

AWARENESS RAISING FOR EQUALITY

Manual for trainers
POLICE



Implementing partners



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ABOUT THE PROJECT

The project aims at tackling homophobia and transphobia as one face of discrimination that weakens every society's core values: equality and the protection of human dignity and human rights. On the path to an inclusive society, it is crucial to have anti-discrimination legislation amended, policies implemented and the awareness raised among relevant stakeholders who hold the power to change society and foster social cohesion. All activities seek to strengthen the professional attitude of relevant stakeholders and authorities in combating discrimination and acknowledging that humans are "normally different".

THE TRAIN-THE-TRAINERS PROGRAMME

Within the project, 15 trainers working in Kosovo public institutions have undergone a thorough 12- day train-the-trainer programme in which they obtained the knowledge and skills to conduct awareness raising training sessions for their peers. The trainers come from: the Kosovo Police, judiciary, education and the general central administration. All 15 trainers who mastered the programme did so with excellence. They proved themselves in two training sessions organized and conducted by each of them. It is these trainers this manual is mainly dedicated to. It should be useful for the use in further trainings and - eventually - for the experienced trainers to train more trainers in the years to come.

FOREWORD

Authorities all over the world have to deal with the advantages and challenges of a heterogeneous society every day.

Kosovo citizens are by law protected against any form of discriminatory action. Therefore, the professional attitude and actions of Kosovo authorities shall mirror the right of all citizens to be treated equally. One way to implement these standards in a forward-looking and sustainable manner is to support the building of a small group of professional trainers who operate within the institutions and are able to train their colleagues. Some of the main messages of these trainings are complicated to convey, as they address knowledge, behaviour and – most importantly – attitude.

Kosovo citizens are all “normally” different, although in daily life there are those who are perceived as more accepted or “normal” than others. When it comes to the very private or even intimate question of sexual orientation, many people are misled by the idea of one “right” or “normal” orientation. Exclusion and discrimination are the consequences of that.

The aim of the training detailed in this manual is to escape from that binary thinking of “right” and “wrong”, “normal” and “different” by raising awareness on how to deal with a given diverse society in an inclusive, relaxing and mainly in a professional manner.

At this point, we want to take the opportunity to be thankful to the trainers from Kosovo institutions who so successfully underwent the 12-day train-the-trainers program and showed their determination and skill in self-organised training sessions with their peers. These trainers are: Habibe Buzuku, Teuta Fazliu, Fadil Gashi, Vesel Gashi, Fatime Jasiqi, Sanie Kiçmari, Esat Marovca, Arian Mustafa, Bajrush Rexhepi, Biljana Rexhiq, Nezaqete Rukovci, Keriman Sadikay, Leonora Shala, Sylejman Sopa, Mejreme Zekaj.

This manual is designed with them and for them and those who are going to work with them. We hope that this will be a starting point and that many new ideas will come up along with new cooperation and development. We wish the users of this manual success in kindling open debate and helping create a society fearless of its own diversity and aware of the value of all its members.

Pristina, February 2016

Karin Bischof
Head Trainer

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Resident Twinning Adviser

FOREWORD

It took 12 days of intensive work, tireless efforts and endeavours of numerous international experts, and the willingness, coordination and readiness of Kosovo institutions to establish a sustainable governmental resource, which will join the ranks of fighting inequality. A pool of trainers, committed to become the agents of change in their respective sectors within the Kosovo public institutions, namely, police, judiciary, administration and education comprise this resource (15 trainers).

Therefore, this manual is dedicated to these trainers, who undertook the task of raising the awareness among their peers, striving for equal treatment, although we are all different, although we are all normally different. The trainers shall cooperate with their counterparties from civil society - that share the same values - in achieving common goals. The trainers have already proved their wish and motivation to do so, as they have acquired the required knowledge and skills of being a trainer; they each have successfully conducted two days of training for their colleagues. Their peers were, beyond expectations, receptive to their training, providing for a good initiation and a fertile soil for going farther in respecting the Human Rights, the cornerstone of every progressive and inclusive society.

The manual contains a unique combination of national and international experiences, of good EU member states practices and of legal basis. As such, the manual would be instrumental in raising the governmental structures awareness that despite all the differences in ethnicity, religion, political conviction, sexual orientation and other attributes, all are entitled to equal treatment, equal rights, to live their life freely without fear, without apprehension that their rights guaranteed by the constitution will be violated.

Pristina, February 2016

Habit Hajredini

The Director of the Office on Good Governance
Kosovo Republic Prime Minister's Office

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GLOSSARY – LGBT RELATED TERMS

Sex

Refers to the biologically determined differences between women and men that are universal.

Gender

refers to the social differences between women and men that are learned, changeable over time, and have wide variations both within and between cultures.

SOGI

Sexual Orientation and Gender Identity

Sexual Orientation

refers to a person's emotional, romantic and sexual attraction to another person; may be opposite-sex orientation, same-sex orientation, bisexual, or asexual.

Gender Identity

describes the gender with which a person identifies (i.e., whether one perceives oneself to be a man, a woman, or describes oneself in other ways).

Gender Expression

Manifestation of one's gender identity; how a person behaves, appears or presents with regard to societal expectations of gender. One's gender expression may not necessarily match one's gender identity.

Straight

A person whose emotional, romantic, and/or sexual attraction is toward people of opposite gender.

What does LGBT mean?

An acronym for lesbian, gay, bisexual, and transgender.

The L: Lesbian

A woman who is predominately or exclusively attracted to women emotionally, physically, spiritually and/or sexually.

The G: Gay

A term identifying a man who is predominately or exclusively attracted to men emotionally, physically, spiritually and/or sexually. Sometimes gay is used more generally, meaning the emotional, romantic, and/or sexual attraction toward people of same gender.

The B: Bisexual

A term identifying a person who is attracted to men and women emotionally, physically, spiritually and/or sexually.

The L, G, and B relate to a person's sexual orientation

The T: Transgender

An umbrella term used to describe a continuum of individuals whose gender identity and how it is expressed, to varying degrees, does not correspond to their biological sex. **The T relates to a person's gender identity.**

What falls under the umbrella of "Transgender"?

Transsexual

A person who identifies with a gender other than the one established at his/her birth. Describes a person whose physical body and gender identity do not coincide. Due to the conflict, the individual desires to "correct" his/her body with hormone treatment or Sex Reassignment Surgery (SRS). Female to Male (FTM) – A person born female who transitions into living and identify full time as male/man. Male to Female (MTF) – A person born male who transitions into living and identify full time as a female/woman.

Cross-dresser

Person who wears clothing opposite their assigned gender, usually not all the time.

Drag Queen

Person, sometimes gay men, impersonating famous females, usually for performance.

Drag King

Person, sometimes lesbians, impersonating famous males, usually for performance.

There are many other variations on this acronym that are used in different contexts, including for example LGBTI, LGBTIQ, or LGBTIQA...

The I: Intersex

is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. For example, a person might be born appearing to be female on the outside, but having mostly male-typical anatomy on the inside. Or a person may be born with genitals that seem to be in-between the usual male and female type or a person may be born with mosaic genetics, so that some of her cells have XX chromosomes and some of them have XY.

The Q: Questioning or Queer

Refers to people who are exploring or questioning their sexual feelings, orientation, and/or sexual identity, and who may be experiencing lesbian, gay, bisexual, or transgender feelings or urges.

The A: (two possible references) Ally

Someone who supports the LGBT community. Asexual – Having no sexual desire for persons of the same sex or opposite sex.

HETERONORMATIVITY

Describes the belief in a norm dictating that there are fundamental differences between men and women, that a person must be either a man or a woman and that it is 'natural' to be attracted to the opposite sex. A heteronormative culture makes self-expression (of one's gender/sexual identity) more difficult when that expression does not conform to the norm and it privileges heterosexuality as normal and natural. Heteronormative attitudes and structures foster a climate where LGBT persons are commonly discriminated against in e.g. marriage, tax codes, employment, and even in their families.

EQUALITY

- Equality is for everyone.
- Equality is actively changing things to ensure better outcomes for all.
- Equality is about creating a culture of respect.
- Equality within a human rights framework promotes better treatment of everyone.

It's not about promoting specific lifestyles.

It's not just another social-dreamers' campaign.

It's not something that's for 'other' people, only.

It's not about making us all the same.

It goes beyond legal protection.

THE NORMALLYDIFFERENT TRAINING APPROACH

It's about raising awareness!

The normallydifferent trainings aim at raising awareness on discriminatory structures and action and on norms that hinder citizens to equally take part in the society. Therefore, the trainings open discussions to explore the “norm figure” which exists as a stereotype in all our heads. The stereotypes make it seem, as if “normal people” are only white, ethnic Albanian males, who are mildly religious Muslims or atheist, heterosexual, able bodied, employed and between 20 and 45 years old and embedded in a large family. This suggests that all other people whose personal characteristics differ in at least one point from this “normality” are perceived as “special” – usually meaning “especially problematic”. If we look at it from a statistical point of view, we find out that only about 20% of the actual population fit to this description of “normality” whereas we have to deal with 80% of “exceptions” or “special situations”! It is quite obvious that a situation like this does not make much sense and that efforts to implement equality (or “gender/diversity mainstreaming”, “inclusion”) are useful, efficient and highly important

The heteronorm is one of the most basic and influential norms in our society. It determines that there are fundamental differences between men and women, that a person must be either a man or a woman and that it is “natural” to be attracted to the opposite sex, only.

So the main – and strong – purpose of these trainings is to show that discriminatory systems are set up, so the groups in power can tell (usually) the majority that they are just normal. With these mechanisms, men are being told that “gender” is something for women; heterosexuals learn that sexual orientation is not relevant for them, and skin-color seems to be concerning only non-whites. Many people think that sex, race, gender and all other categories used for discrimination do not affect them.

We all belong to different groups or have different social markers, which form our identity. Some of them are chosen by us and others are seen as “inborn” or “natural” or just attributed by others.

The problem we have within discriminatory systems is that so many of these markers are used in a judgmental way. Socially, black skin is not seen as equally valuable as white and male sex is still perceived as being superior to female sex, and so on. Heated up by public discourse, some individuals are primarily described by others by just one of their “markers”, like “Muslim”, “gay”, or “disabled”, “old”, or “youth”. So we observe that some of the attributes can socially grow so big and important that they “swallow” all other bits and pieces of identity, which form a whole person.

It's about overcoming the limits of a gender binary system

We recommend commencing the process of re-thinking certain normalities by discussing the construction of femininity and masculinity by society. Gender is defined/influenced by society and the moment its members realize that gender roles are constructed and expressed differently in (different) societies, they understand that gender roles are culturally “made”, not naturally given. What is hierarchically superior is socially constructed. In every society gender roles complement and limit each other. The non-equality limits the freedom of both genders. In the gender binary system, where strict and tight gender-related expectations for men and women exist, people in between or outside this “binary box” are easily marked as “abnormal”. There is a constant pressure or fear of stepping outside the “appropriate” gender construction.

Studies on homophobia show that the stricter the gender binary system is the more widespread homophobic attitudes are. LGBT people are breaking the mould and stepping out of a strict gender role in different ways, from gender expression (not looking like “typical” men and women) to not subscribing to the traditional notions of dating (dating persons from the opposite sex). Homophobic attitudes/acts try to keep up the binary system, and try to reinforce a traditional picture of manhood.

It's about questioning heteronormativity!

(This paragraph is quoted from the training manual: Åkesson (2009), “Break the norm! Methods for studying norms in general and the heteronorm in particular”, Forum för levande historia/ RFSU Ungdom.

“We have chosen to take a norm-critical approach because we think it is not enough to be knowledgeable of the conditions of those who break the norms. Most people know that women are at a disadvantage to men and though each and every one of us knows at least one woman, the disadvantages still remain! Many courses for raising awareness of LGBT issues expose the course participants to a homo-, bi- or transgender person in order to increase understanding and stop discrimination. It's not enough. We need to learn about how norms, power and influence work in order to bring about fundamental societal change.

Norms are the notions, ideas and unwritten rules that frame our interaction. They are present in all areas of life and make up the limits that define acceptable behaviour. Some norms are positive and guide how we act towards others. They may for example discourage us from spitting in another person's face or from ‘plowing’ into people on the street. Without thinking much about it, we adapt to most norms. It is not until someone breaks the norm that norms become visible. There are norms that affect society as a whole and that determine who is allowed power and influence. These only become obvious when someone breaks them. Few people question the normality of a girl who talks of her boyfriend or the normality of a boy who attends a formal event dressed in shirt and tie. But what if the girl instead talks about her new girlfriend? Or, if the boy decides to accessorize his outfit with nail polish? With these small changes, they break the unwritten rules for ‘proper’ male and female behaviour. History shows us that norms change. For example, in Europe it is no longer taboo for women to dress in pants. Norms are about discrimination, power and influence.

And there are consequences for those who break the norms. Homosexuals, trans-genders, persons with disabilities and those who look different may be harassed at school, denied a job or become victims of racist or homophobic hate crimes. Those who break the norms are lumped together and thought of as all being the same. It is much more common, for example, to hear 'truths' about homosexuals than 'truths' about heterosexuals."

It's about change!

Looking at the mechanisms of discrimination described above we can draw the conclusion that the key to overcome discriminatory systems needs equality/diversity. The most important step we have to take towards more diversity and equality is to understand that we must think - ourselves - broader. We must be clear about the fact that we are of different ages and sexes, we have different ethnic or religious background, different sexual orientations, and that we are able-bodied and disabled. When we come to the point to really see that being a white, male, heterosexual, central European is just as peculiar, special and interesting as being a black lesbian Muslim using a wheelchair we will be able to see the reality of our societies and at this point we can call the society equal in diversity.

PART A

Act normallydifferent – trainer's skills
and how to keep the flow

PART B

The right to be normallydifferent –
legal key concepts and case studies

PART C

Train normallydifferent –
training activities

PART A

Act normallydifferent – trainer's skills and how to keep the flow

Tell me & I will forget
Show me & I might remember
Let me do it & I will understand



normallydifferent

TRAINERS' ROLE AND RESPONSIBILITIES

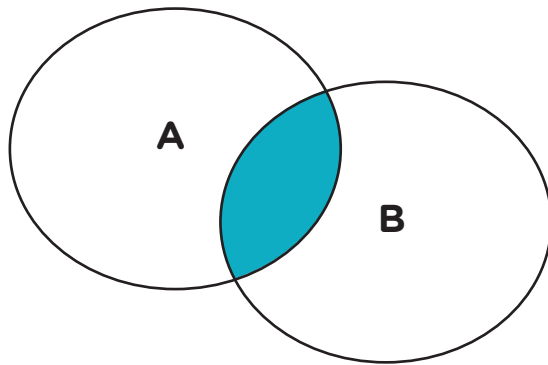
“Find the right mixture!”

A. Trainer

Input and output oriented

B. Facilitator

Process oriented and output neutral



- Create an environment where learning and exchange of views is supported (room, material, time, break, food & drinks).
- Keep group process safe and going.
- Take the experiences and skills of the participants as the main resource of the training.
- Transfer information and equip participants with knowledge and skills.
- Define the programme and facilitate suitable activities.
- Choose diverse methods to acknowledge different learning styles (visual, auditory-musical, verbal, physical, logical, interpersonal, intrapersonal).
- Initiate discussion and provoke reflection.
- Keep focused on the defined objectives (of training & activities).
- Be clear and structured.
- Raise Awareness.

BE YOUR PERFECT TRAINER SELF

Task: Think of yourself as the ideal trainer...picture yourself...
what adjectives describe your greatest trainer self...?

THE ART OF AGENDA MAKING - KEEPING THE FLOW

A normally different Agenda keeps the flow as it follows the logic of a change process. Therefore, choose your activities accordingly.

