, not by the state. Government should show some initiative in organising relevant trainings and seminars.

It is also important to stress that multiculturalism is beneficial for business, which might motivate them to participate in thematic educational activities. Participants in online survey usually support the idea of free public equal treatment trainings and take these as rather effective way to raise the awareness. One possibility to attract more participants is to add equal treatment topics into the curriculum of other work-related training programmes.

### **3.3.5 Facebook homepage**

During the project, a Facebook homepage, called „Multicultural Estonia“, was created. By the end of the project (2011) the page had 160 fans and in August 2013 it had 194 fans. Therefore, the page does exist, but it is neither particularly popular nor active. At the same time the page is connected with many similar undertakings as Open Estonia Foundation, Estonian Human Rights Centre etc, but the amount of fans rather refers to the slow start of the page and it is probable that only few of those who might be interested have found this page in Facebook. The existence of this page needs continuous and active administration, so, just creating the page itself is not enough. When the project ended, the project management had no reason to administer the page further on. It is likely that there was no elaborate strategy at the beginning of the project to guarantee successful launch of

the page. The administration of the page was passed on to the NGO called Estonian Multicultural Association who has been not very active in its' administration.

It can be concluded that irrespective of the fact that the page filled its' purpose at the beginning, at the moment this online environment is not the most effective way to raise target groups' awareness. This Facebook page has a potential given decent conception and active management, including news and advertisement about specific activities.

Internet and social media, including Facebook, is a powerful tool for informing and stressing the topics. Even more, one important target group – young people – rely heavily on these sources when getting information, therefore a thorough strategy for engaging this target group is needed.

### **3.3.6 General evaluations and recommendations regarding the projects**

The main problems with the projects, identified in the course of this evaluation, are the following.

1. Partly due to the novelty of the topic, the projects are characterised by a lack of human capital in the form of experts on equal treatment. The few experts that do exist are overloaded with work. Arguably, another problem is that the project organisers themselves do not work on the topic daily and therefore lack an adequate understanding of the overall picture and specific problems of the field.
2. The implementation of all the projects was complicated by people's lack of interest in the topic. The interviews revealed that equal treatment is considered a pseudo-problem and that as long as many questions of a "clearly socio-economic nature" still await resolution, Estonian society is not prepared for dealing with this kind of topic. On the other hand, it is obvious that only constant media coverage of and habituation to the topic will contribute to increasing its relevance.
3. The short-term nature of the projects is a problem: as the equal treatment discourse requires constant direction, short-term projects (e.g. one-year projects) should be replaced with activities planned for a longer period. Many activities related to the promotion of awareness should continue for several years; it is difficult to produce a unified, thought-out and actually functioning system through projects that only last a year or two.
4. To an extent, making modifications to project activities after the project has been approved poses a problem, as it makes it difficult for the implementer to stay on schedule and may lead to a hurried performance and lower quality of activities, as was the case with the manual in project 3.
5. A continuing source of difficulties is the staff turnover of project organisers, i.e. changes of staff halfway through a project, especially in smaller organisations, may lead to problems such as delayed activities, insufficient cooperation with donors, etc. Therefore, when choosing a project team, it is always necessary to consider their prior experience of working with different parties.

### **3.3.7 Overall situation with regard to equal treatment and tolerance and proposals for promotion thereof (from the point of view of the interviewees and online survey participants)**

As a result of the interviewees and document analysis some important conclusions about overall situation of equal treatment and tolerance in Estonia can be drawn.

Generally, the interviewees (experts of equal treatment, related organisations, enterprises, the rep-

representatives of public sector), share the opinion that discrimination as such, and nationality-based discrimination in particular, is not a very serious problem compared to the problems related to the standard of living; however, they do consider it a topic that should be discussed, especially because in many cases discrimination may go unnoticed and unreported simply due to ignorance. The most common belief is that discrimination may be due to insufficient proficiency in the Estonian language, or due to a language barrier, and less commonly nationality-related. Problems may occur unintentionally in situations involving filling in documents, signing employment contracts, and understanding one's obligations, professional duties or safety instructions, etc.

The 2013 online survey indicates that recruitment, remuneration and promotion are considered to be areas with the greatest threat of discrimination. In these areas, the awareness of both employers and potential employees should be promoted. In addition to the fact that the general public lacks a clear understanding of what does and does not constitute discrimination, institutions active in the field are similarly not quite clear on the matter, according to many interviewees. Moreover, it remains unclear where one should turn to in the event of problems, as there is a multitude of institutions to appeal to.

Two further trends emerged from the interviews and other material. First, the respondents find that the efforts of teaching the principles of tolerance and equal treatment should be focused on young people, and that alongside general media campaigns, the subject of equal treatment should be integrated into the school programme. Second, they stress the importance of personal experience for the promotion of tolerance and awareness. Here all transnational and trans-linguistic contacts, especially in the younger age groups, are to be recommended.

Some proposals for the promotion of equal treatment have been made by interviewees and online questionnaire respondents.

Firstly, it was pointed out that the state's role should be predominantly recognition and support, rather than prescription and punishment, because the former role motivates employers to pay more attention to the subject of equal treatment.

Secondly, the target group believe that informing people about their rights and where to turn to for counselling should initially be the priority in Estonia. This information should be provided as early as kindergartens and schools.

Regarding the promotion of awareness, the target group also made the following suggestions:

1. Resources are needed to emphasise the importance of discussing the topic; in addition to media coverage, persons responsible for public relations should be included in the target group, e.g. by calling on them to stress the importance of ethnic diversity and equal treatment in their organisations.
2. Attention should also be focused on the unemployed (seminars on discrimination) and beginning entrepreneurs/employers, including those who are starting a business, for example, with the support of the Estonian Unemployment Insurance Fund.
3. Awareness of how to establish the occurrence of discrimination, and awareness of related subjects, should actively be raised among professionals who come into contact with the field, such as judges, police officers and others.
4. Cooperation between young people with different native languages should be extensively promoted, using camps, joint lessons, competitions, etc.
5. The website of the Gender Equality and Equal Treatment Commissioner should have a public advice page to inform the public about what does and does not constitute discrimination.

## 4. Advancement of equal treatment on the labour market Good practices in European countries

The research team was managed and the report was prepared by Kristina Kallas. The authors of the national reports are Lynn Rower (United Kingdom), Therese Svedberg (Sweden), Solveig Jurkat (Germany) and Kaarin Plaan (Finland).

### 4.1. Introduction

The purpose of this report is to present an overview of the practices implemented by four European Union Member States – the **United Kingdom, Sweden, Germany and Finland** – in the fight against unequal treatment and creation of equal opportunities for different ethnic and migrant population groups on the labour market. The report is mainly aimed at Estonian policy-makers to help them make political decisions that are based on quality information and analysis, and practices that have been tried and tested by other countries. Estonia is taking its first steps in the area of equal treatment, and learning from the experience of culturally similar neighbouring countries will help us find the most suitable solutions and avoid mistakes made by others.

The report focusses on four countries that have proven themselves as flagships in the advancement of equal treatment in Europe. These countries were also chosen for their historical connection and/or cultural closeness to Estonia, except for the United Kingdom, which was included in the sample due to its experience in the advancement of equal treatment. In Finland and Sweden, most attention in the area of equal treatment is given to gender equality, but Nordic countries are also at the forefront when it comes to the elimination of unequal treatment for ethnic or racial reasons, on which this study also focussed. All of the analysed countries have recently updated their equal treatment legislation on the basis of European Union directives, which have also led to reforms in existing policies and created new authorities. The institutional structure of equal treatment in all four countries is considerably broader than in Estonia, which makes them good examples and sources of experience and advice.

**Good (best) practice** is a measure that has consistently demonstrated better results than other measures applied for the same purpose and that are used as a benchmark. It is difficult to highlight the best measures in the area of equal treatment in Estonia and the rest of the world, because this is a relatively new policy area that has not yet proven itself via extensive application experience. Also, the development of methods used to assess the impact of equal treatment policies and measures is still in its early stages and there is no uniformly comparable dimension that could form a basis for proving the impact of one or another measure on the advancement of equal treatment. Thirdly, changes in the direction of more equal treatment are measurable only in the long term; unequal treatment is often difficult to ascertain and the positive or negative impact of policies is therefore not directly attributable. This is the why the practices and measures highlighted in this analysis are called ‘good’ rather than ‘best’, because there is no objective assessment scale.

Equal treatment advancement practices may be divided as follows: legal framework (laws and implementation acts); institutional structure (authorities that manage the advancement of equal treatment); political framework (strategies, development plans and programme documents); and activities (projects, action plans and implementation plans).

