**Equality data collection in the European Union**

**ENAR strategy 2017**

**Updated June 2016**

***What is the problem and what is the impact of the problem?***

Equality data is all types of disaggregated data used to assess the comparative situation of a specific group at risk of discrimination.

There is no comprehensive and reliable data collection on racial discrimination in the EU. Current evidence shows that States (except from the UK) do not collect equality data by legal means and/or do not use the data for the purpose of equality.

The lack of data has undermined the capacity to measure discrimination trends, to plan and monitor public policies and to prove discrimination claims in court. It undermines the capacity of groups affected by discrimination to advocate based on inequalities identified.

The European Commission and the Fundamental Rights Agency (FRA) have long called for the need to collect data to measure progress on the implementation of the EU Equality Directives. ENAR Members have annually reported the scarcity of data on discrimination on the ground of racial or ethnic origin and religion since 2001.

The EU Data Protection legislation does not forbid the processing of equality data. Many States have used a restrictive interpretation of data protection standards to justify the lack of statistics on discrimination. There are many misconceptions about what equality data means and what it entails.

In a considerable amount of occasions, data are de factor collected based on criteria that reveal religion, race or ethnicity, but outside data protection and fundamental standards. Names, migration background, third-party identification, are among the proxies used to determine, in an imposed and approximate manner, race or ethnicity.

Minorities across the EU have been ambivalent toward equality data collection. While some recognise the need and use for such data, many have had negative experience of data abuse and/or do not trust the State in ensuring that data will be collected and used according to the highest protection standards.

Internally, the lack of equality data has an impact on our monitoring and data collection activities. The European Shadow Report is very reliant on national data sources and without regular data collection and monitoring at an official level or by civil society organisations. Individual personal stories can be emotive and create political will to respond to discrimination but it cannot completely take the place of evidence-based policy making.

***What is ENAR aiming to achieve in response to the problem? What is the change we want to see? Outcomes (1. Change in law, policy and standards 2. Change in practices and accountability 3. Change in mobilisation  all of which to impact change in people’s lives)***

**ENAR’s long-term goal** is to ensure that Member States collect comparable sets of equality data in respect of fundamental rights and data protection standards in order to measure inequalities, plan inclusive public policies and monitor their implementation.

The end goal is to achieve change in every EU Member State in order to result in significant benefit for ethnic and religious communities. However, national advocacy strategies are relying heavily on the level of time, resources and reach out required from ENAR Members and other partners at the national level. A European Union’s Framework on Equality Data would increase pressure on Member States to collect data. We believe that an EU framework is achievable within the current assumptions by 2019 (cf. infra) and would therefore maximise ENAR’s engagement.

* Equality data collection based on self-identification are being more widely collected (FRA, Member States, equality bodies, NGOs)
* More members of minority communities support equality data collection and are empowered to advocate for data collection at their level
* The EP adopts a resolution calling Member States to collect equality data collection based on fundamental rights standards and supports the EC recommendation on equality data collection
* An equality data collection observatory is established to monitor States practices (NGOs, demographers, decision-makers, representatives of communities affected by discrimination)
* Specific modules are added to existing EU social surveys
* Equality data collection is included in policy planning and data populate indicators including on National Action Plans Against Racism or national strategies against different forms of racism

Therefore, ENAR adopts a **two-level strategy**:

***EU level***: the European Commission as an actor exercising pressure on Member States. The tool would be that the Commission issues an EU Framework calling for States to measure and monitor equality. Tools: advocacy at political level (Commission, European Parliament and representatives of Member States); advocacy at technical level.

***National level***: minority communities demanding equality data strategies at the national and/or local level. Local authorities and employers can also activate the debate on equality data by offering concrete promising solutions. Tools: research on existing practices; campaigning.

***Why ENAR?***

ENAR is the lead network of anti-racism activists in the EU. The lack of data collection was identified already in xx as a “missing link” towards better equality policies. Over the last 3 years, ENAR, together with the Open Society Foundations and the Migration Policy Group, has been able to bring back the issue as a priority on the EU agenda thanks to research, mobilisation, exchange of information at national level and communication. Our profile of technical advocacy with community mobilisation is the perfect fit to push this issue forward.

ENAR’s engagement would run until the European Commission adopts an EU recommendation for equality data and Member States collect comparable equality data.

**ENAR’s role**

* Focus on data on ethnicity and religious/beliefs grounds
* Collect the vision of and coordinate actions of grass-root organisations
* Focus on employment and opportunity to link with the public and private sector
* National and European advocacy
* Multi-stakeholder approach

***What are the main barriers from achieving the desired outcomes?*** Power analysis. What is your analysis of the key forces driving/blocking such a change? What economic or political interests are threatened/promoted by the change? Which groups are drivers/blockers/undecided? Is it visible (rules and force) or invisible (in people heads – norms and values) or hidden (behind the scenes influence). Who do the key players listen to (because that may help us decide on our alliance strategy).