Introductory Phase

- Make people feel welcome
- Create an atmosphere of openness and safety
- Set up ground rules

Phase of Evocation

- Analysing current situation
- Stir up emotion
- Raise awareness

Visionary Phase

- Developing a vision and alternative scenarios
- Take a look at a better future



Phase of Action

- Developing objectives and strategies
- Capacity Building: improvement of competences and skills
- Planning measures

Phase of feedback

- Summarizing the main points of lessons learnt
- Asking for feedback
- Clarifying wrap up and follow up

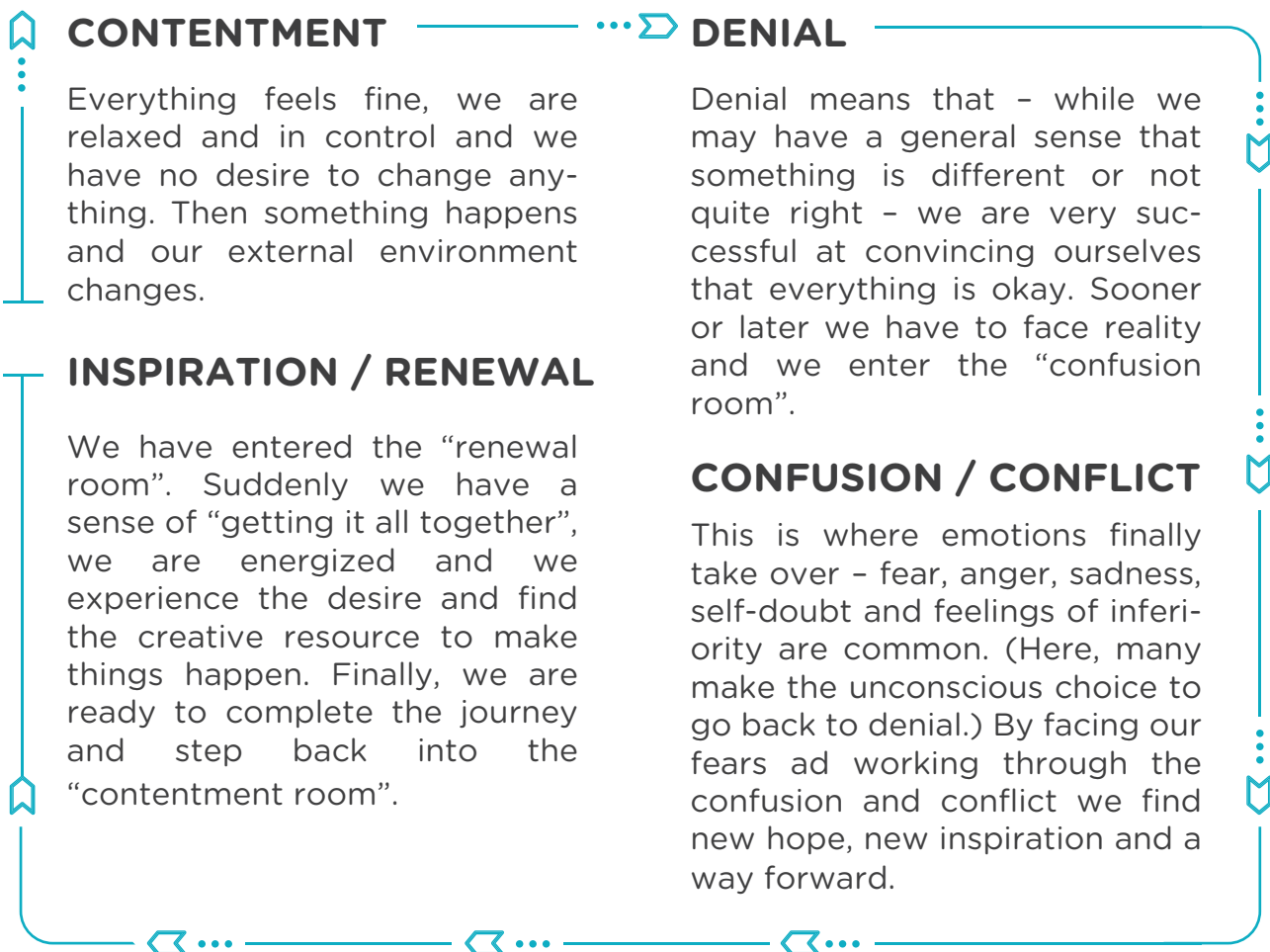


All the training activities in part C of the manual are sorted according to the 5 chronological phases of a training agenda. Part B – the legal key concepts – can be used either in the phase of evocation (analysing current legal situation) or in the phase of action (capacity building: improving legal competences).

4 ROOMS OF CHANGE

Source: Claes Janssen, www.fourroomsofchange.com.au

A training aiming at changing attitudes and behaviour needs an agenda that itself follows the logic of a change process. Therefore, in an awareness raising training participants will find themselves put in a process of change. The stage they find themselves in might be varying individually, though. Understanding the four rooms of change might help understanding certain reaction of participants because those appear to be typical within certain stages of change.



In the process of promoting a positive change to treat citizens equally and recognize them as humans – who are just normally different – participants find themselves in different “rooms” within their “house of change”. No matter where you start, or in which room you remain longer – every step is part of the process of change. Knowing about the feelings of each room of change might help trainers to better understand their participants.

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AGENDA

- ☐ ABCDEFGHIJ
 - ☐ abcdefghijkl
 - ☐
- | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
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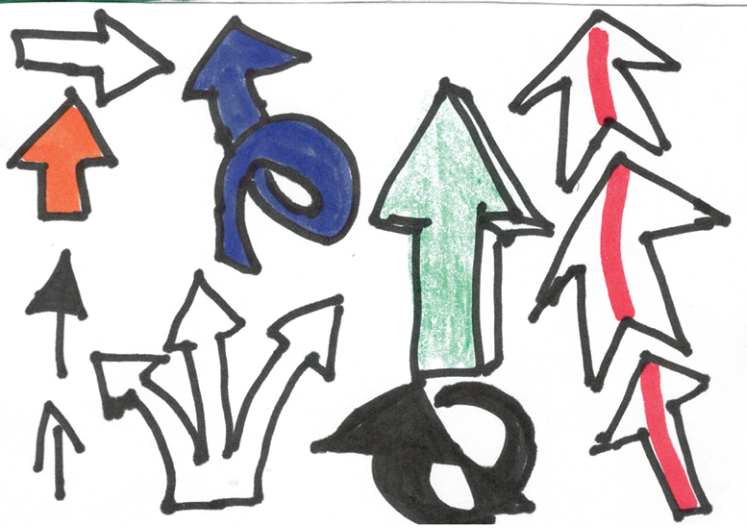
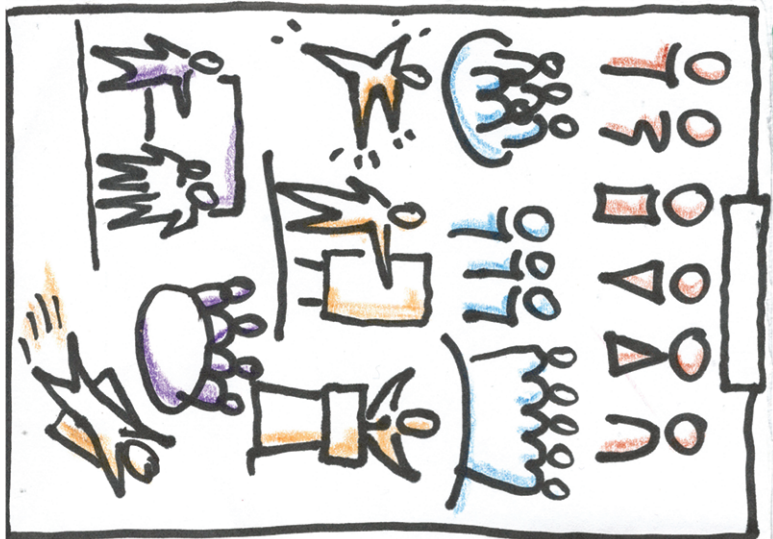
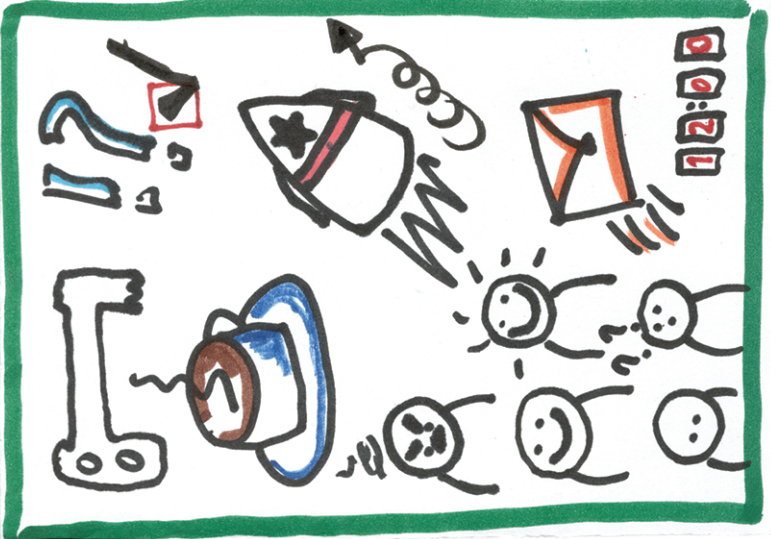
Ishulli: Albatros

HEADINGS

WANT

SPECIAL

ATTENTION



THE ART OF DEBRIEF

The agenda making comprises of choosing training activities:

- According to the phases of a change process
see: "The Art of Agenda Making"
- According to the audience
- According to the objectives of the assignment
- According to your personal preference (choose those activities you feel comfortable and which were most useful for yourself).



Keep in mind: The activities are more than funny games that lead to a group discussion. To ensure learning and change, activities need to be thoroughly debriefed. Why? In the process of debrief, the participants get the time to digest the experience of the activity. That's the time learning happens

Each activity can be debriefed by using or adapting questions summarized below; ideally, the debrief follows the 4 phases described here, as they mirror the logic of change, again.

PHASE 1

Reporting about personal experiences of the activity:

In your opinion, what happened in the activity?

What did you experience in the course of the activity?

What did strike you?

What did you like/dislike about the activity?

PHASE 2

Connecting the issues touched by the activity with the personal lives of the participants:

Have you experienced something like this in your life?

How is the activity connected with our lives?

Did you notice / observe / experience something similar in your own life?

PHASE 3

Generalizing: draw connection with the overall topic:

How does the activity relate to the topic of the training?

Why do we use this activity in this training about _____?

What do we learn from this activity about _____?

What aspects of _____ are touched by the activity?

PHASE 4

What's next?

How does the activity change things?

What could we do to improve the situation?

Can we do something about it? What's next?



Quick debrief:

What did happen in the activity? What did you experience?

What does the activity tell us about the training's topic?

BASIC RULES OF FEEDBACK

Phase of Feedback

The general attitude of giving and receiving feedback is one that shouldn't only be reserved for the very last phase of the training but constitutes an essential habitus of a facilitator/trainer.

About the attitude

Feedback is an opportunity to learn from each other. It is a chance to see what works well for other individuals and what needs more attention or change. It is not an opportunity for revenge or just flattering. Both parties to feedback should be careful and sincere to avoid it to be merely a shallow act of courtesy or an empty ritual.

Giving feedback

- Try to pack it into a “sandwich” – a layer of positive observation topped with a point of criticism – topped again by a positive message (but do not get dogmatic on that format).
- Use I-statements (“I have the impression that,...” or “For me it looked like that...”).
- Be specific.
- Give feedback on concrete actions not on general issues.
- Be careful with using “but” too often, as our brain tends to delete everything that you say before that word from the memory.

Receiving feedback

- Do not defend yourself against any feedback.
- Take it as a gift or let it go past you without negative feelings
- Don't kill the messenger: sometimes only one particular person has the courage to come up with a piece of negative feedback. Often more people felt like him/her. Resist the reaction thinking, “Well, it was clear that such a message would come from this particular person!”
- Thank everybody explicitly for his or her feedback. It is an effort they make for you
- Separate the feedback from doing something about it. Do not react at the spot. Take your time to go over it in peace and try to find the nuggets in it.



Classic feedback questions:

What did you like/learn/appreciate?

What did you dislike/miss/should be improved?

PART B

The right to be
normallydifferent



normallydifferent

KEY LEGAL DISCRIMINATION CONCEPTS IN A NUTSHELL

GROUND OF DISCRIMINATION

The grounds of discrimination (the protected grounds) set out in Article 1 of the Kosovo Law on the Protection from Discrimination (the Law) include:

- Nationality, any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds.

SCOPE OF DISCRIMINATION

The Law applies to:

- Acts or omissions of state and local institutions and natural and legal persons.
- Public and private sector.
- Violations of the rights of persons, natural and legal entities, and
- All areas of life, e.g. employment, vocational training, education, organizations, social protection, housing, goods and services, court proceedings and other authorities, sports, art and cultural activities, personal insurance, public affairs and public places.

DIRECT DISCRIMINATION

Occurs where one person is treated less favourably than another is, has been or would be treated in a comparable situation based on one or more of the protected grounds.

The but-for test

- To determine causation, ask: "But for the existence of X, would Y have occurred?"
- E.g. "If he was not gay, would he have been selected for the job?"

What is a 'comparable situation'?

- Look for an appropriate comparator.
- Hypothetical comparator possible.

Motive or intention is not relevant - if the effect is less favourable treatment.

Cannot be justified

Exceptions - genuine and determining occupational requirements or affirmative action.

INDIRECT DISCRIMINATION

Where an apparently neutral provision, criterion or practice has, or will, put the person in an unequal position compared with others based on one or more of the protected grounds, unless the provision, criterion or practice can be objectively justified by a legitimate purpose and the means of achieving that purpose are appropriate and necessary.

Justification test

- Does the provision, criterion or practice have a legitimate purpose?
- 'Appropriate': could the legitimate purpose be achieved by other less discriminatory means?
- 'Necessary': is the provision, criterion or practice necessary to achieve the legitimate purpose?
- Test of proportionality.

HARRASEMENT

Unwanted conduct (including but not limited to unwanted conduct of sexual and/or psychological nature) based on the protected grounds which has:

- The purpose or effect of violating the dignity of the person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
 - » No need to identify a comparator.
 - » Purpose – deliberate conduct

- » Effect – no need to prove intention.
- » Victim's perspective & objective elements.

INCITEMENT TO DISCRIMINATION

Incitement to discrimination is prohibited when it:

- Amounts to promoting hatred based on one or more of the protected grounds.
- Is done intentionally.

VICTIMIZATION

Victimization occurs when a person suffers adverse or negative consequences in response to:

- A complaint or non-complaint (started procedures).
- Actions which apply the principle of equal treatment.
- Provision of information, evidence or assistance in connection with discrimination complaint procedures.
- Protection from victimization is not limited to the original 'victim'.

SEGREGATION

Segregation is discrimination when a person (or persons) is separated from others on the protected grounds.

- Can be done by natural persons or legal entities.
- Includes segregation because of:
 - » Victimization;
 - » Where a person is falsely accused of participating in a discrimination complaint;
- Both public and private sector.
 - » E.g. not letting a Roma woman have breakfast in the hotel breakfast room but showing her a place in the lobby.

DISCRIMINATION BASED ON ASSOCIATION

When discrimination is targeted on people who do not belong to a particular group but are associated with those groups e.g:

- Everyone is discriminated against when a group of people are not allowed to enter a bar because one of them is black.
- Human rights activist who is discriminated against because they advocate for LGBT rights.

REASONABLE ADAPTION/ACCOMMODATION FOR PERSONS WITH DISABILITIES

Discrimination includes failure to make reasonable adaption/accommodation for persons with disabilities in accordance with their specific needs, unless:

- To do so is an undue burden for the person responsible, taking into account:
 - » The legislation in force;
 - » Available public resources;
 - » Participation in social and public life;
 - » Ensuring access to the workplace and suitable working conditions.
- Examples of reasonable accommodation include:
 - » Modification of premises;
 - » Altering hours of work or place of work;
 - » Acquiring or modifying equipment;
 - » Re-allocation of duties;

DISCRIMINATION BASED ON PERCEPTION

Discrimination targeted at people who do not belong to a certain group, but who are perceived to be so:

- E.g. a person is not chosen for a position because she is considered to be pregnant, even though this is not correct

MULTIPLE DISCRIMINATION

Discrimination based on a combination of protected grounds:

- Can be “intersectional” meaning that discrimination is based on multiple grounds together and simultaneously
- Can be “additive” meaning that discrimination can occur in one incident on several grounds separately

Link to legal text of the Kosovo Law on the Protection Against Discrimination:

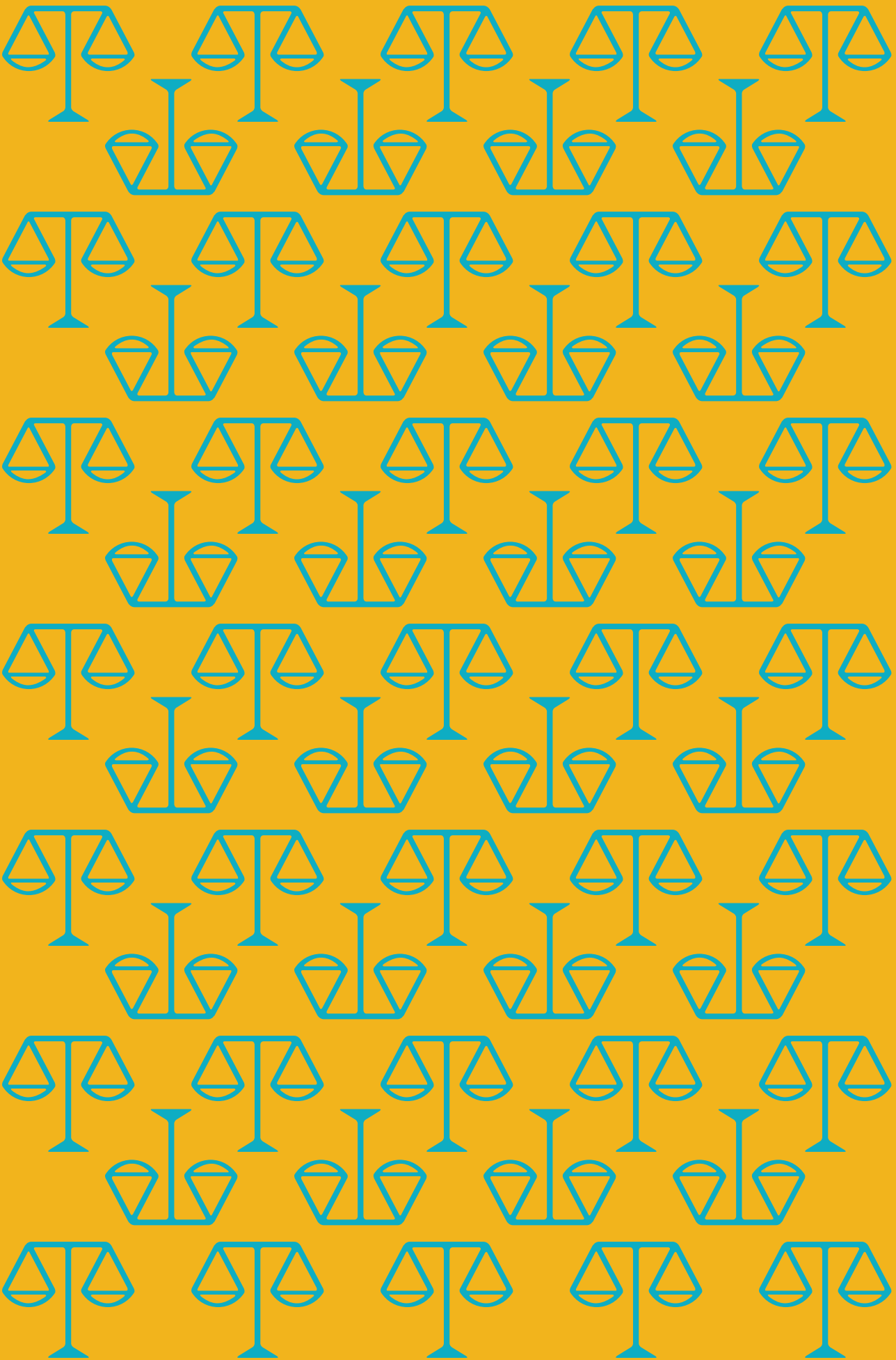
<http://www.kuvendikosoves.org/common/docs/ligjet/05-L-021%20sh.pdf>

Links to the European Anti-Discrimination Directives:

2000/43/EC and 2000/78/EC:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32000L0078>



ROLE OF THE OMBUDSPERSON

OMBUDSPERSON'S COMPETENCES

The Ombudsperson is the state institution for equality and the promotion and protection of human rights, which handles cases related to discrimination.

In relation to discrimination, the Ombudsperson has competence to:

- › Receive and investigate submissions of persons;
- › Give opinions and recommendations on concrete cases;
- › Provide assistance to victims during preparation of complaints;
- › Provide essential information to persons who have filed a complaint;
- › Investigate and act when there is reason to suspect discrimination by public entities;
- › Inform the public about cases;
- › Address investigation and prosecution bodies with a request to initiate an investigation of criminal offence and to initiate disciplinary proceedings;
- › Collect data, conduct studies, research and training; and
- › Act as a 'friend of the court' in equality and discrimination proceedings.

For more information see:

<http://www.kuvendikosoves.org/common/docs/ligjet/05-L-019%20sh.pdf>

How to practice legal knowledge?

Case studies for working group sessions

Topic: Freedom of assembly - direct discrimination - sexual orientation



CASE: THE MEMORIAL EVENT

A local group of activists decides to arrange a small public gathering to promote tolerance towards LGBT people. They plan a speech and flower-laying near the town's cemetery to commemorate LGBT people who had been closeted all their lives. Patrick, a local LGBT spokesperson, goes to the police station to inform them about the event and to ask whether they need some kind of permission to arrange it. The police officer tells him it is completely inappropriate to highlight homosexuality in public and therefore the event cannot be held. He also argues that public order may be compromised, since some communities are against homosexuality.

Questions:

1. Can you detect discrimination?
2. Can an event be prohibited because highlighting homosexuality is considered inappropriate?
3. Can the police ban the event because of possible risks to public order?

Answers:

1. Provided that the event is peaceful, as it seems to be, LGBT persons have a right to assembly and arrange demonstrations in the same way as any other person. To forbid such an event can constitute discrimination according to articles 2.1.14 -2.1.16 and 3.2. of the Kosovo Law on the Protection from Discrimination.
2. It is the right of individuals to openly identify themselves as gay, lesbian or any other sexual orientation, and to promote their rights and freedoms, in particular by exercising their freedom of peaceful assembly.
3. If the police consider that there may be risks to public order, these should be carefully assessed. The mere existence of a risk is not enough reason to cancel events. If a serious threat of a violent counter-demonstration exists, the authorities have discretion in the choice of means to enable assemblies to take place without disturbance. It is the duty of the police to take appropriate measures against any acts of violence which might be committed by opponents of the demonstrators.



CASE: THE LAZY HEADMASTER

For the past 30 years, Jehona has worked as a school teacher. It is generally known that her partner is also a woman. One year the pupils start bullying her, they call her ugly names that refer to her being a lesbian, send notes with pornographic pictures and put garbage in her handbag. Jehona asks for help from the headmaster, but the headmaster tells her there is nothing she can do. After some time, Jehona decides to apply for early retirement, since she cannot take any more of the bullying.

Questions:

1. Can you detect discrimination in the pupils' actions?
2. Can you detect the ground for discrimination?
Is it gender and/or sexual orientation?
3. What should the headmaster have done?

Answers:

1. Yes. Also harassment is deemed to be discrimination under Article 4.1.3. of the Kosovo Law on the Protection from Discrimination and the actions described can be considered harassment.
2. It seems clear that the harassment is based on sexual orientation. It can be argued that the harassment is also based on her being a woman, especially the sending of pornographic pictures.
3. The headmaster should have taken the necessary measures to protect Jehona from bullying. It can be argued that the headmaster has neglected her duty because Jehona is a lesbian and that in another situation of bullying, appropriate measures would have been taken.



CASE: TEACHER LOSES HER COMPETENCE

Ms. Q is a teacher. She gets positive feed-back for her job and her temporary agreement is renewed every year for several years. She is blind and some adaptations have been agreed with the headmaster. After her maternity leave she contacts the school to come back to work. The new headmaster tells her it is impossible for a blind woman to teach to a high professional standard and she is not offered an agreement for the following school year.

Questions:

1. Can you detect discrimination?
2. What type(s) of discrimination?
3. What should the new headmaster have done to provide adaptation/accommodation?

Answers:

1. Yes. Ms. Q is being treated less favourably in comparison with the way she had been treated before due to pregnancy/maternity, and she is also being treated less favourably because of her disability.
2. First of all, it can be argued that this is a case of direct discrimination on the grounds of pregnancy/maternity, and on the grounds of disability according to Article 1 of the Kosovo Law on the Protection from Discrimination. Secondly, it is failure of a reasonable adaptation/accommodation for persons with disabilities according to Article 4.1.8., since there has been no evaluation of her specific needs, what types of adaptation might be necessary and whether this would create an undue burden for the employer. Thirdly, it is multiple discrimination according to Article 4.1.10., since it is based on a combination of grounds.
3. According to Article 19 of the Kosovo Law on the Protection from Discrimination, an employer has to provide reasonable adaptation/accommodation for persons with disabilities. In practice you have to assess the needs of the disabled employee and then assess whether taking the necessary measures would be an undue burden, taking into account such factors as the use of available public resources available, participation in social and public life and ensuring access to the workplace and suitable working conditions.



CASE: : THE SURVIVING TENANT

Agron is the tenant of an apartment rented from the local municipality. He and his male partner, Genc, have lived together in the apartment for 30 years. The municipality's rental policy gives a right to the married spouse of a tenant to succeed to the tenancy agreement. On Agron's death, the municipality takes steps to evict Genc.

Questions:

1. Can you detect discrimination?
2. What type(s) of discrimination?
3. Who is the comparator?

Answers:

1. Yes: access to housing which is available to the public is covered under Article 2.1.9 of the Kosovo Law on the Protection from Discrimination. Article 2.1.1.16 also includes 'any other rights provided for in the legislation in force'.
2. Direct discrimination; Tahir is being treated less favourably on the grounds of sexual orientation.
3. The municipality would not have tried to evict the surviving partner if the tenant had been in a heterosexual relationship. If Ahmet and Tahir had been married, Tahir would have been allowed to stay in the apartment. The rental policy excludes gay men, as although not prohibited by the Kosovo Constitution, in practice gay men cannot marry in Kosovo.



CASE: THE CORRECT BIRTH CERTIFICATE

Christina is a male to female transsexual who has undergone sex reassignment surgery. The government has refused to amend her birth certificate to reflect her sex, even though they amend birth certificates for adopted children. Birth certificates are important documents as they are required to be produced in particular circumstances such as claiming state benefits, pensions or applying for a passport.

Questions:

1. Can you detect discrimination?
2. What type of discrimination?
3. Who is the comparator?

Answers:

1. Yes: Social advantages/access to and supply of services which are available to the public are covered under Articles 2.1.1.6 and 2.1.9 of the Kosovo Law on the Protection from Discrimination. Article 2.1.1.6 also includes ‘any other rights provided for in the legislation in force’.
2. Direct discrimination on grounds of gender identity, since the reason behind the discrimination is the fact that her gender identity does not conform with the sex that was assigned to her at birth. Christina would not have received the less favourable treatment but for the fact of her sex reassignment
3. No obvious comparator in this situation – construct a hypothetical comparator or compare with the situation of an adopted child who is permitted to change their birth certificate upon legal adoption.



CASE: NO-JEWELLERY UNIFORM POLICY

Zana is a practising Christian. She has qualified as a doctor and applies for a doctor's job advertised at the hospital. On being offered the job, Zana is told that the hospital's uniform policy prohibits the wearing of jewellery. Zana considers it is a manifestation of her religion to visibly wear a crucifix on a chain around her neck and says that she cannot remove the crucifix without violating her faith. As she will not abide by the hospital's uniform policy, the job offer is withdrawn.

Questions:

1. Can you detect discrimination?
2. What type of discrimination?
3. Can the hospital justify its decision?

Answers:

1. The withdrawal of the job offer appears to be on the grounds of Zana's refusal to abide by the hospital uniform policy. However, she will say her refusal is based on her religious belief. Discrimination on the grounds of religion and religious belief is included in Article 1.1 of the Kosovo Law on the Protection from Discrimination.
2. Indirect discrimination occurs when an apparently neutral provision, criterion or practice puts, or will put, a person in an unequal position compared with others based on one or more of the grounds protected under Article 1, unless the provision, criterion or practice can be objectively justified by a legitimate purpose and the means of achieving that purpose are appropriate and necessary. Here the hospital's uniform policy is an apparently neutral policy which is applied equally to all staff. However, Zana argues that she cannot comply with the policy because to do so would mean she has to compromise her religious beliefs. The policy places her in an unequal position compared to other non-Christian staff in the hospital.
3. The hospital may be able to justify its decision if its uniform policy has a legitimate purpose and the means of achieving that purpose are appropriate and necessary. The hospital might argue that the legitimate purpose of the policy is the health and safety of patients and staff e.g. to minimise cross-infection, and to avoid injury which could arise if a patient pulled on the chain and crucifix. The hospital must balance the means it uses to achieve this health and safety purpose with the discriminatory impact on staff such as Zana. If the health and safety purpose can be achieved without the no-jewellery uniform rule, then the hospital must consider it. But if there is a real risk to health and safety by a member of staff wearing a visible chain and crucifix, then the no-jewellery policy may be justified.



CASE: JOB AD IN KOHADITORE

“We search for: Youth-worker, maximum 35 years old, Muslim/a, with relevant education and training, for afternoon shift (13:00 – 18:00 hrs)”

Questions:

1. Are there hints for discrimination in this advertisement?
On what grounds?
2. What aims could probably be the reason behind the particular requirements?
3. Could these aims be reflected in the advertisement without being discriminatory?

Answers:

1. Yes, there is discrimination on the ground of religion and age.
2. Employer wants a younger and time-flexible person with Islamic background to work with youth of Islamic background.

Tip: No solution needs to be given, just listen to participants' comments.



CASE: KITCHEN AID

A lesbian woman is applying for a job as a waitress in a restaurant in Pristina. She has completed her education and training for that job and has some working experience. When she appears at the job interview, the boss tells her that she can't employ a lesbian as a waitress, as her customers would not approve that, but that she can offer her a job back in the kitchen.

Questions:

1. Are there hints for discrimination in this advertisement?
On what grounds?
2. What aims could probably be the reason behind the particular requirements?
3. Could these aims be reflected in the advertisement without being discriminatory?

Answers:

1. Yes, there is discrimination (direct – on the basis of sexual orientation).
2. No, it is no justification as the applicant has the relevant training and knows how to behave with the customers. It is their problem if they harass her. Direct discrimination cannot be justified. Although the intention of protecting her might be meant nicely.
3. No, as the Article 3 of the Kosovo Law on Discrimination reads that any difference in treatment on any of the grounds mentioned in Article 2 – among which the Article 2 mentions employment and working conditions – constitutes discrimination.



CASE: THE UNHAPPY CUSTOMER

Mr Hasi owns a Pub. Mr Agbonifo, of Nigerian origin works for him as a waiter. One day, a guest enters the bar and orders a beer from Mr Agbonifo. Mr Agbonifo informs him that the bar closes in 5 minutes and the last round has already been served. The guest, disappointed, starts to yell at him calling him a heartless bastard and a crook. The owner witnesses the situation but does not further intervene. When the guest has finally left, Mr Agbonifo tells Mr Hasi that he wants to quit and file a lawsuit on racial harassment. He argues that Mr Hasi has witnessed how he has been racially harassed and has failed to intervene and protect him.

Questions:

1. Can you detect discrimination or harassment?

Answers:

1. As per the definition of the discrimination and harassment laid down in the law on anti-discrimination, there is no discrimination – neither harassment on racial grounds.
2. We are dealing here with classical harassment outside the scope of anti-discrimination regulations.



CASE: WHISTLEBLOWERS

Ms Beneta accuses her boss of having sexually harassed her and another female colleague in her department on several occasions. The other colleague chooses to remain totally silent on the matter. After an internal investigation of the allegations produces no further evidence, the case is dropped. Disappointed, Ms Beneta tells her story to a local journalist. Although no article has been published on the matter, Ms Beneta is immediately suspended from her job, for “harmful behaviour towards the company”.

Questions:

1. Can you detect discrimination or sexual harassment?
2. Is this a case of victimisation?

Answers:

1. There is no proven discrimination nor proven harassment as the internal investigation produced no evidence incriminating her boss.
2. There is victimization as the law on anti-discrimination reads that victimization is unfavourable treatment or consequences as a reaction to a complaint.



CASE: SOUR BENEFITS?

In a large telecom company the new policy is announced: Employees receive a “wedding allowance” of 900,-- Euros when they get married as well as three additional days off (“honeymoon-time”). If employees get a child they are entitled to €300 and two more days off. The gay marketing manager is upset and calls this a “discriminatory practice in this heteronormative company”.

Questions:

1. Is the marketing manager right in his allegation?
2. Can you think of a less questionable practice regarding social benefits?

Answers:

1. Yes. This is a discriminatory practice as only heterosexuals are entitled to benefits.
2. No solution needs to be told to the participants, just listen to their comments

HATE SPEECH, HATE CRIME, FREEDOM OF EXPRESSION

DEFINITION OF KEY TERMS

Hate Speech is speech, gesture or conduct, writing, or display that attacks a person or group on the basis of attributes such as gender, ethnic origin, religion, race, disability, or sexual orientation. Although there is no universally accepted definition of the term 'hate speech', the Council of Europe's Committee of Ministers Recommendation 97(20) on 'hate speech' defined it as follows: the term 'hate speech' shall be understood as covering all forms of expressions, which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin." Homophobic speech also falls into what can be considered as a category of 'hate speech'.

See: Georgescu, Mara / Keen, Ellie (2014), "Bookmarks. A manual for combating hate speech online through human rights education", Council of Europe.

Hate Crimes are crimes based on prejudice & motivated by intolerance towards certain groups in society. Hate crimes consist of two elements:

- *The act must first be a crime under the Criminal Code*
- *The crime must have been committed with a bias motivation.*

Bias motivation means that the perpetrator chose the target of the crime based on some protected characteristics associated with the person (or property). Protected characteristics can be: gender, sexual orientation, disability, religion or belief, racial or ethnic origin. Hate crime doesn't require that a person feels hate. Often perpetrators feel they are acting on behalf of their communities; they feel morally justified in their behaviour.

See: OSCE (2012), "Understanding Hate Crimes", Kosovo edition (pdf)
<http://www.osce.org/odihr/104166>

Freedom of Expression is a right provided by Article 10 of the European Convention on Human Rights. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. In fact, freedom of expression covers all forms of human expressions, including the written word, visual images, drama, videos, music and so on.

