



European Network Against Racism
Réseau européen contre le racisme

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ENAR OSF Symposium on Equality Data Collection 24 and 25 October 2013, Brussels

Meeting report

Main findings:

There is little debate on ethnic data in the EU

- First symposium organised in Brussels on equality data collection;
- Lack of debate at the national level.

There are numerous misconceptions about data on ethnic origin

- Wrong perception that data protection laws prevent the collection and processing of ethnic data;
- Exceptions to processing sensitive data: data subject's explicit consent, reasons of substantial public interest, defence of legal claims;
- Suitable specific safeguards: anonymise data; protect the fundamental rights and the privacy of data subjects.

Ethnic data are not officially and comprehensively collected for purpose of combating discrimination in the EU

- Exception in Europe: the UK;
- In practice, ethnic data are being collected unofficially in some EU countries.

Data are collected outside of international standards and safeguards

- No consultation of minority groups;
- Data collected based on third-party identification and on an ad-hoc basis;
- No one is held accountable for the data collected without the required safeguards being applied;
- Data are neither made publicly available nor used to combat discrimination.

Workshops

- Categorisations are not neutral;
- Need for an EU framework on equality data;
- Need to build demand for data among minorities and migrants;
- Advocacy by civil society needs to be based on priorities identified within the specific national contexts.

Aim of the Symposium: The aim of both ENAR's and OSF's projects on equality data is to ensure that comparable sets of equality data are collected by Member States, in respect of EU data protection safeguards, in order to measure inequalities, design remedies, plan and monitor social and other policies which have an impact on groups at risk of discrimination. "Equality data" refers to all types of disaggregated data used to assess the comparative situation of a specific group at risk of discrimination. The symposium aimed to strengthen political will for equality data collection among policy and decision makers at the national and local levels.

Opening speech

Andreas Hieronymus, Director of iMiR - Institute for Research about Migration and Racism, Germany:

- ***Inequality often persists because it is invisible.*** It is difficult to know the actual extent of discrimination and/or social exclusion or to prove that it is structural. As a result of this knowledge gap, it is easier to deny the existence of inequality.
- ***The knowledge gap is vast.*** According to several [Eurobarometer](#) surveys, racial and ethnic discrimination have been widely perceived as the most widespread types of discrimination in the EU over the last 10 years. Despite this, no estimates are available on how many people experience inequality as a result of their racial or ethnic origin. In the EU, only the UK collects data on the economic and social situation of ethnic minorities. As regards discrimination on grounds of disability, estimates indicate that there may be as many as 80 million persons with disabilities in the EU, but most States only collect very basic information on serious disabilities in the context of recruitment policies and assessing special educational needs.
- We refer to ***equality data*** when considering all types of disaggregated data used to assess the comparative situation of a specific group at risk of discrimination. Such data are necessary for devising equality policies, for instance in the fields of employment and education. This is true at all levels of decision-making, from the EU to the local level.
- ***Obstacles.*** Respect for privacy is very important in Europe. It is enshrined in both European data protection legislation - currently under reform - and in cultural norms. Collecting data on ethnicity, race and disability in particular might be considered intrusive. European history has indeed shown that collection of such data can be used to violate human rights by monitoring, separating, and even eliminating minorities.
- ***Ongoing challenges.*** Data are currently collected in a way that leads to discriminatory practices, despite the fact that data on discrimination of ethnic minorities are not officially collected in most European countries. In fact, however, there are numerous examples of police authorities creating illegal files on ethnic minorities. Some of the data collected might also reveal ethnic origin on the basis of other criteria, for instance, using foreign sounding names or teachers' perceptions as a basis.
- ***Objectives of the symposium.***
 1. To assess the state of equality data collection or lack thereof, in particular in the fields of employment, justice and education;
 2. To consider how to improve the collection of data;
 3. To reflect on how data can best be used to promote equality and social inclusion;

"Not only do policies need to be based on informed decisions, but their implementation should be monitored over time. Without official data and indicators of progress, it proves difficult, for instance, to evaluate the implementation of the EU Equality Directives", Andreas Hieronymus, iMiR

4. To address concerns about collecting data;
5. To exchange knowledge and best practices.

Panel Discussion 1: Equality data in the context of justice and complaint mechanisms

Moderator: Costanza Hermanin, Senior Policy Officer, OSF

- **Equality Data Initiative.** OSF's advocacy and litigation work on equality and non-discrimination in Europe has been hindered by the lack of precise data on inequalities affecting ethnic minorities and persons with disabilities. As early as 2010, OSF's Roma Initiatives Office denounced this problem with reference to Roma, publishing a report entitled '[No data, no progress](#)'. OSF's 'Equality Data Initiative' was launched to achieve better data collection in Europe. ENAR has similar concerns, hence our collaboration on this project.
- **Data on complaints.** Despite Europe's shortage of equality data, trends on inequalities can be inferred from complaints filed with courts or equality bodies. The EU Fundamental Rights Agency (FRA) and the European Network of Legal Expert in the Non Discrimination compile administrative or judicial complaints. However, complaint based evidence is seriously limited by important gaps in the awareness of anti-discrimination rights and the ensuing low number of individuals seeking redress. In addition, not all equality bodies collect data on individual complaints that are broken down by ground of discrimination.
- **Data in litigation.** To prove discrimination, especially in indirect discrimination cases, a focus on the disproportionate impact of policies is essential. Statistics on the groups affected by a certain policy or measure are therefore crucial.