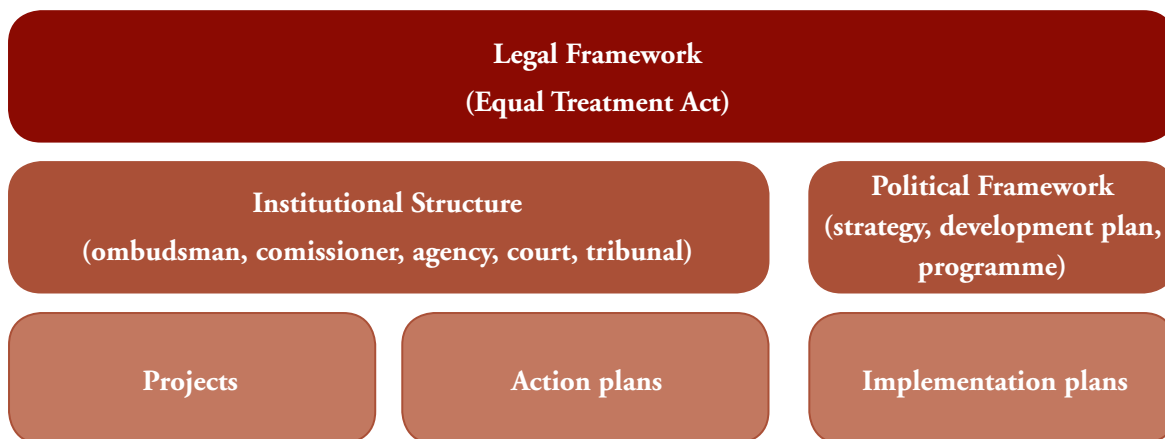


Figure 1: Legal and political framework of equal treatment advancement

The general structure of the equal treatment framework is mainly regarded in this analysis, with the legal framework, institutional structure and political framework also described. Examples of activities are also given in some cases where this was considered necessary. However, the analysis does not focus on highlighting single projects or activities, because the purposes for which they were implemented can only be understood within the general legal and political framework of the state which it created for the advancement of equal treatment. The legal framework and institutional structure of equal treatment is described for each state, followed by an overview of the policy measures and programmes implemented. Only extensive measures and programmes were selected for analysis; one-off actions and projects that were limited in terms of time were left in the background. The last part of the report contains proposals for advancement of equal treatment in Estonia in the example of the practices of the analysed countries.

## 4.2. Best practices promoting equal treatment

### 4.2.1. United Kingdom

#### Introduction

The United Kingdom has the longest history and traditions in the advancement of equal treatment in Europe. The first act for the advancement of equal treatment of different races was adopted in 1965. It prohibited unequal treatment of individuals in public places on the basis of their race, colour and ethnic or national origins. Race relations councils were also created with the act. Their duty was to review complaints about unequal treatment based on race. Although the United Kingdom adopted its Equality Act at the same time as other European countries (2010), it stands out among the other analysed countries for its experience and extensive institutional framework. The role of example in the advancement of equal treatment has been assigned to the public sector, which has been obliged to consciously advance equal treatment since 2001.

Unlike the other analysed countries, the United Kingdom has placed the emphasis on equal treatment based on race, which is directly related to the country's history as a colonial empire and the greater 'visibility' of minorities or people of different races. Below is an introduction of the legal and

political framework of the advancement of equal treatment in the United Kingdom, and we have also highlighted the most important political measures taken by the state to advance equal treatment on the labour market.

### **Legal framework and institutional organisation of equal treatment**

The history of the United Kingdom in the advancement of equal treatment dates back to the mid-20<sup>th</sup> century, with the adoption of the first **Race Relations Act** in 1965. This act prohibited unequal treatment of individuals in public places on the basis of their race, colour and ethnic or national origins. Councils of racial relationships were also created with the act whose duty was to review complaints about unequal treatment based on race. The Racial Relations Act has been amended several times and new areas where unequal treatment is prohibited (e.g. in workplaces, education and the housing economy) have been added each time. It has now been incorporated into one Equality Act (2010) with other acts that prohibit unequal treatment. The elimination of unequal treatment is also regulated by the **Human Rights Act** (1998), which was created when the European Convention on Human Rights was introduced to the legislation of the United Kingdom. Article 14 of the convention prohibits discrimination on any grounds such as sex, race and religion, but also political opinion, economic or social status and ‘other status’.

In 2010 the United Kingdom adopted the new **Equality Act**, which replaced the act of 2006. The act prohibits direct and indirect instigation of unequal treatment, harassment, persecution and discrimination on any grounds such as race (including colour and ethnic or national grounds), gender (including on the basis of marriage and cohabitation, pregnancy and gender reassignment), disability, sexual orientation, religion and age. The act turns a great deal of attention to access to education, the labour market and jobs, public services and goods and services and premises in the private sector.

The Equality Act introduces the term ‘positive action’ and the equality duty of the public sector (see below), which both go further than simply prohibiting unequal treatment by advancing action for the achievement of equal treatment. The act not only prohibits unequal treatment, but also quotas and favours based on sex, race, age, ethnic origins etc. This is why the United Kingdom does not apply quotas in the public or private sectors, with the exception of the police in Northern Ireland, who are obliged to hire equal numbers of Catholics and Protestants in order to balance out the former dominance of Protestants.

At the government level, the authority responsible for equal treatment policies in the United Kingdom since 2012 has been the **Department for Culture, Media and Sport**, which is managed by Maria Miller, Secretary of State for Culture, Media and Sport. The **Government Equalities Office** has operated since 2007. Miller is also the Minister for Women and Equalities, and she is responsible for the equal treatment of individuals on the grounds of sex, sexual orientation and gender reassignment. Similar to the other analysed countries, the United Kingdom also pays more attention to gender equality and equal treatment on the grounds of gender, which is also expressed in the name of the office.

Equal treatment legislation stipulates the creation of a number of agencies whose duties are to advance equal treatment and combat unequal treatment. One of these agencies is the **Equality and Human Rights Commission (EHRC)**, which was established on the basis of the Equal Treatment Act of 2006. Although the organisation is independent of the government, the latter – or more specifically the Minister for Women and Equalities – is still politically responsible for its activities. Three different commissions existed before the establishment of the EHRC: the Commission for Racial Equality; the Equal Opportunities Commission, which mainly dealt with the advancement



of gender equality; and the Disability Rights Commission. The three commissions were merged in 2006 and the EHRC was established.

The duties of the EHRC are the protection and monitoring of human rights and the protection, enforcement and advancement of equal treatment on the grounds of nine protected characteristics: age; disability; sex; race; religion and beliefs; pregnancy and motherhood; marriage and civil partnership; sexual orientation; and gender reassignment.

One of the activities of the EHRC is to inform the public about the new Equality Act of 2010. A special advice and guidance section that contains all of the necessary information has therefore been added to the Commission's website. The most important work done by the EHRC in this area is the preparation of seven sets of guidelines for the target groups of the Equality Act – employers, employees, public authorities, educational institutions, service providers, service consumers and students – which explain the rights and obligations arising from the Equality Act. The EHRC also coordinates the Strategic Funding Programme, which is the source of funding for community and NGO projects in three priority areas: 1) advisory services, protection of interests and improving infrastructure and capability; 2) development of good relations; and 3) legal advice on issues related to equal treatment and human rights.

The work of the EHRC hotline was reformed in 2001, resulting in the creation of the **Equality Advisory Support Service (EASS)**. However, the EASS does not offer legal advice, but provides information and consultation on equal treatment. The EASS guides people in the resolution of discrimination cases, but does not resolve such cases itself.

In the United Kingdom, disputes between employers and employees are resolved by **Employment Tribunals**. These form part of the UK's tribunal system, which is overseen by the Tribunal Service, whose work is regulated and controlled by the Administrative Justice and Tribunal Council. Complaints related to unequal treatment are also resolved by Employment Tribunals. They cannot provide legal advice, as they are an agency that administers justice.

### **Policies and measures for the advancement of equal treatment**

The following three policy measures arise from the Equality Act: the public sector equality duty; positive measures for the advancement of equal treatment on the labour market; and stipulation of the principles of equal treatment.

The new and reformed **public sector equality duty** was introduced in 2011. The new duty replaces the previous racial, disability and gender equality duty. The purpose of the duty is to introduce equal treatment and good relations in the everyday work routines of public authorities. Public authorities are obliged to consider the advancement of equal treatment in policy-making and service provision, including the internal policies and services of agencies. The agencies that are bound by the equality duty must:

1. eliminate discrimination, harassment and victimisation;
2. advance equality of opportunity among different people; and
3. foster good relations between people.

The equality duty covers the nine protected characteristics set forth in the act and is stipulated in Section 149 of the Equality Act. Pursuant to the duty, public authorities must disclose the objective of equality advancement the authority has set for itself at least once every four years as well as annual information on how the authority performs its public sector equality duty (The Equality Act

(Specific Duties) Regulations 2011). Public authorities must also regularly monitor the performance of the duty. Earlier, authorities had to monitor recruitment, promotion, training, pay, complaints and disciplinary action referring to protected characteristics. Monitoring is no longer mandatory (since 2011) and disclosure of information on the performance of the equality duty is sufficient. This means that the disclosed information is less detailed, but authorities may also voluntarily continue monitoring.

In 2012 the Secretary of State initiated a review of the public sector equality duty to ascertain whether it meets the established goals. Several parties were included in the review and they carried out research and analysis, roundtable meetings and onsite visits. The final report on the review will be completed by summer 2013.<sup>6</sup>

The other measure that is permitted under the Equality Act is **positive action**. Positive action differs from positive discrimination. Positive discrimination means preferring one person to another on the basis of certain characteristics such as race, sex or age. In most countries, positive discrimination is prohibited or only permitted in exceptional cases. Positive action, however, means that the employer is allowed take action that allows people who are more disadvantaged on the labour market to apply for jobs. Such action includes, for example:

- provision of preliminary training to job applicants (e.g. computer training for people aged 60 and over);
- encouraging people to apply for a job by stating the relevant position in the job advertisement;
- establishment of a job shadowing programme;
- organisation of 'open door days' and 'practice days' for specific groups; and
- the 'draw clause', which allows employers to prefer people who are more disadvantaged on the labour market in the case of equally qualified applicants.

However, employers are not allowed to prefer people in a disadvantaged group to other groups only because they belong to the group due to their characteristics.