Despite strong reasons for protecting free speech, human rights treaties also recognise that speech itself is an 'act' which has the potential to harm others, and can even threaten society as a whole. For this reason, freedom of expression is one of the rights, which can be restricted in certain circumstances. Any restriction must be necessary in order to meet a particular social need*), and it must be proportionate to that need.

...classified in Article 10(2) ECHR as: national security, territorial integrity or public safety, prevention of disorder or crime, protection of health or morals, protection of the reputation or rights of others, preventing the disclosure of information received in confidence, or maintaining the authority and impartiality of the judiciary.



Cases Studies for Group Work



CASE: TWITTER

A high ranking health official posts on twitter: "We need to concentrate on curing gays not tolerating them!" Re-tweet: "The only cure to homosexuals is a bullet to the head."

[Access the case:](#)

Are there elements of hate speech or are the statements covered by the freedom of expression?

[Answers:](#)

While the first tweet is stupid but most probably protected by freedom of expression, the re-tweet is definitely inciting hate on the grounds of sexual orientation.



CASE: BROKEBACK MOUNTAIN

The award winning movie Brokeback Mountain – a romantic drama about two cowboys in love in America of the 1960s – is shown by a Kosovo based NGO in a cinema. Just before the opening of the event 5 masked persons storm into the hall and beat up one employee of the cinema and the cinema's entrance is sprayed with the words: "Kosovo is straight"

[Access the case:](#)

What legal concept(s) can be applied here?

[Answers:](#)

Hate crime – the injury (crime) is motivated by hate.
Freedom of expression – sprayed words.



CASE: TEACHING

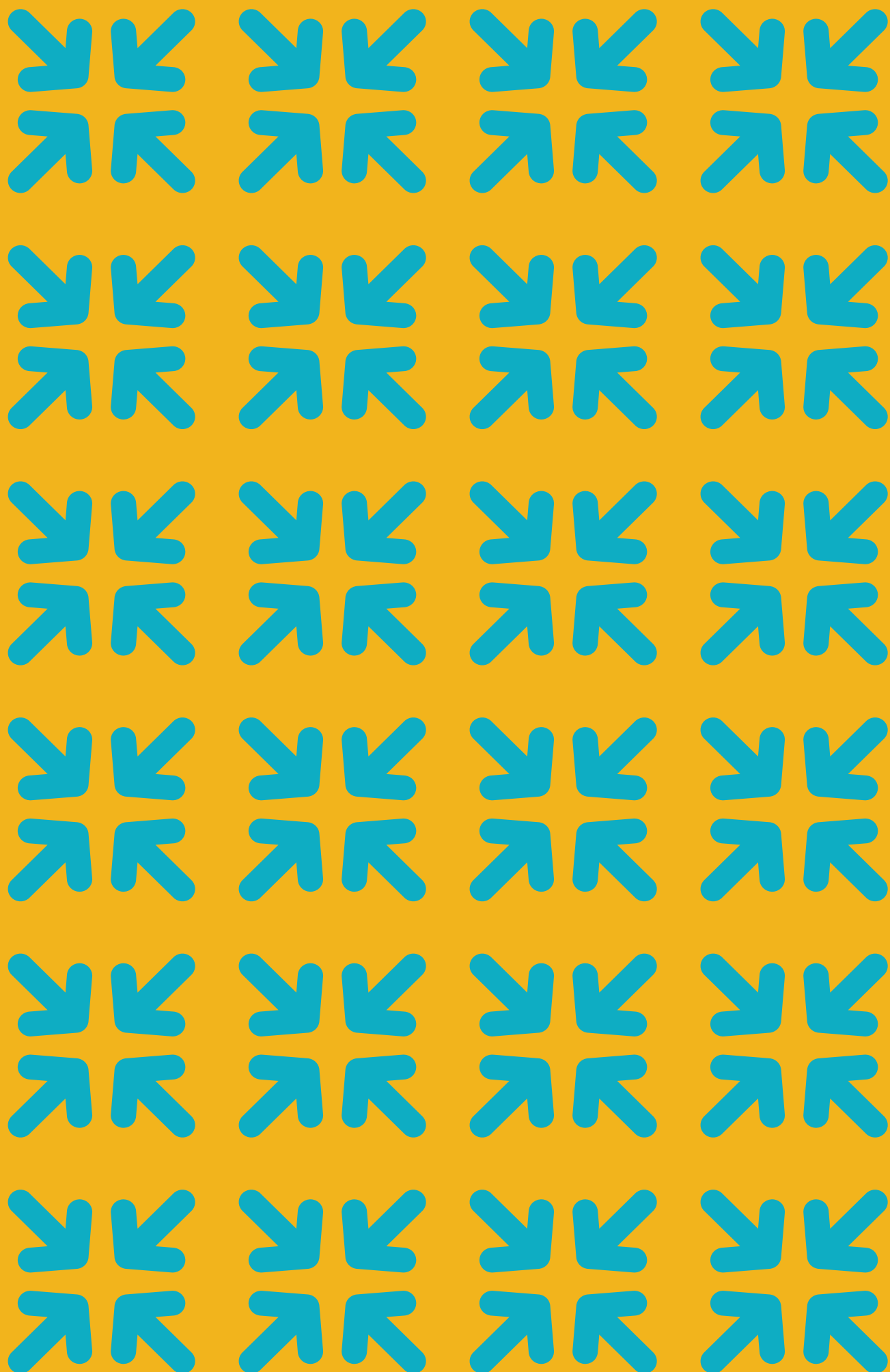
A history teacher preaches to her students: "It's a sick society that regards it as 'natural' to be homosexual."

[Access the case:](#)

Are there hate speech elements? Which ones?

[Answers:](#)

Inciting discrimination on the grounds of sexual orientation. But statement might be protected by freedom of speech in private circles – not in school setting.



HOW TO PRACTICE LEGAL KNOWLEDGE?

THE QUIZ SHOW ON THE KOSOVO LAW ON THE PROTECTION FROM DISCRIMINATION

GENERAL QUESTIONS ROUND

! INSTRUCTIONS FOR THE QUIZMASTER ARE IN ITALICS

TIPS:

- *Give each team a name, such as one of the colours of the rainbow;*
- *Each team might sit at their own separate table; take time to organize the room and the participants before you start;*
- *The training manual includes copies of a slide presentation; the slides display the quiz questions and some instructions; display these on the screen as the quiz-master reads out each question or instruction; it will help participants to understand the questions and follow the instructions;*
- *Allocate the task of keeping the score to an assistant;*
- *Provide each team with a bell or buzzer or some other way from them to signal that they have the answer to the question;*
- *Choose some or all of the questions for your quiz, depending on the time allocated and available for it; to cover all of the questions in the quiz will take at least 60 minutes*

START

Quizmaster reads out the questions; the first team to press the buzzer with the correct answer gets a point. If the answer is not correct, the next team pressing the buzzer can provide their answer.

1. What do you think is the most common ground of discrimination across the European Union?
 - A. Sex discrimination
 - B. Ethnic origin discrimination
 - C. Sexual orientation discrimination
 - D. Disability discrimination

ANSWER: B

The most common type of discrimination, according to the respondents in the 2015 Special Eurobarometer concerning discrimination in the EU, was discrimination based on ethnic origin, which was considered to be widespread by 64% of the respondents.

BACKGROUND INFO:

The second was discrimination based on sexual orientation (58%) and the third discrimination based on gender identity (56%). Others: religion or belief (50%), disability (50%), being over 55 (42%), gender (37%), being under 30 (19%).)

Special Eurobarometer 437: Discrimination in the EU in 2015.

<http://www.equineteurope.org/Discrimination-in-the-EU-in-2015>

2. What do you think was the most common field of discrimination experienced by LGBT people across the EU?

- A. Working life
- B. Within the field of education
- C. Service in a café, bar or restaurant
- D. Looking for a house or apartment

ANSWER: A

According to the Fundamental Rights Agency LGBT 2013 survey, 19% of LGBT respondents felt personally discriminated against in the last 12 months at work.

Background info: 18% felt discriminated by school or university personnel and 18% at a café, bar, nightclub or restaurant; and 13% when looking for a house or apartment to rent or buy.

Fundamental Rights Agency (FRA) LGBT survey.

<http://fra.europa.eu/en/publication/2013/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-transgender-survey-results>

3. How do you think respondents in a Kosovo survey said that their family and friends reacted when they came out to them as being LGBT?

- A. 60% positively
- B. 15% positively
- C. 100% positively
- D. 30% positively

ANSWER: A

Kosovo Youth Initiative for Human Rights report from 2013: Within their immediate environment, LGBT people were mainly (60%) encouraged to live their lives and that the close family members or friends would provide the support necessary to face the challenges of being LGBT in Kosovo today.

Background info: The respondents told a very limited number of close friends and family about being LGBT. A predominant part of the respondents are “out” to their friends (33%), by comparison only 16% have come out to their parents and 20% to siblings. Not all close persons reacted positively, as about 15% of the respondents report been ostracized by their family or friends.

Youth Initiative for Human Rights – Kosovo report 2013: Freedom and Protection for LGBT in Kosovo.

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&cad=rja&uact=8&ved=0CDEQFjAAahUKEwiX2qWsz9XIAhVCBywKHeX2BWQ&url=http%3A%2F%2Fc1940652.r52.cf0.rackcdn.com%2F55b0b52aff2a7c5a9f00001e%2FFreedom-and-Protection-for-LGBT-in-Kosovo-2.pdf&usg=AFQjCNG3Jg8kgdM39_RDNhTW3yJTft1Q8Q&sig2=HQc-hatX8Bi9-1JZms2z6Q

DEFINITIONS ROUND

A bell or buzzer or other way to signal that the team has the answer is needed for this round.

Quizmaster reads out the definitions; first team to press the buzzer with the correct answer gets a point. If the answer is not correct, the next team pressing the buzzer can provide their answer.

4. What is this definition referring to: “a person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender”

ANSWER: Sexual orientation

5. What is this definition describing: “a person’s private sense of being a man, woman or other individually defined gender, whether or not that corresponds to the sex assigned at birth.”

ANSWER: Gender Identity

6. What is this term describing: “an umbrella term to denote a number of different variations in a person’s bodily characteristics that do not match strict medical definitions of male or female. These characteristics may be chromosomal, hormonal and/or anatomical and may be present to differing degrees”

ANSWER: Intersex

7. What is the term for what is being described here: “the process whereby a person’s physical sexual characteristics are changed by means of medical procedures such as surgery or hormone treatment.”

ANSWER: Sex reassignment

8. Does the sexual orientation ground in the law on the Protection from Discrimination include the grounds of heterosexuality?

ANSWER: YES

GROUNDS OF DISCRIMINATION ROUND

9. *Quizmaster says the following and then starts the clock to measure 30 seconds: “Write down on flip chart as many of the discrimination grounds listed in Article 1 of the Kosovo Law on The Protection from Discrimination as you can in 30 seconds. There is one point for each correct ground. Time starts now.....”*

ANSWER: Nationality, any community, social origin, race, ethnicity, colour, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other grounds.

Quizmaster asks - are the following examples of discrimination? The quizmaster gives one point for a correct answer. If the team with the right answer can give a clear explanation of the law, the quizmaster can give 2 points.

10. It is unlawful discrimination for an employer who employs only one person to fire her when she becomes pregnant?

ANSWER: YES

BACKGROUND INFO:

The Kosovo Law on the Protection from Discrimination also covers discrimination based on pregnancy, Article 1. Under Article 2.1.3 conditions of employment including discharge or termination of the contract are covered. It is unlawful discrimination to fire a woman because she is pregnant. The prohibition of discrimination concerns also a natural person who employs only one employee. The scope of the law is general in nature, and it concerns also private employers without any limitation as to the size of the employer.

11. It is unlawful discrimination not to rent a meeting space to a NGO because they represent a minority group?

ANSWER: YES

BACKGROUND INFO:

The Kosovo Law on the Protection from Discrimination covers all types of minority groups. If the discrimination ground is not mentioned in Article 1, there is also “any other ground”. Under Article 2.1, the scope of the law covers acts of all state and local institutions and both natural and legal persons in the public and private sector, so discrimination by all possible actors that rent meeting spaces is forbidden. Also, the prohibition of discrimination is not limited to the protection of natural persons, but it also protects legal entities. This means that an NGO is also protected from discrimination. Finally, the scope of the law is general in nature, and it concerns access to all forms of property. So renting a meeting place is included in the scope of the law under Article 2.1.10.

12. It is unlawful discrimination for a teacher to refuse to use the chosen name of a trans student and to belittle him in front of the class?

ANSWER: YES

BACKGROUND INFO:

the Kosovo Law on the Protection from Discrimination covers education (A2.1.8) and it includes the concept of direct discrimination (less favourable treatment) and harassment (Articles 4.1.1.1. and 4.1.1.3) on the grounds of gender identity. The school authority would be liable (as well as the teacher) as an action carried out by a person during employment is treated as being committed by the employer unless the employer has taken reasonable and practical steps to prevent the employee from taking the action in question (Article 15).

13. It is unlawful discrimination to employ a gay man where the essential nature of a job requires it be carried out by a gay man? For example, an organization such as a health promotion agency wants to promote safe sex practices among gay men; it is particularly interested in men who never attend the health clinic or regular doctor's appointments. The organization wants to employ a health counsellor who will do outreach work in the community with gay men, targeting those most at risk of contracting HIV AIDs and to provide them with advice on safe sex practices. They decide to employ a gay male health counsellor. Do you think this is unlawful?

ANSWER: NO (provided it can be justified)

BACKGROUND INFO:

Article 6 of the Kosovo Law on the Protection from Discrimination permits some justifiable differences of treatment. It says that a difference of treatment which is based on the Article 1 grounds is not discrimination provided it "represents real and determinant characteristic upon employment, either because of the nature of professional activities or of the context in which such professional works are conducted, if that provision, criterion or practice is justified by a legitimate purpose and there is a reasonable relationship of proportionality between the means employed and the targeted aim." So if there is legitimate aim (i.e. promoting the health of gay men) and the means are proportionate (argument may be that gay men are less like to work closely on intimate issues with straight male/female health counselors; that trust is essential and could only be achieved between a gay worker and gay patients; and that access to gay men's bars and clubs is more easily accessible to a gay man etc.) and that the employment of a gay male health counselor is important in actually reaching the target group and achieving the aim of promoting safe sex practices, then it may be permissible.

14. Is it unlawful discrimination to use a series of educational tests to establish the intelligence and suitability of pupils in order to place them in either mainstream education or in special schools for children with learning difficulties, when these tests fail to take into account the ethnic, linguistic or cultural distinctions experienced by particular groups of children?

ANSWER: YES, (provided it cannot be justified)

BACKGROUND INFO:

Article 4.1.2 of the Kosovo Law on the Protection from Discrimination prohibits indirect discrimination. Indirect discrimination occurs when "a provision, criterion or impartial practice in appearance, has or will put the person in an unequal position compared with others...[based on one or more of the Article 1 grounds]

unless the provision, criterion or practice can be objectively justified by a legitimate purpose and the means of achieving that purpose are appropriate and necessary.” In this example (based on *DH v the Czech Republic*, November 2007) the Strasbourg Court found that the same test was applied to all children but that Roma children in particular were inherently disadvantaged by the questions as the questions were based on mainstream Czech life and did not take Roma specificities into account. In practice the questions resulted in the Roma children performing badly, which meant that between 50% and 90% of Roma children were educated in special schools.

TYPES OF UNEQUAL TREATMENT ROUND

15. *The quizmaster introduces this round and says:*

“In 30 seconds, write down as many types of unequal treatment named in Article 4 of the Kosovo Law on the Protection from Discrimination as you can. For example, direct discrimination is one type, segregation is another type; see how many of the others you can name:”

ANSWER: 10 types in total, 1 point for each correct type/maximum 8 points:

Direct, indirect, harassment, incitement to discrimination, victimization, segregation, discrimination based on association, failure of a reasonable adaptation/accommodation for persons with disabilities, discrimination based on perception and multiple discrimination.

TEAM QUESTION ROUND

The quizmaster introduces this round and explains that there is 1 question per team; to avoid allegations of bias, the teams can choose which ever question they want. Who would like question 16A? 16B? 16C? or 16D?

The quizmaster says: “In this round you have an option to ask for help; you can ask for help if you think you are not sure of the answer. If you chose the help option, you can score up to a maximum of 2 points; if you do not chose the help option you can score 4 points if you are correct.

- *There are 2 help options: if you chose 50:50, 2 answers will be eliminated and you will be left with 1 correct answer and 1 incorrect answer*
- *The second help option is to ask the members of the other teams for their opinion on the correct answer by raising their hands.”*

16A. Which one of the following is not a task of the Ombudsperson:

- A. give opinions and recommendations on concrete cases of discrimination.
- B. provide assistance to victims.
- C. investigate or act on any claim of suspected discrimination by private entities.
- D. take measures to promote equality.

CORRECT ANSWER: C

BACKGROUND INFO:

The Ombudsperson can investigate or act on any claim of suspected discrimination by public entities. The Ombudsperson has also got tasks related to suspected discrimination by private entities, e.g. give opinions and recommendations and provide assistance to victims.