***Obstacles:***

* *Legacy of the past in Europe*. Public opinion in Europe remains marked by the fear of misuse of personal data. Recent developments on violation of personal data for commercial use in electronic databases (‘Big Data’) have reinforced these fears. Respect for privacy is enshrined in cultural norms, and questions on personal characteristics (ethnic origin, but also sexual orientation and disability) may be seen as intrusive.
* *Data collected outside of fundamental rights and privacy standards*. Equality data on ethnicity and race are very often collected without consultation of minority groups, based on third-party identification and on ad-hoc basis. Therefore, no one is held accountable for the data collected without the required safeguards being applied.
* *Data collected is neither publicly available nor easily accessible*. States, research institutes, international organisations and private companies do collect a lot of data, including data disaggregated by ethnicity and religion. However, little is being made available on-line for the use of civil society organisations and researchers. In cases where data is available, the data is not always easily accessible and is often not differentiated by ethnic group/by country/by gender (e.g. FRA EU-MIDIS survey or Roma survey).
* *Different methods for different goals.* Equality data can be collected through public census using self-identification, through administrative data, complaint data or thanks to discrimination experience surveys of a small population. Depending on the purpose of the data collection, some methods can be more relevant. The collection of data on discrimination experiences – whether collective or individual – acknowledges that discrimination is primarily based on prejudices held against a group to which an individual is perceived to belong, regardless of whether or not victims of discrimination report their experience to State authorities and regardless of the way they self-identify. Relying on “auto-hetero perception” may be the most efficient: asking the data subjects to identify the characteristics they believe the majority attributes to them or, alternatively, to a protected group to which they are perceived to belong. This method is complementary to data collection based on self-identification as it takes into consideration not only how a person perceives herself but also how she believes that she is perceived by others. Administrative data with self-identification methods might be more efficient to capture different group’s outcomes in different fields of life.
* *Different definitions of ethnicity across Member States*. The question of what constitute an ethnic or national minority is a sensitive one across Member States. ‘Ethnicity’ and ‘Race’ are not being defined in a unique way in Europe. Member States use varying interpretations of data protection standards. Many countries also use proxies for ethnicity such as “language”, “mother tongue”, “nationality”, “citizenship at birth”, “origin” and ‘migration trajectories’. These categories do not allow for precise measure of discrimination experience. After the second generation of migrants, it becomes difficult to keep track of discrimination under these proxies.
* *Divided public opinion on data collection.* Europeans are sceptics on the effect of data on discrimination levels. Not all minority groups are not actively engaged on the question of equality data. The consequence is the under-declaration of some ethnic groups (e.g. Roma in Romania in the last census) as well as the inability to monitor success of targeted social inclusion policies.
* *Costs of collecting data*. In times of economic crisis, governments tend to cut traditional public censuses and opt for less costly options. Equality data collection suffers from general budget cuts, negatively affecting equality bodies and civil society organisations.
* *Blockers*: France, Germany. Jews and Roma tends to be reluctant because of past and present abuses. There is a certain data fatigue among Roma groups. Despite existing data from World Bank, UNDP, FRA and NGOs, there has been no concrete improvement in situation. Statisticians tend to be blockers or neutral. Need political impetus because they don’t like to add criteria/questions to existing surveys.
* *Drivers*: European Commission. Ireland, UK. People of African descent and Muslims tend to be more in favour of equality data collection, to bring more visibility on the discrimination and racism they face.
* *Allies*: OSF, MPG, ISD and other PAD German members, Pavee Point, ARDI, Les Indivisibles (FR), Le CRAN (FR), DACOrD (DK), Mireille Fanon (UN WG PAD), CCIF (FR), Muslim Swedish Human Rights Committee (SE), African Empowerment Centre (DK), Chance for Children Foundation (HU), European Roma Rights Centre, Equality Bodies, EQUINET, Social Platform, INSEE (Patrick Simon), EDPS?, ECRI

***What are the change hypothesis/assumptions***? Opportunities? How is the change we are discussing likely to take place? What alliances (e.g. between sympathetic officials or politicians, private sector, media, faith leaders or civil society) could drive/block the change? What would strengthen the good guys and weaken the bad – e.g. research and evidence, pressure from people they listen to (who are they?) or mobilisation in the street? Can you foresee any likely ‘critical junctures’: new governments; changes of leadership; election timetables when change is more likely to occur?

***Opportunities:***

*- Handbook and mapping.* At the end of 2014, at the ENAR/OSF/MPG symposium on equality data collection, the Director for Equality of the European Commission DG JUST announced that the EC will be updating its 2009 Handbook in equality data collection and conduct a mapping of equality data collection practices in Member States. The mapping and handbook are being currently written by a Consortium led by MPG; ENAR is part of the Consortium. This represents a good opportunity to include some advocacy message in what we expect the Commission to do.