The third action set forth by the Equality Act is the voluntary development of **equality policies** by employers. This is an internal document that stipulates in writing the equality objectives, mission, actions and responsibility of the authority. The equality actions of an employer are first and foremost aimed at equality in the areas of recruitment, training, management and pay. The policy document may also include a description of the working environment that the employer wishes to establish, information about the manner in which the policies are implemented in the workplace, the person in charge of the actions and how implementation is monitored. One of the ways in which equality policies can be implemented is equality training for employees so as to raise their awareness of the provisions of the act.

In addition to the measures stipulated in the act, the Inter Ministerial Group on Ministries formed by the government prepared **The Equality Strategy**<sup>7</sup> in 2010. This strategy sets the government the task of achieving equality in five key areas:

1. early years, education and social mobility. The aim is to tackle deprivation and inequalities relating to family background and to improve social mobility;

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<sup>6</sup> A detailed description of the review methods and activities is available on the government's website: <https://www.gov.uk/government/policy-advisory-groups/review-of-public-sector-equality-duty-steering-group> (visited on 24.05.2013)

<sup>7</sup> The Equality Strategy – Building a Fairer Britain. HM Government, December 2010. Available on <https://www.gov.uk/government/publications/equality-strategy> (visited on 24.05.2013).

2. a fair and flexible labour market. The aim is to work with business to develop a fairer and more flexible labour market that draws on the talents of all and builds a strong economy;
3. opening up public services and empowering individuals and communities. The aim is to devolve power to local communities and to promote greater participation and inclusion in public, political and community life;
4. changing culture and attitudes. The aim is to build respect for all and to tackle discrimination, hate crime and violence; and
5. making it happen. The aim is for the public sector to lead by example and empower citizens and communities with the information they need to hold services to account.

The government carried out an interim review of the strategy whose results were published in May 2012. The review mainly focussed on the creation of equal opportunities for women on the labour market; the other characteristics of unequal treatment remained in the background. The NGOs have also criticised the lack of attention the government pays to the protected characteristics of race and ethnic origin. Amanda Ariss, Chief Executive at the Equality and Diversity Forum, said that special programmes have been developed for the advancement of equal treatment of women and sexual minorities, but discrimination based on race and ethnic origin has been given little attention.<sup>8</sup> Neither has the government carried out any public information campaigns in recent years, mostly due to budget cuts, which it should organise in order to raise awareness of discrimination on the labour market based on race and ethnic origin.

## 4.2.2. Sweden

### Introduction

As a result of the historical tradition of Sweden, most of the attention in equality policies has been aimed at the advancement of gender equality. The focus of the mandatory equal treatment plan set forth for employers in the Discrimination Act is therefore on the advancement of gender equality in the working environment. More advantageous conditions for certain employee groups may also only be established for the advancement of gender equality. However, the attention given to discrimination based on characteristics of race, ethnicity and religion has increased in recent years due to the increasing proportion of the population on the labour market born abroad. Below is an introduction to the legal and political framework of the advancement of equality and the most important political measures the state takes to advance equality on the labour market.

### Legal framework and institutional organisation of equal treatment

The Swedish Criminal Code (§ 9) and the Discrimination Act both prohibit discrimination. Actual punishment or a fine is imposed on the basis of the former whilst the latter determines the types and rates of compensation.

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<sup>8</sup> United Kingdom, Amanda Ariss, Equality and Diversity Forum, interview on 22.04.2013

The **Discrimination Act** (SFS 2008:567)<sup>9</sup> entered into force in 2009 and replaced the seven previously effective discrimination acts. Pursuant to the act, the characteristics that must be protected from discrimination are as follows: gender; transgender identity or expression; ethnicity; religion or beliefs; disability; sexual orientation; and age. Direct and indirect discrimination, harassment, sexual harassment and instructions to discriminate are regarded as discrimination in the act, which regulates labour market relations, the education system and public life. An employer may not discriminate against a person who is an employee, enquiring about or applying for work, is available to perform work or is performing work as temporary or borrowed labour, or is applying for or carrying out a traineeship. The use of quotas is not permitted by the act and disadvantaged members of society can be promoted only via favouring activities. However, this is only aimed at the achievement of equality between men and women. NGOs have pointed out the shortcomings of the Discrimination Act, e.g. the prohibition on discrimination does not directly apply to sole traders, and unequal treatment by colleagues or third parties is not clearly defined as discrimination (Norberg 2012: 11).

A new institution – the **Equality Ombudsman** (*Diskrimineringsombudsmannen*, DO) – was established with the adoption of the new Discrimination Act via the merger of the former four ombudsmen. The duties of the DO include supervision and development of the implementation of the Discrimination Act, carrying out equality analysis and preparation of reports, and prevention of manifestations of discrimination in all areas of life and advancement of equal rights and opportunities for all members of society. The DO must provide advisory and other support services to help those who have been discriminated against stand up for their rights (Act Concerning the Equality Ombudsman SFS 2008:568).<sup>10</sup> Supervision and control of the equality plans and active measures of employers is an important duty of the DO (see the policy measures above). The biggest share of resources is allocated to raising awareness in the area of equality (DO 2013: 32).

The DO received 1559 complaints in 2012, which was 20% fewer than in the previous year and 40% fewer than in 2010 (DO 2013: 13). Of all complaints about the labour market 24% concerned ethnicity, 21% gender, 16% age and 13% disability. The recruitment process was the most frequently mentioned aspect in discrimination complaints (DO 2013: 19).

The **Ministry of Employment** (*Arbetsmarknadsdepartementet*) is responsible for the equality policy in the government. The **Division for Discrimination Issues** of the ministry is responsible for the development of the policy areas of human rights, ethnic minorities and discrimination at the level of the state. Since the Act Concerning the Equality Ombudsman and the Discrimination Act entered into force in 2009, the division has been responsible for the regulation of legal issues and for the development and coordination of policies across all protected characteristics.

The aim of the **Swedish Anti-Discrimination Bureaus** (*Sveriges Antidiskrimineringsbyråer*) is to offer free legal advice and training to businesses, local authorities, county governments and NGOs. This is a network of regional non-profit equality bureaus which at present has 15 member organisations. All of the bureaus are independent, but one of the aims of their activities is to develop a cooperation network with one another and the DO. One of the areas where the bureaus cooperate at the level of the state is public information, where they carry out joint campaigns. The bureaus get most of their funding from the state budget via the Swedish National Board for Youth Affairs, and some regional bureaus are also funded by local governments and regional authorities.<sup>11</sup> The positive impact of the establishment of the bureaus has been underlined by the Swedish NGO Centrum

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<sup>9</sup> The English version of the act is available at <http://www.regeringen.se/content/1/c6/11/59/03/b463d1e1.pdf> (visited on 07.06.2013).

<sup>10</sup> The English version of the Act Concerning the Equality Ombudsman is available at <http://www.regeringen.se/sb/d/108/a/115904> (visited on 07.06.2013).

<sup>11</sup> Sweden, Linda Höglin, Sveriges Antidiskrimineringsbyråer, e-mail correspondence 07.05.2013; Filippa Swanstein, Malmö against Discrimination, e-mail correspondence 10.04.2013

mot Rasism, CMR, which has noted that cases of discrimination are now being resolved faster and generally via an agreement process. Legal advice is now also easier to access without people having to go to the DO.

If a person feels that they have been discriminated against in an employment relationship, the first step they must take is to contact the trade union they belong to. Trade unions have the right to represent their members in discrimination disputes. If an employee is not a union member, they can contact the Equality Ombudsman directly or the local Anti-Discrimination Bureau.

## **Policies and measures for the advancement of equal treatment**

The Discrimination Act basically consists of two parts: prohibition of discrimination; and the duty of employers to prevent discrimination via the implementation of **active measures**. The aim of prohibition of discrimination is to protect people from unequal treatment. The objective of the implementation of active measures is to change structures – such as policies or practices – that may be causes of discrimination.

Employers are therefore obliged to implement active measures for the advancement of discrimination based on gender, ethnicity and religion, and to prevent discrimination. Active measures mean activities aimed at the advancement of equal rights and opportunities and the prevention of discrimination in working life. The act does not stipulate the specific activities that form active measures, but according to the DO's explanations they must concern working conditions (including protection of the right to be a parent), recruitment procedures, employee training and remuneration.

The Discrimination Act requires all workplaces that have more than 25 employees to create an **equality plan** (*jämställdhetsplan*), which must be updated every three years. Although the main focus of the plan must be the achievement of gender equality in the workplace, the payment of remuneration and recruitment, the Discrimination Act also stipulates that action must be targeted at the creation of equal rights and opportunities based on ethnicity and religion. Although a written document is not directly required, the requirements set forth in the act do presume the existence of a written plan. The Equality Ombudsman also advises employers to prepare a written document covering all protected characteristics. Preparation of a written equality plan which is broader than required for the achievement of gender equality alone has become popular among employers over the years.<sup>12</sup>

Failure to prepare or implement an equality plan may lead to a fine being imposed on the employer. Advancement of equality by employers is monitored by employees and trade unions, but also by the DO. The DO has the right to request explanations and documents from employers so as to examine how equality has been advanced in the company or organisation. Every year the DO prepares technical reviews of a certain number of employers operating in various areas. The employers are obliged to submit the plan or evidence of their adherence to the Discrimination Act and advancement of equality in their collective to the DO at the request of the latter. If breaches or omissions are found, the employer must submit explanations or eliminate the omissions within 4-6 weeks.