16B. Which one of the following is not named in the Kosovo Law as having a role in the implementation of the discrimination legislation?

- A. Ombudsperson.
- B. The Court of Justice of the European Union.
- C. The Office of Good Governance.
- D. The national courts.

CORRECT ANSWER: B

16C. What is the time limit for submitting a complaint of discrimination to the court?

- A. 2 years from the violation.
- B. 3 years from the violation.
- C. 4 years from when the victim became aware of the violation.
- D. 5 years from when the victim became aware of the violation.

CORRECT ANSWER: D

16D. Which of the following factors is the employer not permitted to take into account in refusing to provide reasonable accommodation for disabled people?

- A. Cost-effectiveness.
- B. The amount of resources available to employer.
- C. The impact on the employer's work or provision of services.
- D. The attitudes of other employees.

CORRECT ANSWER: D

GRANDE FINALE

17. *The quizmaster introduces this round and says:*

“Write down on the flip chart as many things that you have learned during the training project as you can in 30 seconds. You will get 1 point for each answer.”

PART C

Train normallydifferent –
training activities

n

normallydifferent

Introductory Phase - Phase of Evocation

First Impression

Objectives

- Ice breaker.
- Revealing (uncensored) first thoughts, associations and prejudices based on the first impression / contact.
- Initiating discussion about prejudices.

Material / Setting

- Flipchart, marker.
- Circle of chairs.

Procedure

The activity only works when two trainers are conducting the training and (at least) one is not familiar with the group. While one is opening the training and introducing him/herself the other one is keeping in the background. Tell the participants that you will start with the first activity and that your co-trainer is part of an “experiment”. The participants might already have wondered why the co-trainer is keeping quiet, therefore, explain that s/he is part of the following activity. Invite the participants to tell you their first impression – first thoughts, associations, images – that have come to their mind meeting/observing your co-trainer. Take notes at the flipchart and keep asking:

- What's her/his name?
- How old is s/he?
- Where does s/he live?
- What's her profession?
- What's her educational background?
- How many languages does s/he speak?
- What about her/his relationship status?
- What's her/his favourite
- dish/hobby/musician/celebrity/movie/pet/politician...?

After a while, let the co-trainer introduce her/himself referring to the findings on the flipchart.

Discussion

If you like, start a discussion about prejudices, afterwards:

- Do we all have prejudices?
- What are characteristics of prejudices? Any examples?
- Are there only negative prejudices?
- Do we all have prejudices? Why? What's useful about prejudices?
- How do we learn them?

Introductory Phase - Phase of Evocation

Name Game

Source: Ulrich (2000), "Achtung (+) Toleranz. Wege demokratischer Konfliktregelung", Gütersloh, Verlag Bertelsmann Stiftung.

Objectives

- Ice breaker;
- Getting to know each other (on a more personal level);
- A name is one of our first identity markers (that defines us in a binary system of being either male or female);
- Name defines gender identity. (The sex assigned by birth is often expressed by a female/male associated name / your name defines your gender identity probably long before you are able to personally choose your own way of expressing your gender);
- A name is part of one's identity that is defined by others and only (rarely) chosen by yourself in certain circumstances;
- Names often carry on family traditions or reveal cultural rules/background;
- Names can be associated with gender, age or ethnic/religious background and trigger discrimination.

Material / Setting

- "Name cards" (self-adhesive labels, piece of paper folded).
- Circle of chairs.

Procedure

Ask the participants to tell "a story of their name". They can choose if they want to tell something about the whole name or only one fragment (e.g. last name, nick name). They can think of:

- Who has chosen the name? Where does the name originate from?
- Do you like it or not (why)? Is it the birth name or not?
- Do you know about the name's notion and does that somehow refer to your personality?
- What would have been your name if you were born as the opposite sex?
- Did you ever change (part of) your name?
- Any funny/annoying/...stories that happened to you because of your name?

Hint: How to increase the quality of the name stories?

- Prepare a flipchart noting some key questions the participants can think about.
- Or, give them some time to write down their name story before they share them with the group.

Discussion

- Any ideas or associations how this activity refers to the topic(s) of the training?
- What might be the objective of this activity?
- Does a name tell something about the society we are living in?
- Does the name tell us something about someone's (gender) identity?
- Can a name be the source of discrimination?

Background Information

Legal Gender Recognition:

Source: "TGEU-Toolkit:

Legal Gender Recognition in Europe" (Köhler / Recher / Ehrt 2013):

http://tgeu.org/Toolkit_Legal_Gender_Recognition_in_Europe

PDF: http://www.tgeu.org/sites/default/files/Toolkit_web.pdf

"Identification documents reflecting your genuine self are elementary for everyone. Without a set of matching documents such as a passport, ID-card, social security number or bank card, basic transactions and participation in society become very difficult. For many transgender persons, the gendered information in these documents, including as name, gender marker or a gendered digital code, is a constant source of discomfort and trouble. Whenever having to show ID, presenting these documents means having to come out as transgender, even in very inappropriate situations, which can spark humiliation, discrimination and violence."

"This publication aims to support trans rights activists and those working professionally on gender recognition procedures in order to advance the human rights of trans people. The toolkit discusses the current jurisprudence at the European level and the applicable human rights standards."

Introductory Phase - Phase of Evocation

Setting Ground Rules

Objectives

- Setting the tone / the framework for a sensitive and respectful interaction with one another.
- Create an atmosphere of openness, respect, and safety.
- Participants develop personal responsibility for their way of interacting with one another.
- Shifting the responsibility from the trainers to the participants for an interaction in respect.

Material / Setting

- Flipchart, marker.
- Circle of chairs.

Procedure

Whenever you hope to facilitate conversations, a vital first step is the development of guidelines for participation. These guidelines, often referred to as "ground rules", should provide the participants with a framework to ensure open, respectful dialogue and maximum participation.

The ideal method to create ground rules is to list those rules you commonly use, then, ask for additional ground rules from the participants that ensure a respectful and safe interaction. When somebody proposes a ground rule, ask the other participants if they agree to it. If most do, add it to the list.

Ask the participants to think about what they, as individuals, need to ensure a safe environment to discuss difficult and controversial issues. If the participants are having difficulty coming up with ground rules, or if they do not come up with a particular ground rule you feel is important to the success of your facilitation, try to prompt them toward it. If they still do not mention it, you can add it to the list.

Hints: From brain research we have learned that it is best to phrase rules in a positive language avoiding negations. Whenever a negatively formulated rule is proposed, ask the participants to re-formulate it into a positive appeal. Instead of: "Don't interrupt others" re-phrase: "Listen while others talk", and "Try to speak concisely".

Examples of widely used ground rules

- Listen actively -- respect others when they are talking.
- Speak from your own experience instead of generalizing ("I" instead of "they," "we," and "you").
- Do not be afraid to respectfully challenge one another by asking questions, but refrain from personal attacks - focus on ideas.
- Participate to the fullest of your ability.
- Instead of invalidating somebody else's story with your own spin on her or his experience, share your own story and experience.
- The goal is not to agree - it is to gain a deeper understanding.

Source: <http://www.edchange.org/multicultural/activities/groundrules.html>

Introductory Phase

Icebreaker: Riddle

Hint:

Icebreakers are activities that are undertaken at the beginning of a training to help participants feel at ease. When a trainer first walks into a group, participants may not react favourably. By 'warming up' the group with enjoyable icebreakers, trainers help participants relax, be more responsive, and participate more positively. Icebreakers are also essential for helping participants get to know each other and for relieving the initial tension that is to be expected among a new group of people. Subsequently, it is recommended to begin with an icebreaker before/after an intensive training sessions (i.e., lecture on legal key concepts) to 'recharge' the group's energy, if the energy seems to be low.

Source: <http://www.fhi360.org/sites/default/files/media/documents/Youth%20Peer%20Education%20Toolkit%20-%20The%20Training%20of%20Trainers%20Manual.pdf>

Objectives

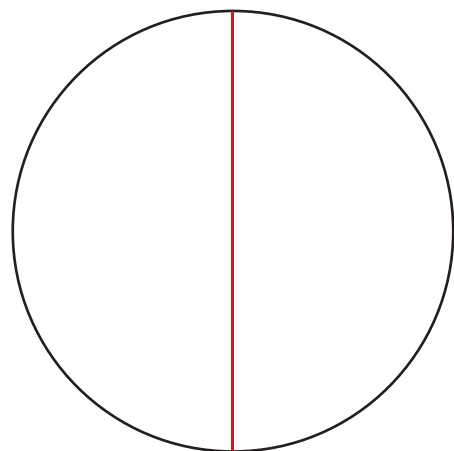
- Warm up and help participants to focus (especially after a break).
- Don't get lost in complication.
- Try to come back to a simple way of thinking.

Material / Setting

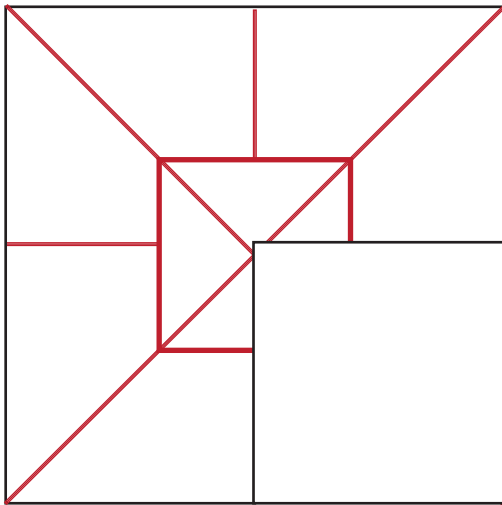
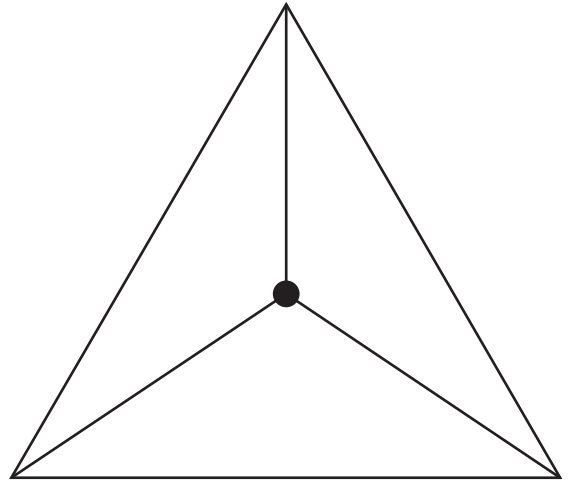
- Flip-chart
- Markers

Procedure

Tell the participants that you have prepared several riddles that are getting more and more complicated. Draw the first geometrical figure – a circle – on a flip-chart and ask the participants to divide the circle into two equal parts. Give them a little time and then ask someone to draw the solution on the chart (so everybody can see it).

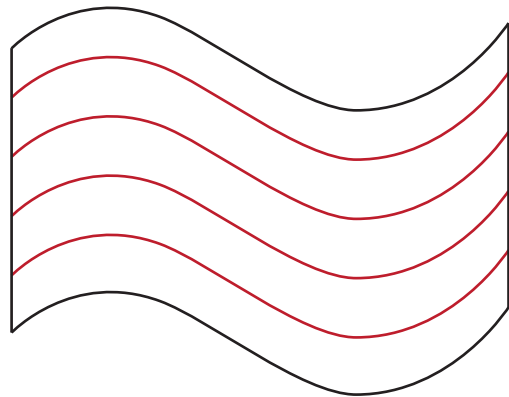


Go on and draw another geometrical figure on the flip-chart – an equilateral triangle. This time they should divide the equilateral triangle into 3 equal parts.



The third figure has to be divided into 4 equal parts. This time it will take some time until the riddle gets solved. Maybe you have to show them the solution. As you mentioned in the beginning every riddle gets more complicated.

The last figure should be divided into five equal parts. Though, it looks tricky at first glimpse, the solution is quite simple.



Discussion:

- What's the activity about?
- How is the activity connected with your professional work?
- What do we learn from this activity?

Introductory Phase - Phase of Evocation

Concentric Circles

Objectives

- Ice breaker;
- Getting in touch with each other;
- Getting familiar with particular topics;
- Showing the complexity (multi-layered) of certain topics;
- Revealing (uncensored) first thoughts and associations on certain topics;
- Revealing (uncertainties due to) one's point of view.

Material / Setting

- List of topics.
- The participants form 2 circles – one (inner) circle and one outer circle; the inner circle facing the opposite (outer) circle being able to talk/listen to each other in pairs.

Procedure

Ask the participants to count alternately 1,2,1,2...and use this to form two circles - one (inner) circle facing the opposite (outer) circle being able to talk/listen to each other in pairs.

Read out loud one statement (optional ones listed below) and ask the inner circle to talk one minute associatively to the topic mentioned. Instruct the outer circle to listen actively (no talking back!). When the minute has passed give them a clear signal to stop.

For the next round always ask the circle that did the talking to move one position to the left. With the new formation of pairs the two circles exchange their tasks. The talkers are now listeners and vice versa. Repeat this for an even number of rounds (4-6 times).

If the number of participants is uneven, the co-trainer can take part in the activity or one person voluntarily stays in the very centre of the inner circle listening to the babel of voices (exchange the person before starting a next round).

Discussion

- Was it easier to talk or to listen? Why?
- Does it make any differences to whom I talk / in what setting I talk about a certain topic?
- Did you experience any hesitation, limitation or irritation (you want to share with the group)?
- What does the activity reveal? What is the clue? What do we learn from that activity?

List of topics



- When I think of family, I imagine...
- What it means to me to be a man OR a woman...
- “Being normal” in Kosovo, means...
- When I hear about exclusion, I think of...
- Thinking of honour my first association is...
- When I think of tradition, I associate...
- When I hear about equality, I think of...
- Kosovo in 20 years...

Phase of Evocation

Visual Biography

Objectives

- Analysing and questioning prejudices;
- Reflecting prejudices (instead of denying them);
- Discuss how to overcome bias by being aware of it.

Material / Setting

- Set of pictures (see below)
- Working sheet (see below)

Procedure

First, let the participants form small working groups (ideally 4: each working group gets a different picture). Hand each group a working sheet and one of the 4 pictures. Ask them to think up a biography for the person on the picture and fill in the working sheet.

Second, let each group present their results in the plenary. Pin the picture to the wall.

Third, invite the participants to eye the pictures once more.

Ask them if, by comparing the pictures, something strikes them? Give them enough time to come up with their ideas.

After a while, ask them how many persons are depicted? Let them guess. If you want and the group cannot agree on one opinion, let them vote by showing hands. Ask them to raise their hands, if they think 4, 3, 2 or 1 different person(s) are (is) depicted.

Reveal the truth:

Two pictures always show the same person after 15 minutes of re-styling/-dressing.

The participants might be astonished about the different biographies made up for the same person.

Discuss

- What is the activity all about?
- On what features prejudices are most commonly build on? (Clothes, hairstyle, status symbols and body language)
- How do prejudices influence our daily work?
- When are prejudices useful?
- How to overcome bias? (By being aware of it!)

Objectives

Continue the activity by showing the phases of prejudice developing on a flip-chart.

Visualize how prejudices evolve and establish themselves

Phase 1: Learning



*Example: "As a boy my aunt told me:
These people are like that...!"*

Prejudice is learned through living in and observing a society where prejudices exist. Children are not immune to forming prejudicial stereotypes; they begin developing attitudes about various groups in society as early as at the age of three or four. Initially, such attitudes or preconceived ideas about people as being different due to race, religion, culture, gender, disabilities, appearance, language, sexual orientation, or social status, are quite flexible. However, as children grow older it becomes more difficult to change such attitudes. All pre-judgmental attitudes are influenced by what people around think, do, and say.

Phase 2: Selective Perception



Example: "Indeed, those people are like that..."

Selective perception means the process of noticing only those facts that meet someone's stereotypes. We as human beings tend to perceive things according to our beliefs more than to actual reality.

Phase 3: Generalisation



Example: "After several encounters I got the evidence: my aunt was right!"

The world can be a confusing place, and one way to make sense of this chaos is to put things in boxes and categorise what we see. We make generalisations about objects as well as about people so we know how to react and interact with it or them. Thereby, we tend to pigeonhole someone or a particular group of people into a general conclusion that has no sound basis in reality.

Phase 4: Self-Fulfilling Prophecy



Example: "I already know what to expect...as my aunt told me, all those people are like that! So, I know how to prepare for meeting them."

With my behaviour based on my prejudiced perception of others I provoke people to live up to my expectations about them. For example, expecting someone to be unfriendly or hostile will undermine the development of positive interaction with the person due to my defensive or guarded behaviour.

Discussion

- How does that affect our work as police officers?
- What can we do to avoid this vicious circle to cloud our perception of reality?

Visual Biography

WORKING SHEET

How would you describe/judge this person?

First & Family Name:

Age:

Gender:

Sexual Orientation:

Religious affiliation:

Family status:

Educational background:

Profession:

Preferred leisure activities:

Political attitude –“Imagine the national elections take place tomorrow, what party will the person vote for?”