*-* *Colloquium conclusions*. The Conclusions of the October 2015 Colloquium on Fundamental Rights (Antisemitism and Islamophobia) includes recommendations on equality data collection: “1. Member States should tackle gaps in monitoring discrimination at national and local level through cooperation between all relevant actors (national and local authorities in charge of equality, businesses, trade unions, equality bodies and civil society)” and 2. The Commission, FRA, Member States and civil society should “provide tools, guidance and encourage peer learning to support Member States' efforts in the collection of equality data”. We read this as a way forward on getting a European Commission recommendation/guidance on equality data collection.

* *Open Society Foundations’ Equality Data Initiative*. OSF completed a project in 2014, looking at ethnicity and disability data on education in 7 Member States (France, Hungary, Ireland, Finland, Bulgaria, Germany, Romania). The project research was conducted by MPG. ENAR was selected to implement Phase II of the project together with MPG: national stakeholder meetings in France, Germany, Sweden and Hungary. OSIFE continues to provide specific support to grantees at local and national level, such as Pavee Point in Ireland, and equality data collection is still within OSF advocacy demands, despite the departure of the project leader in 2016.
* *FRA’s role in providing primary data sets continues.* Member States increasingly rely on the FRA to collect data disaggregated by ethnicity and religion (e.g. Jewish people’s perception of anti-Semitism, Roma survey, EU-MIDIS survey). There is growing acceptance that the FRA is an important actor collecting reliable data. The FRA has also played a formidable role in the development of fundamental rights, equality and rule of law indicators.
* *Important resources* have been made available thanks to our 2014 work. This includes:
  + Our own publication [Measure, Plan, Act](http://www.paveepoint.ie/wp-content/uploads/2013/11/Enar-Report.pdf).
  + The [MPG report](http://www.migpolgroup.com/portfolio/ethnic-origin-disability-data-collection-europe-measuring-inequality-combating-discrimination/) which provides additional examples of practices and recommendations.
  + Last but not least, a policy model has been developed for EC advocacy by MPG/OSF. It comprises guidelines summarizing the principles of useful and safe data collection; and a draft EC recommendation to be used as an advocacy template.
* In addition, work with members has allowed to develop a *better understanding of the situation in some EU countrie*s:
  + Germany, with the work of IMIR and some specific advocacy plans developed (but to be now adapted since Andreas from IMIR has moved). We have been contacted by more German organisations prioritizing this work.
  + France with the national project we supported in 2015 (CRAN – see with Juliana the outcomes and evaluation).
  + Ireland, with interesting development also due to the work and commitment of our members Pavee Point.

***Assumptions***

* Key partners are interested in collaborating to get a EU framework on equality data collection
* Wider groups of stakeholders recognise the need for equality data and join the coalition. Within the next 3 years, a critical mass of supporters can be reached.
* The link between equality data and promoting equality is established:
* Data are analysed within an equality and human rights framework for the sole purpose of promoting equality of outcome.
* Equality data collection becomes part of States’ positive duty to combat discrimination and promote equality, as in the UK model. This implies that some form of positive action measures are required to ensure racial equality.
* When data are available, inequalities based on ethnic origin can’t be denied. Equality policies are being devised / improved.
* The project supports States in measuring their own progress and promotes advocacy groups in their evidence-based claims. Data sets must contribute to lessening the gap in outcome between discriminated communities/groups and the majority population.

***How will we respond to achieve the desired outcomes?* Activities in 2017**

1. Conduct advocacy meeting(s) with DG Justice Unit D3 and D1 and with DG EMPL after publication of the handbook. Organise a working session with EC staff and commissioners’ cabinets, targeting simultaneously DG JUST and Eurostat.

2. Meet with European Commission Against Racism and Intolerance

3. Coordinate at least 2 NGO meetings in national context (members projects) - national strategy, presenting the handbook, participate in national advocacy meetings with politicians, decision-makers, statisticians, develop specific tools adapted to national context. Target countries could include SK, DK, IE, NL, DE, as well as Sweden where the government’s work on the equality action plan and the equality body’s expertise seem to be potentially promising.

4. Encourage ENAR membership to work on equality data – members to participate in events, workshop GA, blogs/stories or good practices on data collection, identify active NGOs working on equality data that could become ENAR members

5. Hold a substantial number of meetings with members of the new EP and relevant parliamentary committees to raise parliamentary interest and individual support for the equality data project. Parliamentary questions should also be used (EMPL committee and LIBE can help).

6. Organise an event with ARDI in the EP once handbook is out. The idea is to pave the way for an INI resolution for a clear EU equality data collection model endorsed by the EP. Ideally, this should lead us to clearly table this INI resolution in 2017.

7. Strengthen our partnership with the European Network of Equality Bodies by issuing one joint demand for equality bodies to pro-actively collect equality data

8. Organise an informal event with perm reps, targeting them at the launch of the handbook. With the participation of relevant specialists (e.g. Prof. Heath?) and EU institutions (+ some national “role models”?), it should pave the way for a preparatory debate to really happen at Council level. Or as sub-group of HLWG (non-discrimination or racism)