In addition to supervision and random inspections, the DO also guides the trade unions that represent employees and prepares methods and materials. The DO also organises equality training for employers. Two training programmes aimed at the labour market have been developed: prevention of discrimination in employment relationships; and analysing the payment of equal remuneration.

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<sup>12</sup> Sweden, Anna-Karin Brikell, Diskrimineringsombudsmannen, e-mail correspondence 12.04.2013

The DO trainer says that the number of private and public sector participants is more or less the same, although there are more participants from trade unions than from the side of employers.<sup>13</sup>

The requirement to have equality plans is unlikely to lead to revolutionary changes in workplaces, but they do have an impact on raising awareness and force employers and employees think about discrimination in their everyday employment relationships.<sup>14</sup>

### 4.2.3 Germany

#### Introduction

The recent history of Germany is one of the main factors influencing the formation of equality policies. It mostly concerns racial and ethnic equality, but equal treatment regardless of religion or beliefs, sexual orientation and disability are of equal political importance. The public and political leaders of Germany are characterised by an enhanced awareness of the crimes committed during the period of fascism against people based on religion and beliefs, ethnicity and race, sexual orientation and disability in all areas of life. This historical memory creates enhanced readiness and responsibility for the protection of human rights and advances the culture of equality. Acknowledgment of this responsibility is expressed in the broad legal framework regulating equality (with equality and protection of human rights included in many laws), but also in the generally quite active operations of NGOs in the advancement of equality, which in Germany stands out more compared to the other countries covered in the report. Germany is the only country herein that has not required the public sector to be the pioneer in the advancement of equality. However, Germany is the only one of the four countries where the obligation to submit impersonal CVs when applying for a job has been implemented in cooperation between the private and public sectors. This is a practice implemented by many international organisations, including European Union agencies, in their procurement activities.

Below is an introduction to the legal and political framework of the advancement of equality and the most important political measures the state takes to advance equality on the labour market. Some projects that the state or the private sector have implemented for the advancement of equality are also described.

#### Legal framework and institutional organisation of equal treatment

The main right in protection from discrimination is stipulated in the Constitution of Germany. The **General Act on Equal Treatment** (*Allgemeines Gleichbehandlungsgesetz*),<sup>15</sup> which was adopted in 2006, creates the legal framework for combating and preventing unequal treatment in Germany. The act covers considerably more areas of life than the equivalent acts of Sweden or the UK, for example: it regulates eight areas in total from access to jobs, including sole traders, working and employment relationships, access to vocational training and training courses and access to membership and participation in employee and professional organisations to social protection (including health

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<sup>13</sup> Sweden, George Svéd, Diskrimineringsombudsmannen, e-mail correspondence 23.04.13

<sup>14</sup> Swedbank, Amanda Jackson, Swedbank, interview 26.04.2013

<sup>15</sup> The English version of the Act is available at [http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/EN/publikationen/agg\\_in\\_englischer\\_Sprache.pdf?\\_\\_blob=publicationFile](http://www.antidiskriminierungsstelle.de/SharedDocs/Downloads/EN/publikationen/agg_in_englischer_Sprache.pdf?__blob=publicationFile) (last visited on 09.06.2013)

protection), granting social advantages, education and access to and provision of public services (including the housing economy). The act prohibits direct and indirect discrimination, harassment, sexual harassment and instructions to discriminate based on the protected characteristics, which are race or ethnic origin, gender, religion or beliefs, disability, age and sexual orientation. The act permits positive measures in respect of a certain target group if such an activity is justified so as to improve an unequal situation based on the protected characteristics.

Particular attention is given to employment relationships. The act regulates all labour market situations from access to jobs (job advertisements, application procedures, job interviews, selection criteria, working conditions etc.) through employment contract negotiations (working conditions and employment conditions, pay, bonuses, social insurance etc.), vocational training, progressing on the career ladder (promotion, transfer to another position, assignment of new job duties, requirements for acquisition of vocational education etc.) and termination of employment relationships to trade union membership and even the appointment of a professional pension. The rights set forth in the act apply to all employees without exceptions.

The General Act on Equal Treatment stipulates the regulations that employers must follow in their companies to prevent discrimination. Employers must carefully follow the prohibition of discrimination in job advertisements and the recruitment process. Employees are also protected by the act in existing employment relationships. Employees have the right to file complaints and demand compensation if they feel that they have been discriminated against. The act therefore requires each company to establish a Complaints Department (*Beschwerdestelle*) for this purpose and all employees must be informed of its existence. The obligation to establish a Complaints Department is not limited by the size of a company, but concerns all employers irrespective of how many people they employ. The department may consist of just one specific employee who performs this obligation due to their position in the company (human resources manager, director, CEO etc.).

The act also requires the employer to take action in cases where a discrimination complaint has been received in respect of colleagues. (The Swedish Act, for example, does not regulate this area.) Possible action includes moving, relocating or even dismissing the employee in question. If an employer does not act in order to eliminate discrimination, the employee has the right to refuse to perform their work without loss of pay insofar as this is necessary for their protection.

NGOs have criticised the legal framework of equality in German, because it has not contributed significantly to reducing the large gender pay gap (23%). This criticism mostly focuses on the fact that the laws require the complainant to prove discrimination and do not require the accused to prove that they have tried to avoid discrimination. Critics also point out the large legal costs related to actions, as the plaintiff has to pay their own legal costs and file the action themselves, whilst in many EU Member States the costs are paid and the action is prepared by a national agency.<sup>16</sup>

The General Act on Equal Treatment stipulates the establishment of new authorities for the implementation of the act. One of these authorities is the **Federal Anti-Discrimination Agency** (*Antidiskriminierungsstelle des Bundes, ADS*), which was established in the same year the act was passed (2006). The agency is independent in its activities and only submits to federal laws.

The agency has three broader areas of activity: 1) advising individuals who feel that they have been discriminated against; 2) carrying out research and analysis of the extent and manifestation of discrimination in German society; and 3) informing the public of the provisions of the General Act on Equal Treatment. This means that in addition to advisory services and conciliation between the parties to a complaint, the ADS is also obliged to monitor manifestations of discrimination in German society once every four years.

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<sup>16</sup> <http://www.spiegel.de/international/germany/unequal-opportunities-german-women-disappointed-by-job-discrimination-act-a-600004.html>.

Anyone who feels that they have been discriminated against can contact the legal team of the ADS by telephone or by filling in an electronic form. The agency's lawyers explain the existing legislation and advise them on further action that can be taken in their case. The ADS may also refer the individual to regional advisory centres or experts who can advise them in specific cases. The ADS is authorised to carry out mutual conciliation proceedings. However, the agency does not have the right to represent parties in court.

The **Federal Commissioner of Migration, Refugees and Integration** (*Beauftragte für Migration, Flüchtlinge und Integration*) is responsible for the advancement of integration, cultural diversity and equality at the level of the government. Their duties include the protection and development of civil rights, the prevention of discrimination and the communication of information about migration and naturalisation to the target group. In addition to the Federal Commissioner, every state has commissioners whose duties include the advancement of equality.

### **Policies and measures for the advancement of equal treatment**

A significant activity for the advancement of equality initiated by the DS in November 2010 in cooperation with various companies, public and local authorities was a pilot project **introducing the requirement for impersonal CVs when applying for jobs**. The purpose of the project was to test a practice that had proven itself in many other countries, where the personal data of a person (name, age, gender, nationality, native language, religion, marital status etc.) are not provided in the first application round. Neither are dates indicated for previous jobs, education, training etc. Personal data are only submitted if the person is invited to interview. In this case the applicant submits a new CV containing their personal data immediately before the interview. This requirement for impersonal CVs should help certain disadvantaged social groups such as immigrants or ethnic minorities, but also women and older people, obtain more equal opportunities in being invited to interview.

The companies and institutions that have joined the project are: Deutsche Post; Deutsche Telekom; L'Oreal; Procter & Gamble; My days; the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth; the Federal Employment Agency; and the Celles local authorities.<sup>17</sup> Every participating organisation agreed to implement the requirement for impersonal CVs for 12 months. The results of a review of the impact of the pilot project were positive and more than half of the participants decided to continue implementing the requirement in recruiting employees for certain positions. As a rule, these jobs concern service staff, traineeships and technical staff. An ADS expert says it is important for this requirement to become mandatory, because the only way to fight discrimination is to influence the internal values of companies and agencies and the decision of non-personalisation must come from the management of organisations.<sup>18</sup>

The Confederation of German Employers Associations (*Bundesvereinigung der Deutschen Arbeitgeberverbände*, BDA), however, has a negative opinion of the use of impersonal CVs. Irrespective of the positive conclusions drawn in the review commissioned by the ADS, employers did not feel that the impact of impersonal CVs on reducing discrimination to be significant. They also found that such a recruitment requirement increases the administrative and financial expenses of employers (*Arbeitergeber Aktuell* 2012).

In February 2011 the ADS initiated a public information campaign called **Supporting Equal Society** whose aim was to ensure that advice and information about equality reaches every citizen. Local

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<sup>17</sup> It must be noted here that several European Union agencies also implement the requirement for impersonal CVs, such as the European Union Agency for Fundamental Rights (FRA), both in recruitment and in outsourcing services based on procurement procedures.

<sup>18</sup> Germany, Nathalie Schlenzka, Antidiskriminierungsstelle des Bundes, interview 17.04.2013



advisory centres were supported in the course of the campaign and their cooperation with ADS and each other was enhanced. The campaign consisted of three different sub-projects:

1) Ten local NGOs or umbrella organisations that were involved in combating discrimination were combined into networks as part of the Network for Combating Discrimination project. This led to the creation of regional networks that should offer more efficient advice and prevention via their improved structure. The ADS distributed 'information packages' to the local networks which contained material and information about equality, such as the act with comments, guidelines for the development of public relations, intermediation, advice and development of financial capability.