How could a “typical day” in his/her life look like?

His/her aims and wishes for the future?

Is s/he happy?



Photo: Johannes Zinner



Photo: Johannes Zinner

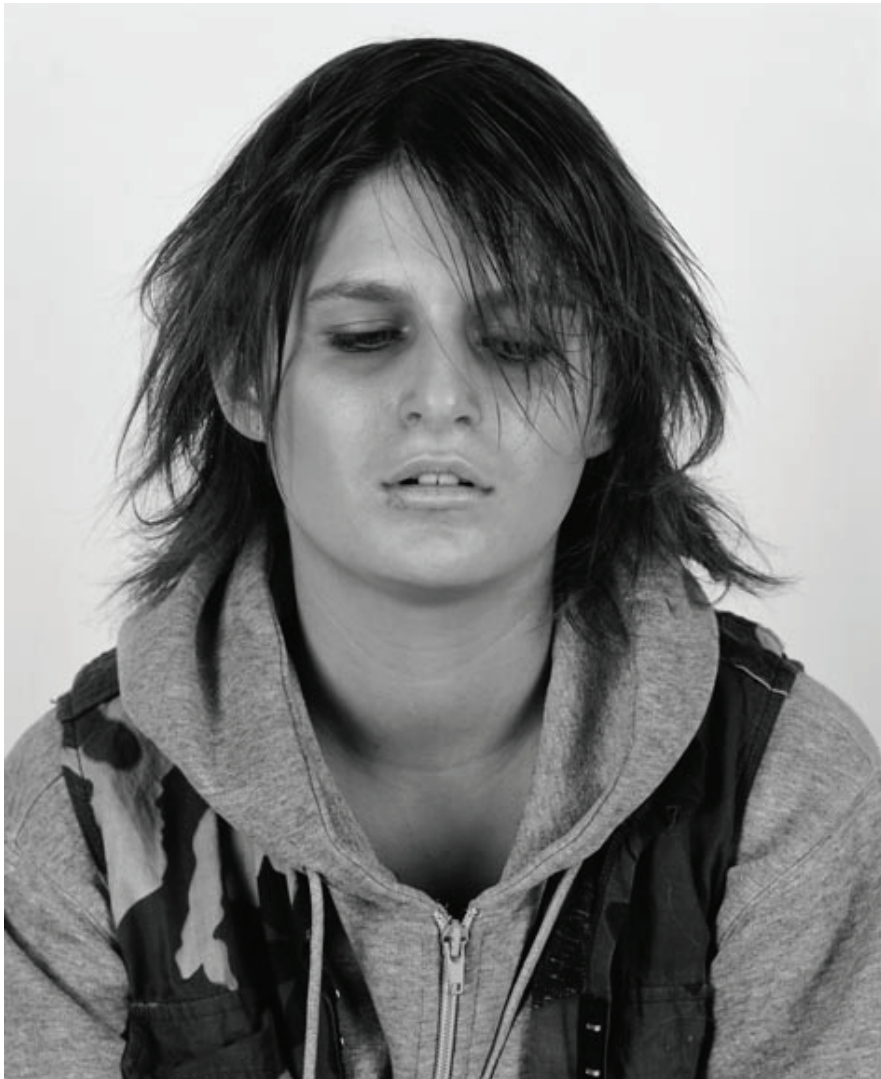


Photo: Thomas Topf



Photo: Thomas Topf



Photos: Johannes Zinner

Phase of Evocation

Barometer of Opinions

Objectives

- Reflecting own opinions;
- Taking position;
- Addressing a controversy without aiming a consensus;
- Showing different perspectives and opinions on a certain topic;
- Training on listening;

Material / Setting

- Tape;
- 2 pieces of paper (marking, i.e., the “yes”- and “no”-positions);
- List of statements (see below)

Procedure

Take care providing enough space for the participants to get across the length of the room. Alternatively, use (i.e.) the hallway. Fix a line of tape on the floor and put a piece of paper on each (opposite) end, one marking “yes” (or “I agree”) and one “no” (or “I don’t agree”). Tell the participants that you are going to read out several statements. They have to (physically) take position on the tape (or “barometer of opinions”) according their opinions. If they absolutely agree, they may take position on the very end of the barometer marked by the “yes”-sign (or showing “I agree”). If they don’t agree, they position themselves on the opposite end of the barometer or use the space between to nuance their opinion. The participants can use the whole space between the two opposite positions to physically express their opinion and make it visible to everyone in the room.

Don’t forget to add:

- There won’t be any further information available and there is no “right” or “wrong” opinion or “solution” presented at the end of the activity.
- Ask them not to speak as they are taking their positions. Once in place, invite them to note where they are in relation to each other.
- Whenever someone feels the urge to change position, while listening, let him or her do so.

After all have taken position, ask some of them to explain their position. Ask all of them to listen carefully to each other’s perspectives, but stop any attempt of a discussion, attacks or aims of creating a consensus. Before reading out the next statement ask them to move around.

Variation I

Ask the participants to take position – only physically without allowing any talking at all. Don't rush and let the participants find their physical position according to the statement and give them some time noticing their relation to each other.

Reflect the results afterwards in the plenary.

Variation II

The “barometer of opinions” can be easily used to reflect a complex concept like “violence”. Instead of “yes” or “no”- signs bring signs of 0% and 100% into play. Before taking position according to the read out situation (see below “Barometer of Violence – Statements”) tell the participants their task is to consider each time:

- “Is the statement/situation about violence?”
- “How much violence is involved?”
- “If yes: in terms of percentage – how violent is the situation?”

Discussion

- How did it feel when you were standing with a number of others?
- How did it feel if you were by yourself or with just a few others?
- What do you think influences our assessment?
- How did it feel to be asked to express one's opinion?
- How did it feel don't to be allowed to explain his/her opinion?
- Did you learn something or gained any new knowledge?



“Barometer of opinion”-Statements

- Through hard work everybody can become rich in Kosovo.
- My generation is more likely to respect different ways of living than the generation of my parents.
- Bi-national or -ethnic marriages are problematic.
- I don't care working within a team as the only member of my ethnic group.
- I wouldn't care being friend of a gay, lesbian or bisexual person.
- In our society men do have much more privileges than women.
- I wouldn't care if my child was gay, lesbian or bisexual.
- I am prejudiced. / I am non-biased.
- Tolerating same-sex relationships is a threat of Kosovo society.



“Barometer of Violence”-Statements (Variation II)

- A football fan insults a fan of the other club.
- A mother gives a pat to her child's butt.
- A father pulls his child from a busy traffic road and hurts him.
- On facebook a friend of yours spreads lies about you.
- Colleagues because of his feminine attitude tease an employee.
- A girl gets bullied because she plays football and her look is too “boyish”.
- Three men stalk a woman on her way home.
- A man tries to convince his girlfriend to sleep with him although she has already said “no”.
- Family forces their daughter to keep quiet about her feeling attracted to girls.
- A politician states that it's most of the time women's own fault that they get raped.
- On the school's toilette some graffiti state: “Hate fags”.
- Others attack a black student. Those who witness the situation don't intervene.
- A teacher doesn't intervene when a student is called “fag” whenever he leaves the classroom and everybody starts laughing.
- A homeless woman froze to death in a nearby park.
- A child in South Africa dies from AIDS.
- Toxic waste is shipped from Europe to Africa.
- A teacher gives bad marks.

Phase of Evocation

Island of Albatros

Source: Ulrich (2000), "Achtung (+) Toleranz. Wege demokratischer Konfliktregelung", Gütersloh, Verlag Bertelsmann Stiftung.

Objectives

- While sex refers to the biologically determined differences between women and men (that are universal) the activity shows that gender refers to the social differences between women and men that are learned over time and have wide variations (both within and between cultures);*)
- Gender is defined/influenced by society;
- Realizing that each one has his/her own cultural background which influences the way gender and gender roles are constructed and expressed in (different) societies;
- Gender roles are culturally "made" not naturally given. What is hierarchically superior is socially constructed;
- Gender roles in a society complement and limit each other. The non-equality limits the freedom of both genders;
- When gender is culturally "made", it can be changed as well;
- Reflecting on who (men or/and women) should be the ones to stand up for equality;
- Discussing the effect of self-empowerment and the impact of allies on attaining equality between men and women;
- In the gender binary system, where strict and tight gender-related expectations for men and women exist, people in between or outside this "binary box" are easily marked as "abnormal". There is a constant pressure or fear of stepping outside the "appropriate" gender construction;
- Studies on homophobia show that the stricter the gender binary system is the more widespread homophobic attitudes are. LGB people are breaking the mould and stepping out of a strict gender role in different ways, from gender expression (not looking like "typical" men and women) to not subscribing to the traditional notions of dating (dating persons from the opposite sex);
- Homophobic attitudes/acts try to keep up the binary system, and try to reinforce a traditional picture of manhood.

Example: While only women can give birth (biologically determined), biology does not determine who will raise the children (gendered behaviour).

Material / Setting

- Bowl with peanuts, chair, flipchart, marker.
- Semi circle of chairs, one chair situated in the middle of the room.

Procedure

The activity starts with a role-play performed by the trainers (if possible - a male and a female trainer or inform the group who will be a woman and who will be acting a man).

Participants are seated in a semi circle on their chairs. Put one empty chair in the middle of the room. Ask the participants to imagine that they are invited on a study trip on the "Island of Albatross" and that they come into first contact with the inhabitants - played by the trainers. They will witness a traditional ritual to welcome newly arrived guests on the island. Tell them to observe every detail, as they have to report afterwards to their scientific board.

First step (roles played by the trainers)

The trainers (a man and a woman) enter the room humming monotonously. The woman follows the man with some distance carrying a bowl of peanuts, which she places under the chair situated in the middle of the room. The woman walks barefoot while the man wears shoes. Then, the attention shifts to the participants and both try to grab the participants' feet taking care of their soles of the feet entirely touching the ground. (To be connected with the goddess mother earth.) The man only touches the male participants while the woman touches persons of both sexes. (Both are smiling and humming while touching the participants' feet.)

After a while the man takes a seat on the empty chair in the middle of the room. The woman kneels on the floor next to the man's chair. She takes the bowl of peanuts and offers them to him. He starts to eat some of them, smacking noisily. Then he offers the bowl to the woman who starts to eat some of the nuts. Following the meal the man puts his hand into the woman's neck and she bends/bows to the floor touching it with her forehead for three times. After some seconds they both get up and nod at all the participants as to greet them in a friendly way and leave the room again.

Second step (plenary discussion)

Start the discussion. Firstly, ask what the participants have observed by only (!) describing the scenes (not judging).

- Describe what you have seen...but no interpretation!

Secondly, open the floor to all the ideas the participants have about the way lives of men and women are organised on the Island of Albatross.

- What can you tell about the culture of Island Albatross?
- What does the ritual tell us about gender and gender roles on the Island of Albatross? Who is in power?
- How is the (daily) life of a woman or a man on this island structured?
- Would you like to live there?
- Do you think the ritual reveals a discriminatory system?
- Do you think the gender roles of Island of Albatross should be challenged?
- Who (women and/or men) should address the inequality between women and men?

Third step (Revealing the “true story”)

The people living on Albatross are very peaceful and satisfied.

The most important goddess is mother earth, which is highly honoured. Contact to earth is considered a privilege, so one form of expressing appreciation to visitors is to take care that they have as much contact to earth as possible to make sure they can assume as much energy by earth as possible. Women are the privileged sex on Albatross Island as they are the ones who can give birth, which is a quality they share with mother earth.

- Men have to walk always some steps before women as to beware them of any kind of danger (especially snakes).
- Men have to taste all food before women start to eat it.
- Women are privileged to sit on the floor and be nearer to mother earth whilst men have to be seated on chairs.
- It is only by a ritual men are allowed to have more intensive contact to earth. By touching a woman's neck while she is touching earth with her forehead they can participate in the cosmic energy the woman is assuming. This ritual is a special honour a woman can grant a man.
- Apart from this ritual, men are not allowed to touch women without their allowance.

Fourth step (final discussion)

Bearing in mind the “real” situation of women and men on the Island of Albatross start a final discussion:

- Why do you think the interaction between man and woman was misunderstood?
- How was your perception led by your own cultural experience?
- How was your perception influenced by your own convictions and beliefs like being an emancipated woman?
- Have you already made similar experiences (difference between perception and reality) in your everyday life?
- Do you still want to/not want to live on the Island of Albatross?
- Imagine not visiting but living on Albatross what would you like to change?
- Do you think the gender roles of Island of Albatross should be challenged?
- Who (women and/or men) should address the inequality between women and men?
- How can you attain equality between women and men?

Phase of Evocation

Guess who is straight?

Source: Åkesson (2009), "Break the norm! Methods for studying norms in general and the heteronorm in particular", The Living History Forum / RFSL Ungdom.

Pdf-download:

<http://www.includegender.org/wp-content/uploads/2014/02/BreakTheNorm.pdf>

Objectives

- Revealing what is considered feminine/masculine in society;
- Showing that there are different attributes for men and women;
- Showing how gender expression – what is perceived as female/male – is differently framed in societies;
- Revealing norms on acceptable female/male appearance in society;
- Discussing how the different attributes for men and women affect the (daily) lives of women and men;
- Introducing the concept of heteronormativity;
- Explaining that the heteronorm describes the way society perceives manly men and feminine women;
- Discussing consequences for those breaking that norm.

Material / Setting

Copies of pictures showing a diversity of men and women.

Hint: Download pictures from "Break the norm!"-pdf, see:

<http://www.includegender.org/wp-content/uploads/2014/02/BreakTheNorm.pdf> and print p. 18-31.

Procedure

Tell the participants that the purpose of this activity is to bring our own and society's notions and "rules" regarding heterosexuality into the light. Those who break these rules – homosexuals for example – are normally the objects of focus. But this training will take a different approach: we will question the heteronorm, a norm that many usually take for granted.

Ask yourself: what is it that leads you to think someone is straight? Mostly it seems to be more difficult to describe "the norm" instead of what is perceived as "deviant".

Spread the pictures out on the floor in plain view of all. Invite each participant to select one picture (the pictures should be marked with numbers) of a person that looks straight.

If the group is not too big you can continue by talking about each selected picture and allow the person who selected it to explain his/her reasons for choosing it. Summarize how the pictures were selected and list the words on the board – for example, “macho”, “manly”, “make up”, “girlie”, etc. Otherwise you can let them vote: “Which (1-3) picture(s) was/were chosen most frequently depicting obviously a straight person?” Again summarize the reasons for their choice. What aspects let us categorize someone as “straight”?

Discussion

- What comes to your mind when reading the words in the “feminine/masculine frame”?
- What is considered feminine/masculine in our society?
- What represents acceptable female/male behaviour and appearance in our society?
- How do the different attributes for men and women affect the (daily) lives of women and men?
- The heteronorm describes the way society perceives manly men and feminine women. According to the attributes of the two frames, do you feel a pressure of living up to those standards of masculinity/femininity?
- What are the advantages of adhering to the attributes in the frames?
- What are the consequences of deviating, for example when a woman is too forward/pushy or a man is too sensitive?
- What if someone breaks these perceived norms by appearing masculine as a woman or feminine as man?
- What happens if you cannot tell a person's sex?
- How would it affect your life when the norms of what is perceived as manly men and feminine women would not be that strict anymore?

Phase of Evocation

Fragments of Identity

Objectives

- Reflection on the fact that identity can be perceived/described by group affiliation;
- Reflecting that only some parts of one's identity are chosen freely, while others are not;
- Recognising the diversity of one's own identity;
- Discussing prejudices and stereotypes towards certain groups. (Discussion on effects und function of prejudices/stereotypes);
- Making visible that others'/society's reaction to some fragments of one's identity (might) differ from others; people/society defines the value of certain attributes of one's identity; That can be of advantage or disadvantage for a person or a group of people;
- Sparking discussions about society's way of dealing with "others" and how these discussions nourish inequality;
- Discussing the social dynamics of judging someone explicitly because of his/her (real or assumed) affiliation to a certain group;
- Special emphasis can be drawn to the fact that we tend to forget about groups that seem obvious to most people of the group (white skin, male gender, national origin or language of majority);
- Initiating a discussion on the "norm figure" (see "The normallydifferent training approach").

Material / Setting

- Working sheet "Fragments of Identity" (see below), pens.
- Circle of chairs.

Procedure

Step one (individual work)

Hand out the working sheets. Firstly, ask the participants to personalize their working sheet by writing their own name into the middle of the five fields depicted on the working sheet.

Secondly, invite them to put the name of a group, he or she is belonging to or feels affiliated to, into each field. Tell them to fill in as spontaneously as possible. The results should be understood as a temporarily "snapshot".

The choice of groups you feel connected with for today can change tomorrow or in different settings with different people. If the participants ask for examples (what is meant with "group"...?) you can refer to profession, nationality, religion, hobby groups, and so on.

Be careful with too many examples because they can influence their individual findings. Make clear that it is not about personal character traits or general adjectives describing your personality. When most of the participants have finished the task ask them to mark (e.g. underline) the group that is most important to them at the very moment.

Step two (working groups)

Ask the participants to set up working groups of two and exchange their results and experiences for about 10 minutes.

Variation

If you want, you can end the activity here with a short debrief in the plenary. Focus on the following questions that lead to a short explanation on the link between identity fragments, prejudices, and discrimination.

- What did you experience in the course of the activity?
- Was it easy/difficult to choose your groups /identity fragments?
- When you look at your working sheet, what fragment can easily be associated with prejudices that exist in your society?
- On the basis of which fragments are you most likely to be discriminated against in your society?
- When a person is discriminated against based on one identity fragment what tends to happen to the other fragments?
- What do we learn from this activity about the link between identity and discrimination?
- What can we learn from this activity for our own (professional) life?

Step three (plenary session: “stand up”)

Explain the following procedure: You are going to read out different categories (see list below). Whenever one of the participants feels that the category might somehow relate to one group/fragment of his/her identity (look at your working sheet), he/she should stand up (without talking). Keep standing as long as you tell them to take a seat again. The only task is to look around and observe who is standing and who isn't – without commenting.

Start reading one category after the other. Always take some time before processing. While people stand ask them to keep standing even longer when the mentioned category refers to their marked (most important) group – the others are allowed to take their seat meanwhile. Only after some seconds all can sit down. Take care that everybody is seated before you start with a new category! Don't hurry! Take some time before continuing when nobody gets up.

List of categories



- | | |
|-----------------------|------------------------------------|
| — Religion | — Friends |
| — Profession | — School, University |
| — Sex, gender | — Sports |
| — Sexual orientation | — Non-profit activities |
| — Ethnicity | — Political interest / orientation |
| — Age | — Neighbourhood, Home |
| — Social status | — Language |
| — Skin colour | — Music and other fine arts |
| — Hobby, leisure time | — Food habits (e.g. vegetarian) |
| — Family | |

Ask them about additional categories, that were not mentioned so far, and continue with the same procedure with these categories.
You can adjust the categories to your own needs; the list is only an example.

Step four (plenary discussion)

- Was there something very difficult/striking about this activity?
- How did you experience to stand up all alone or with nearly the entire group?
- Did you recognise any difference?
- How did it feel like to be seated as a single person or among a group of a few?
- Did you feel uncomfortable not to be allowed to explain why you stood up?
- Did you find out something new about somebody in the group?

Attention: Be aware that this question can lead to misinterpretations and stereotyping among the participants. Make clear that standing up at “sexual orientation” doesn’t necessarily mean that the person is gay, it can also mean a man defines himself as heterosexual male, or standing up for religion or politics can also mean that the person is atheist or not interested in politics and so on.

- Are there some groups, which are more difficult to stand up for or to stay seated?
- Is there any difference if you like belonging to the group?
- How much attention should be paid towards one single fragment of identity (e.g. someone’s sexual orientation)?
- How does it feel to be only recognized for one fragment of identity?
- Why do people tend to categorize people based on one fragment of identity instead of recognizing that we are all more than the sum of it?
- Did you find out during this activity that you didn’t think about certain groups? What might be the reason for this?

FRAGMENTS OF MY IDENTITY

WORKING SHEET

Please write your name into the middle of the circle
Then write the names of groups you identify with into the five fields



Phase of Evocation

Labeling

Source: DGB-Bildungswerk Thüringen e. V. (2008), „Baustein zur nicht-rassistischen Bildungsarbeit“, see: <http://baustein.dgb-bwt.de/Inhalt/index.html>

Objectives

- Reflecting stereotypes and stereotyping;
- “Othering”: How “the others” are created by society;
- Making visible that others’/society’s reaction to some fragments of one’s identity (might) differ from others; people/society defines the value of certain attributes of one’s identity. That can be of advantage or disadvantage for a person or a group of people;
- The way people communicate with me tells me whether I am different / strange / weak /... The way people treat me reflects what society defines as “normal” and “deviant”. (Society tells me who I am – not always room for self-determination);
- Expressions of pity or offers of help – while usually perceived as “doing good” – can be humiliating or even intimidating;
- When being squeezed into certain roles by society (“being labelled” by others) – we start acting up to it;
- The social sciences speak of “Othering” or “Otherness” (referring to the societal phenomenon of defining who is and what is alien and divergent from the norm, from identity, and from the self).

Material / Setting

- Self-adhesive labels (see: “List of attributes”).
- Circle of chairs.

Procedure

To take part in the following activity all participants need to be “labelled”. Below, you find a list of optional attributes that can be used for inscribing the sticky tags. When “labelling” the participants, ask them where they want to be “labelled” (on their foreheads or shoulders/necks). It’s of great importance not to tell anyone what is written on his/her sticky tag.

List of attributes

Lesbian Gay Genius Straight American Wheelchair driver
Single mother,3kids Local politician Movie star A man who wears make up
Deaf Doesn't speak Albanian Poor 87 years old US-Expert
Teenage girl Looks like a boy Very religious Muslim Blind Chinese
Roma Researcher from Bulgaria Handsome but stupid Teacher
Drug addict Jewish Black Minister of Interior International
12years old Sympathic

When everyone has their labels, invite the participants to stand up, move around and take part in a short role-play. Tell them to imagine meeting each other for the first time. They shall read what's written on the foreheads (shoulders/necks) of the others and react on that. They are invited to have fun and to exaggerate their way of treating people due to the attributes on their foreheads (shoulders/necks). Therefore encourage the participants to act even "politically incorrect" if they feel like it.

After greeting and welcoming each other the participants shall go on with some small talk. Propose to talk about the weather, the seminar venue and motivate them to even start chewing upon the latest gossip about family and friends, celebrities or politics.

After a while cut the conversations short and explain the following setting: Divide the group into two groups. Each group takes position in opposite corners of the room. Tell them to imagine they are waiting for the public bus, which is delayed for 40 minutes already. The participants should act according to this very annoying situation and start complaining and chatting with the people around them. Stop the role-play after 5 to 10 minutes. Invite the participants to take their seats again leaving their labels in place.

Ask one by one about their experiences:

- How did people react meeting you?
- Did the people treat you differently than usually?
- Do you remember some phrases you usually wouldn't hear from others?
- Did you get any hints what your label is saying?
- Do you have an idea what might be written on the sticky tag?

Hints: Afterwards the participants should remove their labels and have a look at it. Offer them to throw the label away. Therefore, put a garbage pin in the centre of the room.

Discussion

- What is the purpose of this activity?
- What do we learn from the experiences in the role-play?
- What does the activity show us about the society we are living in?
- How can we change degrading behaviour?

Phase of Evocation

Bag of Destiny

Objectives

- Changing of perspective;
- Strengthening capacity for empathy;
- Questioning the amount of information we have about certain groups;
- Questioning our sources of information or our stereotypical view on members of certain groups;
- Raising awareness about discriminatory barriers;
- Promoting the benefit of equality.

Material

- Working sheet (see below).
- “Destiny cards” (see optional list below): write one “destiny” for each participant on a small piece of paper and put them into a small bag (an envelope, or a hat...)
- Pens.
- Circle of chairs.

Procedure

Tell the participants that the activity requires the capacity to imagine everyday situations under circumstances that can differ quite a bit from their own reality. First, each participant draws one destiny card. Ask the participants to imagine waking up tomorrow morning and realizing the attribute on the drawn card is all of a sudden a part of his/her identity. (If someone has chosen a “destiny” which is already part of / or close to his/her personal life, let the person draw another “destiny”). Add that nothing else has changed except of this specific attribute. Hand out the working sheets and ask them to answer the questions. Second, guide them to form small working groups to exchange their results and experiences. Third, start a plenary discussion.

Destiny Cards

Woman/Man (gender switch) Lesbian Homosexual Child Unemployed
Russian Person Deaf 80 years old Drug Addict EU-Citizen Alcohol Addict
Asylum Seeker Chinese Person Muslim Catholic Blind Buddhist Delinquent
Migrant Vegetarian Homeless HIV Positive Wheel Chair Driver Black/White
(skin colour switch) Drag Queen Transgender Transsexual

Discussion

- Was it easy/difficult to imagine your life being changed by this one attribute?
- How great was the degree of change?
- Do you think some destinies are more challenging than others?

During the debriefing and evaluation it is important to explore how participants knew about the attribute.

- Was it through personal experience or through other sources of information? Are they sure the information and the images they have of certain attributes (and groups) are reliable? Is there information based on prejudice and stereotypes?
- Did you find out something new?
- Was it difficult to respond to some of the questions? Why?
- Would you need more information? Did you miss some additional information?

You can draw attention to some of the questions by discussing the answers in the plenary session, for instance:

- “Who wants to share her/his answer to the question: “Is there anything you could offer to society as this new person you were not able to offer before?”

Try to answer the following questions as complete and honest as possible:

How would your life change with your new identity? Name at least five changes

Will your attitudes/ your behaviour change and how?

Try to foresee how others could react to your new identity. Consider especially potential reactions of your family, close friends, colleagues and the rest of the society.

Do you think your position at your working place or within society will be more or less stronger?

Is there anything you could offer to society as this new person, which you were not able to offer before?

Is there anything you need or expect of others you didn't need or expect before?

Will it be easier or more difficult to live in the neighbourhood of your choice as it was before?

Do you think you could be happy with your new life?

Phase of Evocation

Take a Step forward

© Council of Europe (2002), "COMPASS - A manual on human rights education with young people"

Overview

We are all equal, but some are more equal than others. In this activity participants experience what it is like to be someone else in their society. The issues addressed include:

- Social inequality being often a source of discrimination and exclusion;
- Empathy (and its limits).

Objectives

- Changing of perspective;
- To promote empathy with others who are different;
- To raise awareness about the inequality of opportunities in society;
- To foster an understanding of possible personal consequences of belonging to certain social minorities or cultural groups;
- Questioning the amount of information we have about certain groups;
- Questioning our sources of information or our stereotypical view on members of certain groups;
- Raising awareness about discriminatory barriers;
- Promoting the benefit of equality;
- (Optional) Discussing first steps that can/should be taken to address the inequalities.

Material / Setting

- Role cards (see below).
- List of "situations and events" (see below).
- Open space (a corridor, large room or outdoors).

Procedures

Create a calm atmosphere (e.g. with some soft background music). Alternatively, ask the participants for silence. Hand out the role cards at random, one to each participant. Tell them to keep it to themselves and not to show it to anyone else. Now ask them to begin to get into role. To help, read out some of the following questions, pausing after each one, to give people time to reflect and build up a picture of themselves and their lives:



- What was your childhood like?
- What kind of family were you born in?
- In which region of Kosovo did you live?
- What sort of house did you live in?
- What sort of work did your parents do?
- What is your everyday life like now?
- Where do you socialise...and with whom?
- What do you do in the morning, in the afternoon, in the evening?
- What sort of lifestyle do you have?
- Where do you live?
- How much money do you earn each month?
- What do you do in your leisure time?
- What you do in your holidays?
- What excites you and what are you afraid of?

Now ask people to remain absolutely silent as they line up beside each other (like on a starting line). Tell the participants that you are going to read out a list of “situations or events” (see below). Every time that they can answer “yes” to the statement, they should take a step forward. Otherwise, they should stay where they are and not move. Read out the situations one at a time. Pause for a while between each statement to allow people time to step forward and to look around to take note of their positions relative to each other. At the end, invite everyone to take note of their final positions. Then give them a couple of minutes to come out of role (e.g. taking a symbolic step to the side) before debriefing in plenary.

Situation & events

Read the following situations out aloud. Allow time after reading out each situation for participants to step forward and also to look to see how far they have moved relative to each other.



- You have never encountered any serious financial difficulty.
- You have decent housing with a telephone line and television.
- You feel your language, religion and culture are respected in the society where you live.
- You feel that your opinion on social and political issues matters, and your views are listened to.
- You are not afraid of being stopped by the police.
- You know where to turn for advice and help if you need it.
- You have never felt discriminated against because of your origin.
- You have adequate social and medical protection for your needs.



- You can go away on holiday once a year.
- You can invite friends for dinner at home.
- You have an interesting life and you are positive about your future.
- You feel you can study and follow the profession of your choice.
- You are not afraid of being harassed or attacked in the streets, or in the media.
- You can vote in national and local elections.
- You can celebrate the most important religious festivals with your relatives and close friends.
- You can participate in an international seminar abroad.
- You can go to the cinema or the theatre at least once a week.
- You are not afraid for the future of your children
- You can buy new clothes at least once every three months
- You can fall in love with the person of your choice.
- You feel that your competence is appreciated and respected in the society where you live.
- You can use and benefit from the Internet.

Discussion

Start by asking participants (without revealing their roles in the first place) about what happened and how they feel about the activity and then go on to talk about the issues raised and what they learnt.

- How did people feel stepping forward - or not?
- For those who stepped forward often, at what point did they begin to notice that others were not moving as fast as they were?
- Did anyone feel that there were moments when their basic (human) rights were being ignored?
- Can people guess each other's roles? (Let people reveal their roles during this part of the discussion)

Roles revealed...go one with asking...:

- How easy or difficult was it to play the different roles?
- How did they imagine what the person they were playing was like?
- Does the exercise mirror society in some way? How?
- What phenomenon does the activity show / bring to the surface?
- Which human rights are at stake for each of the roles?
- Could anyone say that their human rights were not being respected or that they did not have access to them?
- What barriers have become visible?
- What first steps could be taken to address the inequalities in society?

Hints: In the imagining phase at the beginning, it is possible that some participants may say that they know little about the life of the person they have to role-play. Tell them, this does not matter especially, and that they should use their imagination and to do it as best they can.

The power of this activity lies in the impact of actually seeing the distance increasing between the participants, especially at the end when there should be a big distance between those that stepped forward often and those who did not. To enhance the impact, it is important that you adjust the roles to reflect the realities of the participants' own lives. As you do so, be sure you adapt the roles so that only a minimum of people can take steps forward (i.e. can answer "yes"). This also applies if you have a large group and have to devise more roles.

During the debriefing and evaluation it is important to explore how participants knew about the character whose role they had to play. Was it through personal experience or through other sources of information (news, books, and jokes)? Are they sure the information and the images they have of the characters are reliable? In this way you can introduce how stereotypes and prejudice work.

Variations (for additional working group sessions)

After a short plenary discussion form smaller groups: Ask people to explore who in their society has fewer, and who has more, chances or opportunities, and what first steps can and should be taken to address the inequalities. Alternatively, ask people to take one of the characters and ask what could be done, i.e. what duties and responsibilities they themselves, the community and the government have towards this person.

Suggestions for follow-up

Depending on the social context you work in, you may want to invite representatives from advocacy groups for certain cultural or social minorities to talk to the group. Find out from them what issues they are currently fighting for and how you can be supportive. Such a face-to-face meeting would also be an opportunity to address or review some of the prejudices or stereotyping that came out during the discussion.

Role Cards



You are an unemployed single mother.

You are the daughter of the local bank manager.
You study economics at the university.

You are an Arab Muslim girl living with your parents
who are devoutly religious people

You study Human rights at the university.
Your husband supports you financially.

You are a married Muslim woman living with your husband's
family who are devoutly religious people.

You are a soldier in the army.

You are a disabled man who can only move in a wheelchair.

You are a 17-year-old Roma girl who never finished primary school.

You are the president of a local Human Rights-NGO,
receiving international donations.

You are an unemployed accountant, to get by with taxi rides and small
agricultural efforts.

You are a schoolteacher who recently moved to Kosovo,
not fluent in Albanian.

Role Cards



You are a Serbian carpenter in Pristina.

You are the first-born son of a farmer close to Suhareka.

You are a father of three desperately hiding your homosexual identity.

You are a 30-year lesbian, living together with your female partner who is from Sweden.

You are a software engineer.

You are married to an alcohol addict whose children don't live at home any more.

You are a Chinese immigrant who runs a fast food chain.

You are the daughter of the American Ambassador of Kosovo

You are retired and receive 90€ pension monthly.

You are a widow at the age of 27 in a remote Village in the mountains.

You are the son of a well-know politician. You got a Master in public policy and recently started to work for the local municipality.

Phase of Evocation

Thumbs up

© “Thumbs up” developed by Dieter Schindlauer (2001)

Objectives

- Making participants aware of the mechanisms that are necessary to build up a discriminatory system;
- Showing that the grounds of discrimination can be very arbitrarily chosen;
- Making people experience for a very short time, how it feels to be discriminated against or stigmatised with a certain attribute;
- Reflecting who benefits from a discriminatory system;
- Shifting the attention to the majority (that is told to be “normal”) and gets therefore access to privileges;
- Showing that someone in power to manipulate people invents discrimination. There is nothing natural about discrimination. It is a system made up by humans.