2) The Cooperation in Combating Discrimination project is mainly about a campaign to join the common declaration whose target groups are government agencies. The ministers and presidents of Berlin, Hamburg, Brandenburg, Bremen and Rhineland-Palatinate have joined the common declaration. In doing so they agree to turn attention to issues of discrimination, offer people the best possible advisory service close to where they live and clearly underscore combating discrimination as a political priority. The undersigned must also establish anti-discrimination agencies at the local level.

3) The third sub-project is Assessment of Equal Opportunities – Diversity Management in the Public Sector, which aims to advance diverse workplaces and equal opportunities in the public sector.

The ADS finances most of its activities with the money it receives from the state budget, but there are also activities that are funded with EU cash.

The **National Action Plan on Integration** (*Nationaler Aktionsplan Integration*) adopted in January 2012 remains modest in the establishment of anti-discrimination goals. The plan is the follow-up to the first national integration strategy prepared in 2007, whose *ca.* 400 goals had been successfully achieved in the opinion of the implementers. Unlike the previous integration strategy, the plan focuses on public sector jobs for the first time. A separate dialogue forum entitled 'Immigrants in the Public Service' was created to discuss the subject (with 11 thematic dialogue forums in total). The main goal was to increase the number of people with immigrant backgrounds in the public sector, in which they are currently under represented. The measures planned for the achievement of the goal are as follows: increase interest in public sector jobs among immigrants; ascertain and remove the obstacles identified in the recruitment process; and raise awareness among public sector employees of cultural diversity. Plans include the creation of a central website of information about jobs and traineeships, job advertisement rounds aimed at people with immigrant backgrounds and training human resources staff and management on the principles of equality. NGOs have also criticised the action plan on integration from the point of view that insufficient attention has been paid to discrimination problems. The ENAR Shadow Report even goes as far as to say that the word 'discrimination' is not mentioned a single time in the action plan (ENAR 2011-2012a).

The Commissioner of Migration, Refugees and Integration has supported the implementation of the Diversity Charter (*Charta der Vielfalt*). This is a business sector initiative that started in 2006 and is aimed at the advancement of the cultural diversity of the workforce. Its patron is German Chancellor Angela Merkel. The aim of the initiative is to create recognition and appreciation of diversity among the workforce and to establish a prejudice-free culture in German companies. The organisations behind the initiative are such flagships of German business as Daimler, BP Europa SE, Deutsche Bank and Deutsche Telekom. 130 companies and public authorities have joined the charter and undertaken to follow its principles. The initiators of the charter created the NGO Diversity Charter for its management, which is also one of the leading organisations in public discussion of diversity and a prejudice-free working environment in Germany. German Diversity Day was celebrated on the initiative of the NGO for the first time on 11 June 2013, but companies and agencies are invited to carry out internal and external events to promote diversity. Once a year the NGO also organises the DIVERSITY conference, bringing together experts and stakeholders to discuss important diversity issues.

## 4.2.4 Finland

### Introduction

Among the countries analysed, Finland has the shortest historical experience in the development and implementation of equality policies. At the end of the last century Finland was predominantly a homogenous country in terms of ethnicity, race and religion, where gender equality was the only issue on the equality agenda. People with a foreign background now form a modest but still significant proportion of the permanent residents of Finland, which has set new challenges to the equality policy of the state. Since most of the people of foreign origin are Swedes, Estonians and Russians, the problems related to 'visually perceivable' ethnic or racial minorities are only topical in the capital and its surroundings. Although research indicates that Estonians and Russians feel less discriminated against on the labour market than people of other nationalities, the fact that these groups also perceive discrimination is a concern for the Finnish government.

Finland has followed the example of Sweden in the institutional structure and political measures of equality, but has gone somewhat further in some areas. The Finnish Non-Discrimination Act was adopted in 2004, and compared to the other countries this study focussed on, the list of characteristics protected with the Finnish Non-Discrimination Act is the longest, also including language, opinion and health. However, similar to all Nordic countries, the main focus of the equality policy in Finland is on the development of gender equality. Below is an introduction to the legal and political framework of the advancement of equality and the most important political measures the state takes to advance equality on the labour market.

### Legal framework and institutional organisation of equal treatment

The Constitution of Finland prohibits treating people differently without an acceptable reason and many sectorial acts stipulate that people must be treated the same in similar or comparable situations. The **Non-Discrimination Act** (*Yhdenvertaisuuslain*),<sup>19</sup> which was adopted in 2004, applies to state authorities, businesses and employers. Protected characteristics are age, ethnic or national origins, nationality, language, religion or beliefs, opinion, health, disability, sexual orientation and other personal characteristics. Compared to the other countries included in this study, the list of protected characteristics is longest in Finland and also contains language, opinion and health.

The act regulates equality in recruitment conditions, employment and working conditions and access to training and promotion. The non-discrimination provisions also cover the right to be a member of workers' organisations; trade unions; organisations of entrepreneurs and employers; and other organisations and involved in their activities. This includes the right to the equal benefits provided by such organisations.

The act separately prohibits discrimination on the basis of ethnicity in the following areas: social welfare and health care services; social security benefits and other forms of support services, rebates or advantages granted on social grounds; performance of military service, women's voluntary military service and non-military service; and the supply of or access to housing and movable and immovable property and services on offer or available to the general public other than in respect of legal acts falling within the scope of private affairs and family life.

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<sup>19</sup> The English version of the Act is available at <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040021.pdf> (visited on 11.06.2013)

The relevance of employment relationships and services pursuant to the Non-Discrimination Act is overseen by the Finnish Institute of Occupational Health (*Työterveyslaitos*), which also monitors occupational safety and health promotion laws.

People who feel they have been discriminated against on the grounds of ethnicity can lodge a complaint with the **National Discrimination Tribunal** (*Syrjintälautakunta*) and ask the **Ombudsman for Minorities** (*Vähemmistövaltuutettu*) for advice. However, a person who has experienced discrimination when working or applying for a job is advised to discuss this with their employer first, and if this does not resolve the matter to contact their trade union. If the person is not a member of a trade union, they can always contact the county centre of the Occupational Health and Safety Board to file a petition or ask for advice. Asking for advice or filing a petition with the Occupational Health and Safety Board as well as going to the National Discrimination Tribunal is free of charge in Finland. Discrimination complaints can be filed up to two years after the incident. Incidents concerning discrimination during recruitment expire after one year.

The act stipulates that discrimination on the grounds of ethnicity, except in relation to employment relationships and services, is monitored and controlled by the Ombudsman for Minorities and the National Discrimination Tribunal. Appeals can be filed against the resolutions of the latter with an administrative court. The Ombudsman for Minorities does not deal with issues concerning discrimination on the labour market. If ethnic discrimination does not concern employment relationships, the National Discrimination Tribunal has the right to confirm conciliation procedures by mutual agreement between the parties or prohibit the continuation or repeating of discrimination. Courts, the Ombudsman for Minorities and other authorities and associations may demand that the National Discrimination Tribunal give their opinion pursuant to the Non-Discrimination Act in the case of ethnic discrimination.

In addition to the Ombudsman for Minorities, Finland also has an **Ombudsman for Equality** (*Tasa-arvovaltuutettu*), who deals mainly with gender equality problems. Their task is to focus only on gender-related issues, while the Ombudsman for Minorities deals with discrimination on the grounds of ethnicity, race, language, religion and nationality.

## **Policies and measures for the advancement of equal treatment**

The most important political measure for the advancement of equality in Finland is the obligation of public authorities to maintain **equality advancement plans** (*Yhdenvertaisuussuunnitelman*), which has been in effect since 2007. Public authorities mean national and local authorities, independent public authorities on the Åland Islands if they perform the functions of state bodies, public authorities and sole traders if they perform the functions of the public authority, and separate public undertakings. Evangelical and Orthodox churches are not obliged to prepare equality plans. The Ministry of the Interior makes proposals and recommendations about the content of the plan.

The purpose of the equality plan is to help public and local authorities or other public organisations advance equality and prevent discrimination. The law stipulates that equality of people from different ethnic backgrounds must be considered in the plans, but the plan is more useful if other possible grounds for discrimination are also considered, especially religion and beliefs, age, disability and sexual orientation. Guidelines on how to prepare equality plans are available on the website of the Ministry of the Interior. The guidelines also contain recommendations for the development of the general rights of employees and advancement of equality and cultural diversity in the workplace, e.g. introducing the cultures of minorities in the workplace and ensuring that other employees are not treated unfairly when minorities are protected (Ministry of the Interior).

The state does not support the preparation of the equality plan financially – each organisation has to find the money and the human resources it needs to prepare it. Also, while preparing the plan is mandatory, no sanctions are imposed if one is not prepared. The Finnish Institute of Occupational Health may check the existence of the plan on a random basis, and if one does exist the institute usually requires the organisation to prepare such a plan. However, performance of the plan and the extent to which it meets its goals are not monitored either. Critics have also pointed out that the human resources of smaller regional agencies are limited and no remuneration is paid for the time spent on the equality plan. It is possible that smaller regions do not see the need for such a plan, as immigrants mostly reside in or near the capital.<sup>20</sup>

The Ombudsman for Minorities has managed a **cooperation forum between police and ethnic minorities** for a long time. Many immigrants have had negative experiences with police forces, either when leaving their homeland (e.g. escaping) or in Finland. Finnish police officers, however, do not have sufficient knowledge of the cultural backgrounds and experiences of ethnic groups. This is why cooperation has proven to be necessary. The cooperation forum focuses on discussions of the investigation of hate crimes and prohibition of the preparation of ethnic profiles by the authorities.