Procedure

First step (preparation) Start very low key, best when there has been a discussion about different grounds for discrimination, by telling the participants that there have been some interesting results of research recently and that you would like to share these with them. Then ask them to fold their hands (like for prayer). Then ask them to watch which thumb they have on top of the other. Then ask them if they think that it is important which of their thumbs is up. Usually they will be astonished and state that they don't believe that this is of any relevance. Then tell them that it is part of their personal culture which thumb they use on top. To illustrate this, tell them to try to fold their hands in the way with the other thumb on top. They will experience that this feels strange and

Second step (separation) Now ask participants to reveal their “thumbing behaviour” and to raise their hands if they are “leftthumbers” (meaning to have the left thumb on top) or “rightthumbers”. Then have them sitting separated – leftthumbers to your left, rightthumbers to your right. Then quickly find out which group is in the minority position in the room. Make participants aware of the fact, that one group is the majority – then ask those: So those few fold their hands differently from the others – from the majority – they must be wrong-mustn't they? Do you still think that this is irrelevant? Again participants will not believe in the relevance, but be a bit uncertain.

Third step (discrimination) Now be very firm and say something like: “Well, the funny thing is that until very recently most people did not believe in the relevance of the thumbing behaviour, but now we have some studies stemming from the USA that indicate the opposite. A survey conducted in 200 US prisons revealed that nearly 80% of male prisoners are (choose the minority in your group and show the figures accordingly):

Minority = Leftthumbs



Minority = Rightthumbs



This exorbitant difference made the scientists curious and since then we have an amazing set of knowledge about these facts. It turned out for example that within the 100 top-performing American companies we find an amazing percentage of 96% of the majority in the management positions.”

Minority = Leftthumbs



Minority = Rightthumbs



This is the point where people usually start to believe you. The majority will start to feel relieved and smart whereas the minority will start to believe in their bad faith and fight against it. You can go on with this for a few more minutes, telling them that it was found out that e.g. rightthumbs are more easily engaged in violent actions, to fail tests in school and university, to commit adultery, to get addicted to alcohol and drugs ...and so on.... But always keep an eye on those in the minority situation and do not overdo it because people can feel really bad during this exercise.

If there is not already a heated debate going on, ask participants what they think about this and the fact that American human resources managers already start to take the “thumbing” into their list of criteria for job-applicants.

In almost all cases people from the minority group will start to argue about what you said and even accuse you of talking rubbish. In this case you can act extremely vicious in telling them that you can understand their anger, but that that you are only trying to help them. You can also state that it is usually better to just accept this position to be able to learn how to live with it. Tell them that it is after all not impossible to live a decent and fulfilled life being a [e.g.] right-thumber.

In most cases there will be no resistance from the part of the majority – they will just feel more and more happy about being on the “right” side of the room.

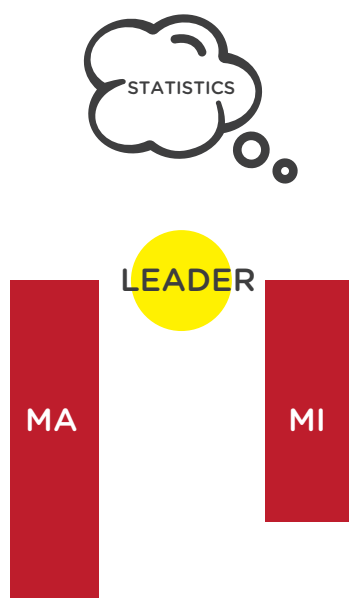
Start a discussion whether the fact that American human resources managers already start to take the “thumbing” into their list of criteria for job-applicants is discriminatory? If yes let them explain why? (Take notes on a flipchart!).

Fourth step (discussion)

Keep up this system for about 10 minutes then reveal to the participants that all you told them about the meaning of the thumbs is COMPLETELY UNTRUE. Be aware that this debriefing is the most important part of this exercise. Expect participants to resist the idea that now they should forget about the new system you created for them. Sometimes people really get angry and upset. Often people of the majority are very reluctant to give up their favourable positions, but also the minority doesn't adapt to the “salvation” easily. Be sure that you give enough time (minimum 45 minutes) for the discussion and make sure that you repeatedly state in very clear words that there is absolutely no reason to believe that the “thumbing behaviour” plays any important role for someone's character.

Then work out together with the participants how you created this system of difference and discrimination and what their own role was and what they felt during the exercise.

*MI = Minority - *MA = Majority



The main points are:

You capture people's attention by enabling them to learn something new about themselves – in this case it is the (very unimportant) fact that they always fold their hands in the same way and that it feels wrong for them to do it differently.

This small but surprising effect gives you some credibility for the acts that follow. After you revealed to the participants that they have a certain “personal culture” they are ready to believe that this might be relevant for their life.

Then you (mis)use the credibility of “US-scientist” to help you setting up a severe apartheid system. To make it even stronger, you separate the group in the room to visually form them into these groups.

You can also expand on the fact that there is (next to) no reaction or argument against it from the part of the privileged majority group while the minority never has a chance in winning the fight against you as you always have the possibility to tell them that it is not their fault that they are unable to understand and accept the actual situation. So they are not fully responsible for their acts but can in no way be accepted by you or any other person in the room.

Lastly, you can comment on the fact that it took you only a few minutes to create this discriminatory situation here while for other grounds of discrimination like skin-colour or sexual orientation systems like yours have been in place for ages.

Discussion in groups / presentation of results

○ Finding strong and convincing arguments against discrimination.

Discrimination takes many forms, and occurs in all kinds of settings. But all discrimination shares a common feature. It entails treating people differently because of certain characteristics, such as race, sex/gender or sexual orientation, which results in the impairment of equality of opportunity and treatment. In other words, discrimination results in and reinforces inequalities. The freedom of human beings to develop their capabilities, to choose and pursue their professional and personal aspirations is restricted, without regard to ability. Skills and competencies cannot be developed, rewards to work are denied and a sense of humiliation, frustration and powerlessness takes over. Society at large is also profoundly affected. The waste of human talent and resources has a detrimental effect on productivity, competitiveness and the economy; socio-economic inequalities are widened, social cohesion and solidarity are eroded and political stability comes under threat. (ILO, Time for Equality at Work, Geneva 2003, p.1) Thus, discrimination is a matter of money. According to the World Bank the effects of homophobia costs India 5-6 billion dollars per year. Without discrimination we could recognize who someone really is – “behind the fog of prejudices and stereotypes” – and could stop fearing that someday it is me being marked outside the norm.

Visionary Phase

What if...?

© Council of Europe (2007/2009) "Compasito – Manual on Human Rights Education for Children"

Objectives

- To consider the impact of measures implemented;
- To show that any implementation (process of change) causes various reactions from different parts of society;
- To raise awareness on lack of equal rights in our daily lives.

Material / Setting

- Situation cards (see below).
- Working sheet (see below).
- Pens.
- Circle of Chairs.

Situation I

Men are not allowed to sign any official paper at any administrative office without the signature of either their wife or their mother.

Situation II

The Minister of Health announces publicly that he lives happily in a same-sex partnership.

Hints: The effectiveness of this activity depends greatly on the kind of situations you offer the participants. Adapt or develop new situations that relate to the participants' experience and concerns. Situations could address general human rights or any particular rights theme. For example, you could develop situations that all address social and economic rights or specific themes such as gender equality or the environment. Try to include both positive situations (e.g. What if men and women earned the same amount of money? What if everyone in our town cut their garbage in half by recycling?) and negative situations (e.g. What if only men could own property? What if every adult in our town had a personal car?).

Be prepared to give some real-life examples of these situations that may actually exist or have existed in the past (e.g. women unable to own property or attend schools).

Procedures

Introduce the activity, explaining that everybody will be given a situation and asked to consider what effects it might have on people's lives (in 3 weeks, 3 months, and 3 years) by filling in the working sheet (see below) Sometimes it can be helpful to illustrate the task by showing an example (bring one "working sheet", e.g. wo/men are unable to own property).

Divide the participants into small groups and give each group a situation and a copy of the "working sheet", and pens. Ask them to work together to complete it. Then, invite them to present each others' results.

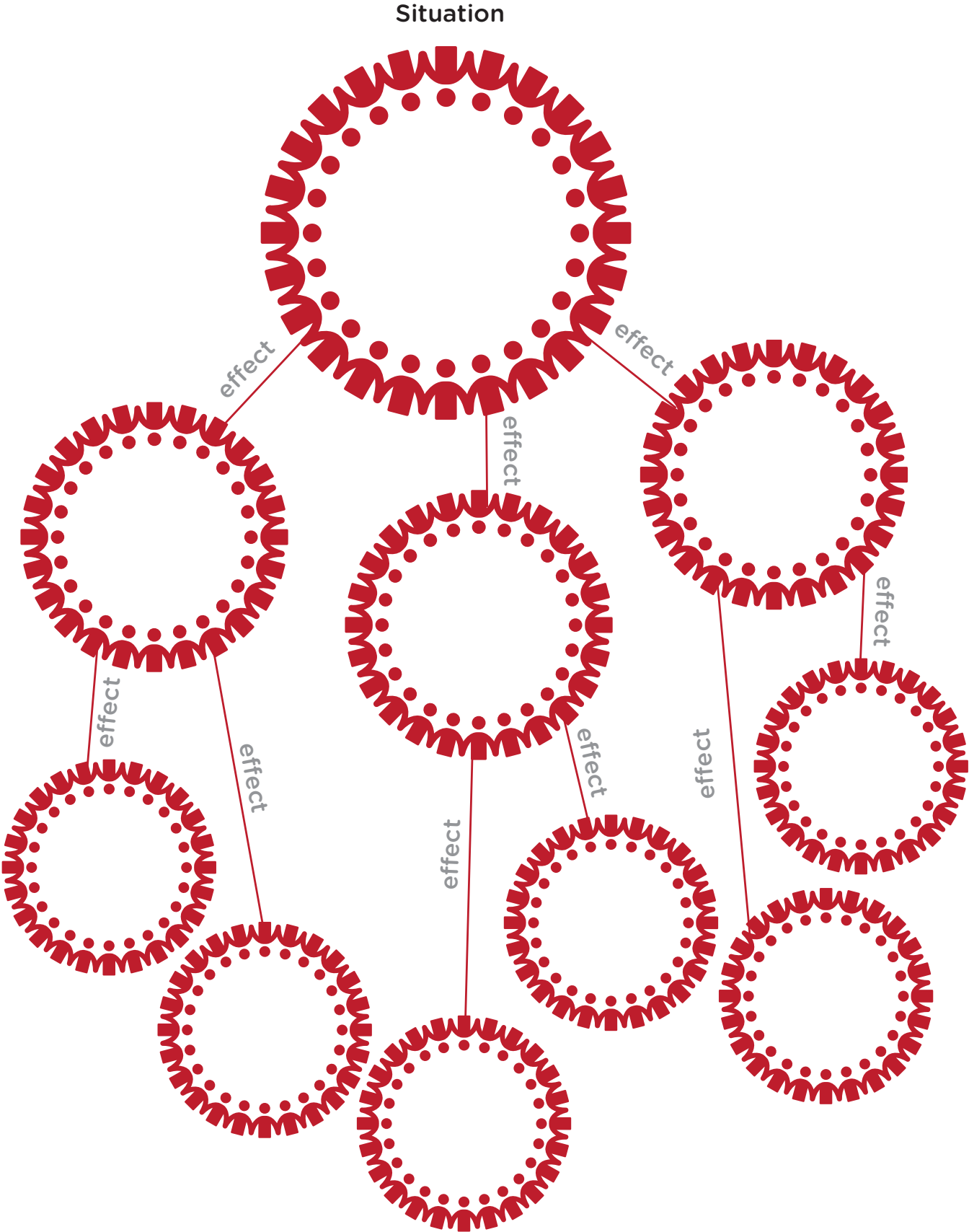
After each presentation ask for questions and comments, asking questions such as these:

- Can you think of other effects that this situation might have?
- What human rights are involved in this situation?
- Does the situation violate a right?
- Protect and promote a right?
- Are other rights involved in the effects on the situation?

Discussion

Debrief the activity by asking questions such as these:

- Was it difficult to imagine the situation given?
- Was it difficult to think of the effects that could result from this situation?
- Do you think these situations are realistic? Why or why not?
- How would you react in this situation?
- What could we do to change this situation?



Visionary Phase - Phase of Action

Case Study: Variations

Objectives

- Clarifying when and how police has to act
- Deepens the understanding of concepts discussed in the training (such as, hate, prejudices, discrimination, and equal treatment for all)
- Lead participants through hypothetical situations to enhance their empathy, and
- Make participants share their ideas about professional and respectful treatments of clients;
- The activity sets up a basis to discuss SOPs;
- Ad. Variation:
 - Creative approach to deal with mistakes and bad experiences and learn from them; and
 - Clarifies what is meant by equal treatment in daily police work.

Material / Setting

- Circle of chairs;
- Flip-chart paper;
- Markers;
- Print out of cases for working groups, plus questions (see below);
- Pens;

Procedure

The participants form working groups of 3 to 5. Provide flip-chart paper and markers. Hand each group a case, and (optionally) some pens. Ask them to work together to read the case and discuss the questions they find on the sheet. Ask them to prepare a presentation, so each case will be discussed in the plenary. Due to time limits, decide whether each group get a different case, or all get the same (but maybe more than one).

Case about prejudice and hate indicators



Case I

The members of European royal Nordic families decided to go for summer vacations at the Morocco seaside, at the VIP touristic beach zone.

The members of the Nigerian football club are in the vicinity of this zone. During their games at the beach they were noisy and annoying for the members European royal Nordic families.

The members of the royal families complain to the police via phone, that some young people, who have no right to be in their midst, are annoying them with their presence and are obstructing a high Nordic societal class.

Respond to the case/complaint as a police officer and

Discuss in your group the following questions:

- Is this case causing prejudices? If yes, which ones? How do they possibly affect your judgment?
- Can you observe hate?
- Can you observe discriminatory action?
- What are the motives?
- How would you act?

Case about prejudice and hate indicators



Case II

Agron is 18 years old from Dardania area in Prishtina and he is secretly part of the LGBT community. His father notices that there is something “wrong” with his son’s behaviour and engages his relative, a Kosovo Police Officer to follow Agron and see where he goes, whom he contacts, with who he hangs around, what does he do, and report back.

After a while, in the course of his duty, the Police Officer sees Agron in Germia Park hanging with the LGBT community members and informs his relative that Agron is part of the LGBT community.

Respond to the case/complaint as a police officer and

Discuss in your group the following questions:

- Is this case causing prejudices? If yes, which ones? How do they possibly affect your judgment?
- Can you observe hate?
- Can you observe discriminatory action?
- How do families and tradition influence the life of a LGBT person?
- How would you act?

Variation: Case about equal treatment



Case III

“Agron is 18 years old from Dardania area in Prishtina. He is secretly member of the LGBT community. He decides to tell his father about his homosexuality and his father beats him inflicting injuries. Agron goes to the Police Station and reports the case.”

Tell the participants to imagine **the situation is taking place at their police station. Ask them to think about all possible forms** how to worsen the situation of the complainant, so that this becomes a bitter experience for him. **Tell them, they should think about all possible activities of the police officers that could make the situation worse and worse, so that it becomes a really horrible experience for the complainant. List everything in detail.**

Let each group present.

After a short presentation of all results, continue with a discussion.

Go through the bad examples and ask the participants:

- Why does it have a negative effect and for whom?
- What does it cause for the complainant?
- How does a professional, respectful alternative look like?

Collect ideas of equal treatment on a flipchart and link them with the existing SOP –

Standard Operating Procedure: Police treatment of cases involving LGBT Community.

Optional

General question for a plenary discussion:

- What did you experience in the course of the activity?
- What did strike you?
- What did you like/dislike about the activity?
- How is the activity connected with our lives?
- What do we learn from this activity about change?
- How does the activity help us in changing the situation of LGBT persons in Kosovo?
- What could we do to improve the discriminatory situation for LGBT persons?

Phase of Feedback

Check out-Ceremonies

Objectives

- Having time to sum up the training;
- Appreciating the effort put into the training;
- Understanding how the participants experienced the training or parts of it
- Getting an assessment of the own training performance;
- Getting information on the areas that need improvement;
- Assuring sustainable learning and development.

Procedure

The oral feedback round is your check out- or closing-ceremony. Now, the participants should get some time to sum up what they have learned in the course of the training. Invite them to recall the beginning of the training, their initial expectations, and also at the many flipcharts/working sheets, which were filled in. Invite the participants to provide feedback on what they view as the highlights of this training, what has not been achieved, and what topics require further training. Remind yourself and the participants on the feedback rules (see “Part A: Basic Rules of Feedback”).

Hints: There are many different ways how to structure a feedback. Therefore, find some ideas below. It can be helpful for the participants to note the questions on a flipchart.

Classical feedback questions

- What did you like/learn/appreciate?
- What did you dislike/miss/should be improved?

5-finger feedback

- The thumb:
What did I like about this training?
- Index finger:
What did this training show me?
- Middle finger:
What could be improved?
- Ring finger:
What can I take away?
- Small finger:
What could be elaborated more?

Feedback in case you are running out of time

- Ask for 3 words only, that sum up the whole training experience.
- Silent feedback: participants stand in a circle, close their eyes, reach out their right hand, trainer counts until 3, on the count of three all participants indicate with their thumb (thumb up: “excellent” - thumb down: “room for improvement”) how they liked the training.