The **National Advisory Board for Ethnic Relations (ETNO)** is an independent committee of specialists which used to report to the Ministry of Employment and the Economy but which launched close cooperation with the Ministry of the Interior in 2008. The management board of ETNO mainly consists of representatives of government agencies who deal with immigration policy and advance international relationships. The board also includes representatives of other government agencies and labour market institutions as well as NGOs who deal with humanitarian aid, and representatives of immigrants and ethnic minorities. The duties of ETNO are advancement of good ethnic relations, ethnic equality and equal treatment. One of its duties is to inform the public and special target groups about immigration policy. In 2004 it published the brochure ‘Facts about Immigrants Working in Finland’ to provide information about the Finnish labour market. ETNO has three regional centres: Eastern, Western and Northern.

The **Discrimination Monitoring Group** works under the management of the Ministry of the Interior and its duty is to prepare an annual study of manifestations of discrimination and the development of equality in various areas of life. An empirical study in a specific area, which is different every year, is also carried out on annual basis. A general study of discrimination was carried out in 2008, a study of the area of employment in 2009 and of the area of education in 2010.

The group consists of representatives of ministries, regional authorities and other government agencies, minorities, ombudsmen for children and data protection, and several investigative bodies and non-profit organisations of minorities. The duties of the group also include coordination and implementation of national discrimination monitoring systems, determination of the formal requirements and topics of annual monitoring studies, collection of data regarding the situations of population groups, developing scientific research in the area and carrying out training for different target groups. The group meets three times a year.

The Non-Discrimination Act Amendment Group, which prepares the necessary amendments to the act, was established in 2007. The group came up with the proposal of merging the Ombudsman for Equality and the Ombudsman for Minorities and of the Ombudsman for Minorities not dealing with ethnic issues alone, but also with other protected characteristics such as age, disability and sexual orientation. The idea has received a great deal of support, but it was frozen in 2010 due to a lack of resources. The NGOs have suggested that the Ombudsman for Equality should also deal with the problem of discrimination on the labour market alongside the Institute of Occupational Health.

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<sup>20</sup> Finland, Sinikka Keskinen, Ministry of the Interior (Sisäasiainministeriö), (2013), interview, 26.03.2013

### 4.3. Conclusion

The practices of four European Union Member States in the advancement of equality on the labour market were reviewed in this study of good practices. Although the political emphasis in these countries was not the same, the political structures and measures for the advancement of equality were largely similar. Directives of the European Union, close political cooperation and learning good practices from one to another gives rise to similar political structures and measures, which are equality acts, the institution of ombudsman and the introduction of the requirement for equality plans for public sector employees and also for private sector employers in some countries.

Compared to these countries the institutional and legal framework of equality advancement in Estonia is far more modest. The protected characteristics listed in the Estonian Equal Treatment Act narrowly follow the characteristics listed in the directive and do not add any other characteristics such as language, which is a relatively important characteristic in the identification of people considering the language composition of Estonian society. The act does also not expressly stipulate how the employer's obligation to advance equality in their organisation should be performed. The Labour Dispute Committee, which accepts discrimination complaints, received 13 complaints relating to discrimination in employment relationships in 2011 and just four such complaints in 2012. The number of complaints shows that the legal awareness of Estonian people is low and it is therefore necessary to turn considerably more attention to raising awareness about equality among employers and employees alike.

## Summary, conclusions and recommendations

### Main conclusions and recommendations of the population survey and focus group interviews

The populations' preferences regarding the advancement of equal treatment are given in chapter 1.2.8 and recommendations of experts interviewed on the advancement of equal treatment (chapter 2) are presented in the Appendix. Below we present conclusions and recommendations based on the research team's analysis.

Materials explaining the Equal Treatment Act (see for example Papp 2010, Albrant et al 2012) should be distributed and translated into English. Our analysis points out that there is room for further development concerning the knowledge of the principles and legal regulations among the **public officials** working at different levels. This target group is important for the implementation and monitoring of the Equal Treatment Act.

It is important to continue and make more effective the work among the education and youth workers, including teachers, university lecturers, school principals and support personal. These people are directly in the contact with all youth, children and parents, and thus have a major influence both on the prevention of direct unequal treatment and on the remediation of these kind of events, as well as socialising children and youngsters and their parents. The focus should also be on informal education and citizenship education.

Activities directed and concerning the **employers and the work-relations** need to be fostered, since

most of cases of the unequal treatment take place at the work-related areas. One can assume that although most of the violation are happen due to the lack of knowledge (e.g. among the cases of indirect discrimination), nonetheless, other violations result from the differing interests of both parties. The unwillingness by the employees to raise or bring up difficult problems is connected with the situation where the employers are in stronger position in every concrete employment relationship. Our survey results show that in these cases the employees do not see any way out to guarantee their rights. When compared to the Scandinavian countries, where the equal treatment is paid much attention, in Estonia the protection by the labour union is in most of the cases missing. For this reason, Estonian state has taken much clear position on defending those who are on the weaker position, by looking for a ways to connect the interests of both employers and employees also in the areas of equal treatment. The promotion of diversity at workplaces should be supported by various measures (for example tax deductions).

From the **media-organisational perspective**, one should pay more attention that the media would reflect the topic of equal treatment even more, and in a more balanced way. This includes local information space in Estonian, Russian and English. Media should avoid presenting the marginal attitudes or views from a dominating, single-truth or mainstream perspective. This presumes that the journalists and editors have more knowledge and sensitivity when treating this topic. Media outlets or their ethics commissions should take care of the situation that the at least the public information space would be more open to the discussions and debates which are substantial and have value, which also presume the listening and taking into account the other side. Incitement of hatred should be subjected to a more rigorous regulation.

**Specific target groups**, to whom a special attention should be paid, are the people who regard to the topic of equal treatment negatively, for example the people with undetermined citizenship. More information about the issue should be provided to the citizens of the Russian Federation as well as to the citizens of third countries. As for the EU citizens their equal treatment is legally assured, but similarly to other member states also in Estonia some practical aspects have not yet been organised: for example the access to local information to the people who do not master the local languages as well as to the people who do not speak English as their mother tongue. This would increase their possibilities to participate at the mutual activities etc. In further studies, attention should be paid to critical groups from the perspective of equal treatment, such as for example the Roma.

The propagation of the principles of equal treatment and laws should go hand in hand with the overall influencing of the **overall social setting**. Diversity should be valued more and also the tolerance should be more promoted. In the pedagogical context, more attention should be paid on the development of skills and habits in the areas of tolerance, empathy, taking the other's role and controlling the negative emotions. Tolerance has different levels of development and different forms of appearance – passive tolerance, active tolerance (recognition and respect), tolerating differences. Although people have different starting positions, everyone can advance towards the greater tolerance: whereas one could replace intolerance with the toleration of differences, other could move from the tolerance to the respect and admiration of the different. Citizenship education should be promoted, not only in the formal school system, but also to adults via informal education. Alongside with national (patriotic) education, citizenship education should promote the principle of equal treatment towards all population groups. The common Estonian identity must include space for different ethnic self-identifications.

Together with the methodologies developed by the economists, social scientists, cultural researchers and futurologists, one should start researching in Estonia a possible **innovative approach to the field of equal treatment(as well as in the field of integration)**. Current situation can be characterised to a certain degree as a standstill, as our results indicate that many changes proposed in the area of equal treatment (see Integration Strategy 2008-2013) have not realised. Therefore, current

methods are not suitable for the continuation of the process, there is a need for a social innovation also in this area.

To be sure, Estonia is not the only country where there are problems with the equal treatment. One should nevertheless think about the possibilities for the **creation of a greater social cohesion in this small and unique country**, which is already historically mixed with the plurality of different nationalities and different ways of life. Estonia can be considered as a very fitting context and spot for testing different solutions. As such, the promotion of equal opportunities can become the motor for the sustainability and continuation of the Estonian nation and the culture, instead of considering the promotion of equal treatment as a threat. Demanding the knowledge of the Estonian language by providing equal treatment to all at the same time and facilitating the favourable context of the integration, would not only help to discard the discourse of the continuation of the nation, but would in effect help to overcome the threat for the national continuation. The aim should be a safe self-consciousness for all ethnic groups, which would create preconditions for the mutual recognition of difference.

The current discourses that present themselves in oppositional pairs can be transformed and synthesized in a newly fashion, so that 1) the responsibilities would be recognized both by the individual as well as by the societal structures; 2) both top-down as well as bottom-down approach would work for the promotion of equal treatment; 3) the preservation and facilitation of Estonians, Estonian language and culture would function among the other things also through the promotion of Estonian cultural diversity; 4) the national self-confidence would not be interfered by the principal equality of all ethnic groups in Estonia.

## **Main conclusions and recommendations from the evaluation of the projects promoting equal treatment**

This evaluation of the projects on equal treatment (chapter 3) gives an excellent picture of the impact and sustainability of the activities implemented in the course of the projects. The results of this evaluation show that awareness of equal treatment and tolerance has certainly increased in recent years, but some peculiarities that are characteristic of the related promotion effort as a whole should also be pointed out.

**First**, the process is based on external guidelines from the European Union, which raises doubts as to whether or not Estonian society would have “naturally” reached this stage by reflecting on equal treatment and the active and planned promotion thereof. Therefore, the public’s relative indifference has to be taken into consideration and extreme caution must be exercised when dealing with the topic in order for activism not to be confused with aggressiveness.

**Second**, the effort to promote equal treatment requires people who are experts on the subject. However, the projects looked at in this evaluation show that it is relatively usual that both the project organisers and the experts involved lack the relevant knowledge and skills when addressing a new topic.

**Third**, all the results of the analysis show that the general public are aware of equal treatment and the Equal Treatment Act, but lack any deeper understanding of the subject. This is partly due to the so far predominantly theoretical coverage of the Act by the media. In order to better understand the subject and to relate to it, however, the public could use positive examples of a personal nature.

Also, to generalise, nationality-based discrimination both at the workplace and in most other situations primarily comes down to language skills. Therefore, what should be prioritised is, on the one hand, the enhancement of language proficiency and, on the other hand, the acceptance of lower language skills at least in some situations.

To summarise, two more general **recommendations** regarding the promotion of equal treatment can be made.

**First**, the state should organise a carefully considered, long-term information campaign to promote tolerance and awareness of equal treatment, incorporating media coverage of the topic at a more general level, free training, recognition of multiculturalism and diversity as values, and a focus on increasing the awareness of more narrowly limited target groups. Also deserving of consideration in this context is an effort to clarify the institutional framework involved with equal treatment; this should include a clearer definition of the roles of the different institutions and promotion of the options for free counselling. From among the activities that were initiated by the projects, the competition for multicultural businesses and organisations, and the rewarding of the corresponding badge, should be continued. Also, the thematic information material produced as part of these projects, or with the support of other NGOs, should be collected on one website, e.g. [www.integratsioon.ee](http://www.integratsioon.ee).

**Second**, the option of approaching some target groups separately should be considered. Influencing the attitudes of young people in particular should be focused on, by actively using the school, the Internet and the social media to reach them. At the same time, the cooperation and contact between groups with different native languages should be encouraged and facilitated. Furthermore, specific activities could be directed at journalists and teachers, who are active in reporting on and teaching the subject; the unemployed and beginning entrepreneurs, who could directly apply the knowledge; and judges, police officers and other legal professionals who are directly involved with cases of discrimination in their daily work.

## **Recommendations to promote equal treatment based on the practices from other European countries**

Considering the practices of other countries (chapter 4), we hereby make **five main proposals for the development of structures and measures for the advancement of equality in Estonia:**

1. **The plaintiff is released from payment of legal costs** in the case of discrimination complaints. Smaller legal costs or no costs at all create more equal opportunities for employees to stand up for their rights in the event of arbitrary action by the employer. An example of good practice is the special National Discrimination Tribunal established in Finland, which specialises in disputes regarding discrimination and which people can contact free of charge. Giving representative organisations or equality officials (commissioner) the right to lodge complaints in discrimination cases improves the legal protection available to vulnerable groups.
2. **Access to advisory services must be good.** This means providing free advisory services as well as taking the service to the county or local level, i.e. closer to the people. The Equal Treatment Commissioner, who currently provides advisory services in Estonia, is only accessible in the capital due to a limited budget and other resources. The experience of Sweden in the creation of a network of anti-discrimination bureaus demonstrates that cases of discrimination are resolved more quickly because of the bureaus and resolution is usually reached by agreement. Legal advice is also easier to access without having to contact the state level.



3. **The equality advancement obligation of employers should be made clearer.** The Equal Treatment Act of Estonia stipulates that the employer must implement necessary measures in the advancement of equality to protect employees from discrimination and inform the employee in a suitable manner of the rights and obligations stipulated in the act. The act is therefore too vague and does not provide employers with adequate guidelines on what the advancement of equality means. The countries reviewed in this study have stipulated the obligations of employers in a clearer manner, e.g. requiring them to **prepare equality advancement plans with specific goals and actions** (Finland and the United Kingdom for public sector employers; Sweden for all employers that have 25 or more employees). The obligation may also be performed via the creation of a complaints department, as in Germany. The establishment of a complaints department (or the appointment of a person who can be contacted in the case of complaints in smaller companies) creates clearer guidelines for those who feel that they have been discriminated against and thereby advance equal treatment. Ombudsmen have also issued guidelines about equality advancement for employers. In Estonia, the Equal Treatment Commissioner is also strongly advised to **prepare guidelines on the performance of the requirements of the act for employees**. Also, the Estonian act does not stipulate how its performance by employers is inspected or what action is taken if an employer does not advance equal treatment.
4. **The public sector must become the pioneer** in the advancement of equality in the workplace. In the United Kingdom and Finland, the public sector has set itself the clear goal of leading by example and encouraging the private sector to advance equality and develop a multicultural working environment. The equality advancement measures of the public sector can include preparation of equality plans, introduction of the requirement for impersonal CVs in the employee recruitment process and the creation of a diversity charter, where the parties undertake to advance equal treatment. The role of the public in Estonia as the pioneer of equality has so far been rather modest.
5. **Introduction of regular discrimination monitoring.** Gender equality and integration monitoring is carried out in Estonia at certain intervals, but neither of these provides a thorough overview of the extent and manifestations of discrimination in regard to all protected characteristics. However, the development of a knowledge-based policy requires reliable data. Finland is a good example here, as it has created a discrimination monitoring group whose duty is to commission an annual empirical study in a specific thematic area, which is separately selected every year. The group consists of representatives of ministries, regional authorities and other government agencies; ombudsmen for minorities, children and data protection; and several investigative bodies and minority associations.

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# Appendix

## Chapter 2

### Overview of experts who participated in the focus group interviews

To ensure the confidentiality of the experts, we use pseudonyms in this report. In the following table, we give an overview of the interviewed experts, noting their approximate age, area of expertise and approximate reference to the organisation they are involved with.

#### ESTONIAN-LANGUAGE FOCUS GROUPS

Pseudonym	Approximate age	Area of activity of expert's organisation	Area of expertise of the focus group
Katrin	35-45	Employers' organisation	Work and employment
Andrei	35-45	Trade union	
Tiina	35-45	Recruitment company	
Kristel	35-45	State institution	
Sirje	45-55	Women's organisation	
Liina	30-40	Non-profit foundation	Civil society
Ülle	40-50	NGO focused on minority rights	
Silvia	35-45	NGO focused on minority rights	
Irina	30-40	Civil society umbrella organisation	
Sander	25-35	Student organisation	
Jevgeni	25-35	NGO focused on humanitarian issues	
Maarja	25-35	NGO focused on minority rights	
Kaisa	45-55	Russian-language instruction educational institution	Education, training and culture
Salme	60-70	Pre-school teachers' organisation	
Egle	40-50	Vocational education	
Tiiu	50-60	State institution	
Evelin	20-30	Student organisation	
Rein	50-60	NGO focused on education	
Karl	30-40	Private media channel	
Siim	25-35	Public media channel	
Tanel	30-40	Private media channel	
Birgit	35-45	NGO working in charity and minority rights	
Liisa	35-45	Film studio	

## RUSSIAN-LANGUAGE FOCUS GROUPS

Pseudonym	Approximate age	Area of activity of expert's organisation	Area of expertise of the focus group
Mihhail	50	Media publication	Media
Valeri	35	Media publication	
Anastasija	25	Media publication	
Nadežda	30	Media publication	
Timofei	35	News agency	
Maria	40	Radio station	
Pavel	35	Media publication	
Sergei	50	Russian-language instruction educational institution	Education, training and culture
Nikita	35	Russian-language instruction educational institution	
Polina	40	Russian-language instruction educational institution	
Galina	50	Russian-language instruction educational institution	
Tamara	60	Russian-language instruction educational institution	
Svetlana	51	NGO working in the area of culture	Civil society
Olga	65	NGO focused on ethnic minorities	
Dmitri	37	State institution	
Dina	31	NGO focused on youth work	
Zenja	50	NGO in the field of culture	
Margarita	40	State institution	Work and employment
Natalja	35	State institution	
Nikolai	50	Private enterprise	
Vadim	35	Private enterprise	
Kirill	30	Project management	
Juri	60	Trade union	

## ENGLISH-LANGUAGE FOCUS GROUP

Pseudonym	Approximate age	Area of expertise
Henry	25	Civil society
Elina	30	Civil society
Nick	40	Work and employment/Civil society
Sam	60	Education, training and culture
Ahmed <sup>2</sup>	40	Media
Kim <sup>3</sup>	50	Education, training and culture/Work and employment

### Overview of the recommendations on the equal treatment made by the expert focus group participants

Recommendations by the FG participants on the promotion of equal treatment	FG	Citizenship of the participant
Recommendations related to the law-making and implementation of laws		
Translate Equal Treatment Act and other related laws into Russian	RM, RC	EC, CTC
During the preparation of the law, the target groups should be more widely consulted, including the Russian speaking population	RH, RM, RC	EC, PUC
The legislation regulating the equal treatment and other related laws should be introduce more widespread and multifaceted, connecting them with the concrete cases. Cases of discrimination should be paid more critical attention in the public. Prepare and disseminate assisting materials which help to specify and concretize the laws. People should be explained their rights, positive examples should be brought when person is standing for his/her rights. Organise public discussions on the topic of tolerance and equal treatment.	RE	EC
Increase the awareness among ethnic minorities about unequal treatment and institutions where to turn to in case of a suspicion of the unequal treatment.	EC, RC	EC, PUC
The promotion of equal treatment principles and laws should go hand in hand with the wider propagation of more tolerance and valuing of the diversity in the society.	RM	EC, PUC
The state should pay more attention to the human rights and equal treatment topics.	EC, RC	EC, PUC
Make the amendments in the Equal Treatment Act to remove its hierarchical character (there should be equal scope based on all traits).	EC	EC

<b>Recommendations in the media sphere</b>		
Public law-based Russian-language media channels should be developed while providing information related with Estonia also in Russian. More bilingual experts could be included in the Estonian talk shows. Public information in Estonian and Russian should be the same, while taking into account the interests of both the Estonians as well as Russians when developing the common media sphere.	RM,EM	EC, PUC
Media should not amplify the negative stereotypes nor nation-based seclusion. Hate-speech and manifestations of nation-related intolerance should be subjected to more rigorous control. Politically correct and non-insulting use of words should be norm towards all the different nationalities living in Estonia, including towards Russians. The representatives of the media should agree on the non-usage of some certain words (tibla, occupant etc). Regular media monitoring can help the self-regulation of the media itself.	RM, EM, RC, E	EC, PUC, CEU, CTC
The state could compose and make easily available the practical information targeted specifically to newly arrived immigrants, in English, which would help them to adopt more easily in the society.	E	CEU, CTC
<b>Employment</b>		
Applying ethnic quota system when recruiting personnel to the state institutions deserves a further discussion. This would stimulate the career possibilities of the ethnic minorities and change the attitudes of the society (so it would be good to say: some part of our workers belong to the group whose mother tongue is not Estonian).	RE	EC
<b>Education, further training and culture</b>		
The growth of the tolerance should be facilitated as well as the openness towards the multicultural society. Teacher training and further trainings could give more knowledge and skills for the work in the multicultural environment (including other religions and their practices and of how to deal with the diversity in the everyday life). The infrastructure should be developed which would support the work in the multicultural classroom or with the children of other mother tongue than Estonian (special pedagogues, assistant teachers or school psychologists etc). Also, one should think more through of how to organise the communication with non-Estonian parents at the school context.	RH, RM, E	EC, PUC, CEU
Special Estonian language textbook should be compiled for the preparation for passing the Estonian language exams, as they exist in the form of foreign language textbooks. Since language immersion is considered as an effective method, then this should be expanded to all Russian-language schools. Free Estonian-language learning courses should be widened to every age-group, including schoolchildren.	RH	EC, PUC
When preparing the courses and materials for the Estonian language courses for the English-speaking people, then more attention should be paid to their specific needs.	E	CEU, CTC
Teaching the Estonian language could be made more balanced, especially when highlighting the issues of Russians and Russia – besides negative aspects also pay attention to the positive influences.	RC, RM	EC, PUC, CTC

Citizens' activity		
Citizens' activity of the people with other mother tongue than Estonians should be encouraged. More information about the events should disseminated, and non-Estonians should be involved more in the public events and gatherings, providing, if possible, also the back and forth translation in three main languages.	EC, RC, RM	EC, PUC
The concept and notion of estonianness should be more promoted, by developing a common Estonian civic identity and more wider understanding of "our", which would involve all the people who live in Estonia, despite their nationality or command of language. More mutual and uniting goals for the whole society should be set.	EH	EC
Overall context: state and the society		
Politicians should no incite the discourse of separateness and should abandon this kind of politics that is perceived by the target group as assimilating.	RM, E	EC, PUC, CEU, CTC
In order to overcome intolerance, ethnically diverse social- and communication networks should be supported, this includes meaningful and diverse contacts between Estonians and non-Estonians (people with other mother tongue than Estonian) living in Estonia.	E	CEU
The dominant thought paradigm should be changed from the current nation-centred to the more civic/citizenship-centred	EM, RM	EC, PUC
Language, citizenship, residence permit		
Loosen the language requirements for the Estonian-minded school personnel in Ida-Viru county schools, whose Estonian language proficiency is not so good.	EH, RH, RC	EC, PUC
Citizenship exams could be easier.	EE, RH	EC, PUC
Requirements for the acquisition of the residence permit in Estonia for newly arrived immigrants could be easier.	EM, E	CEU, CTC

RM = Russian-language FG on media, RE = Russian-language FG on employment, RC = Russian-language FG on civil society organisations, RH = Russian-language FG on education

EM= Estonian-language FG on media, EE= Estonian-language FG on employment, EC = Estonian-language FG on civil society organisations, EH= Estonian-language FG on education

E = English-language FG

EC = Estonian citizen, PUC = person with undetermined citizenship, CTC = citizen of third country, CEU = citizen of the EU



## Chapter 3

### Documents related to the projects (initial tasks, final reports, etc.)

#### *First Project*

1. The initial task of the project „Campaigns about increasing the awareness of equal treatment and developing tolerance“ (2009) [Võrdsest kohtlemisest teadlikkuse tõstmise ja sallivuse arendamise kampaaniad]
2. The interim report of the project „Campaigns about increasing the awareness of equal treatment and developing tolerance“ with appendices, preliminary study (appendix 6) included (2009) [Võrdsest kohtlemisest teadlikkuse tõstmise ja sallivuse arendamise kampaaniad]
3. The final report of the project „Campaigns about increasing the awareness of equal treatment and developing tolerance“ with appendices, post-project study with analysis and recommendations (appendix 9 and 10) included (2009) [Võrdsest kohtlemisest teadlikkuse tõstmise ja sallivuse arendamise kampaaniad]

#### *Second project*

4. The initial task of the project „Increasing the awareness of equal treatment“ (2010) [Võrdse kohtlemise seadusest teadlikkuse tõstmine]
5. The interim report of the project „Increasing the awareness of equal treatment“ with appendices (2011) [Võrdse kohtlemise seadusest teadlikkuse tõstmine]
6. The final report of the project „Increasing the awareness of equal treatment“ with appendices (2011) [Võrdse kohtlemise seadusest teadlikkuse tõstmine]

#### *Third project*

7. The initial task of the project “Equal treatment at work“ (2011) [Võrdne kohtlemine töökohtadel]
8. The final report of the project “Equal treatment at work“ (2013) [Võrdne kohtlemine töökohtadel]
9. The manual “Equal treatment at work. For information to the citizens from third countries“, MTÜ Eesti Abikeskused (2012) [Võrdne kohtlemine töökohal. Teadmiseks Euroopa kolmandate riikide kodanikele]

## The studies carried out for evaluation

Interviews with the people (project managers, heads and personnel managers of enterprises and organisations) involved in the projects, March-June 2013

Focus group interviews with people involved in the projects, May 2013

Online survey addressed to (personnel) managers of businesses and organisations, May-June 2013

## The activities of the projects

1. The project „Campaigns about increasing the awareness of equal treatment and developing tolerance“ [Võrdsest kohtlemisest teadlikkuse tõstmise ja sallivuse arendamise kampaaniad], carried out by OÜ Alfa-Omega Communications in 2009

- Media coverage, 41 stories related to awareness and 81 stories related to tolerance
- Folder covers for (personnel) managers „Vali inimest, mitte rahvust“ [Choose a person, not the nationality], 1500 copies
- Material for employee newsletters „Erinevad rahvused rikastavad ettevõtet“ [Different nations enrich the enterprise], 11-page material given to 30 enterprises
- Competition for multicultural organisations, 14 participants (with photo series consisting of 10 pictures)

2. The project „Increasing the awareness of equal treatment“ [Võrdse kohtlemise seadusest teadlikkuse tõstmine] carried out by OÜ Alfa-Omega Communications in 2010-2011

- Media coverage about the Equal Treatment Act, 34 stories
- Facebook homepage Mitmekultuuriline Eesti / Multicultural Estonia, 160-194 fans (likes)
- Circulars to the NGOs, sent to 93 NGOs
- Folder covers about recognising the discrimination to the organisations (NGOs), 1200 copies (600 in Estonian, 600 in Russian)
- Competition for multicultural organisations, 14 participants
- The badge of multicultural organisations, given to 14 participants
- Conference of the Competition for multicultural organisations, 36 participants

3. The project „Equal treatment at work“ [“Võrdne kohtlemine töökohtadel”] carried out by MTÜ Eesti Abikeskused in 2012

- Information days to the professional associations and to the representative bodies of employees and employers, altogether 13 information days for 285 participants
- Training seminars to the enterprises’ personnel managers, altogether 4 seminars for 22 participants
- The manual “Võrdne kohtlemine töökohal. Teadmiseks Euroopa kolmandate riikide kodanikele“ [Equal treatment at work. For information to the citizens from third countries], 58 pages, 600 copies (450 in Russian)

## **Chapter 4**

### **Interviews conducted**

#### **Sweden**

Anna-Karin Brikell, Diskrimineringsombudsmannen, e-mail correspondence 12.04.2013.

Linda Höglin, Sveriges Antidiskrimineringsbyråer, e-mail correspondence 07.05.2013.

Amanda Jackson, Swedbank, interview 26.04.2013.

George Svéd, Diskrimineringsombudsmannen, e-mail correspondence 23.04.2013.

Filippa Swanstein, Malmö against Discrimination, e-mail correspondence 10.04.2013.

Cafer Uzunel, Arbetsmarknadsdepartementet, interview 30.04.2013.

#### **Germany**

Nathalie Schlenzka, Antidiskriminierungsstelle des Bundes, interview 17.04.2013.

#### **Finland**

Sinikka Keskinen, Sisäasiainministeriö, interview, 26.03.2013.

#### **United Kingdom**

Amanda Ariss, Equality and Diversity Forum, interview 22.04.2013.