Nexhat Beqiri, Senior adviser, Legal Affairs Unit, Ministry of the Interior, Finland:

- **Access to justice.** Given that Finland has published a report on access to justice, recent data and statistics on the number of court cases (2008 – 2011) and the experiences of victims of discrimination are available.
- **Difficulties in collecting data.** Research shows that there few cases are brought to court and few people have the power to use redress mechanisms. Authorities must be trained on equality issues to support victims of discrimination. Some cases are not classified under 'discrimination' or 'equality' but under random categories such as 'other', which makes it hard to collect data.

Costanza Hermanin:

- The lack of complaints is a common problem in the EU. Up to 2011, in Germany there were only 13/14 cases of racial discrimination filed in courts on the basis of the General Equal Treatment Act. The FRA 2009 EU-MIDIS survey on minorities and discrimination states that around 80% of people who were discriminated against did not report their most recent discrimination experience.
- Labelling complaints is a problem. Many Member States do not record cases of discrimination as discrimination. This is a problem because public authorities cannot see how often the legal instruments are being used and assess the extent of the problem.

"FRA 2009 EU-MIDIS survey: 80% of people who were discriminated against did not report their discrimination experience". Costanza Hermanin, OSF

Nexhat Beqiri:

- It is still considered illegal to record the ethnic origin of people in Finland.
- It is also difficult to categorise complaints on multiple grounds (e.g. a person could be old, Muslim and female) and lawyers are advised to use only one ground of discrimination.

Lilla Farkas, Associate Legal Policy Analyst, Migration Policy Group:

- ***The use of ethnic data in Hungarian courts.*** In the litigation work done by the Hungarian NGO ‘Chance for Children Foundation’, ethnic data has been collected to prove *de facto* segregation of Roma children in education. In the different cases presented, the litigator had to collect data regarding the number of Roma in class compared to the number of other children in other classes. The Hungarian court did not contest the legitimacy of the data. Data are needed on the perceived ethnicity of the people, which means the data does not need to be collected from the victims themselves. The Hungarian government has been using data in court, even though data collection is not officially allowed in Hungary. If the government can use statistics in court, then these data must be made publicly available and the source of the data must be known.
- ***Data on perceived ethnicity.*** To prove discrimination in court, it is important to collect data on the perceived ethnicity of a person, not how the victim defines her/himself on a voluntary and consensual basis.
- ***CJEU case law.*** There was momentum to deal with ethnic data at the level of the Court of Justice of the EU (CJEU) in 2012, but because the questions for referral were not properly phrased in the [Galina Meister](#) case, the issue was not addressed in the judgment. There have not yet been any cases on discrimination against Roma at the CJEU, perhaps due to a certain reluctance to refer such cases to Luxembourg. There are a few more cases on Roma rights at the European Court of Human Rights. The Strasbourg Court accepted ethnic data collected by NGO as an admissible evidence of racial discrimination.

“The Hungarian government has been using statistics in court, so these ethnic data must be made publicly available”. Lilla Farkas, MPG

Anna Buchta, Head of litigation, European Data Protection Supervisor (EDPS):

- ***About the EDPS.*** The EDPS is an independent EU institution which monitors data of other European Union bodies and advises the European institutions on on-going files regarding data protection issues. Directive 1995/46 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, which forms the EU framework of reference on data protection, is currently under reform.

***“Nowadays with large databases, social networks and information sharing, it is difficult to argue that data are truly anonymous. In law though, anonymous and aggregated data on ethnic or racial origin can be processed”.
Anna Buchta, EDPS***

- ***Data protection and data collection.*** There is a perception that data protection laws prevent the collection of equality data but this is not the case. The processing of aggregated data is allowed if such data are anonymous. The large majority of people would consent to data revealing ethnic origin if they were processed anonymously, as shown for instance by ENAR’s survey on anti-racist NGO opinion on equality data collection.
- ***Sensitive data.*** The processing (publication, gathering, dissemination etc.) of personal data revealing ethnic or racial origin is, in principle, forbidden, but there are several exceptions to

this general rule in EU law: the data subject has given explicit consent to the processing of this data, the data are necessary for the defence of legal claims, and the data are processed by States for reasons of substantial public interest. Debates on the current reform of the EU data protection framework are not likely to change much with reference to these rules.

Ann Singleton, Senior Research Fellow, School for Policy Studies, University of Bristol:

- **Need for data.** Statistics are the counting tools of the State. There is a need for common definitions and concepts and for good quality data, in order to measure discrimination. Having better statistics does not necessarily mean better policies. However, there is a need for well-informed public debate and good quality data on social and economic justice.
- **Migration statistics.** During the drafting of and negotiation on the [EU Directive on migration statistics](#), there was a need to have a common definition, so we used the UN definition of 'migrant'. The problem was that in the EU there are different legal systems, definitions, frequency of data collection, responsible agencies. A huge mapping exercise was conducted, concerning both inventory of data sources being used, and administrative forms employed to gather data. This tedious work has been essential. Some Member States were reluctant to publish results because of the embarrassment of, for example, asylum statistics. We should not rely on 'gentlemen's agreements' such as the voluntary disclosure of data. EU financial support to Member States did result in improvements and increased data disclosure.

"There is a need for common definitions and concepts and good quality data on inequality and discrimination". Ann Singleton, University of Bristol

Questions from the audience:

Yamam Al Zubaidi, Office of the Swedish Equality Ombudsman: People need to understand the process of data collection to avoid confusion and abuse/mistrust. The same EU legal framework is used differently by Member States, for instance in the UK and Sweden.

Ann Singleton: In the UK, ethnic data collection came about because of pressure by people who were discriminated against.

Marwan Muhammad, Collective Against Islamophobia in France (CCIF): In France, the CCIF conducted a background survey for a study on Islamophobia and the numbers are appalling. There are huge differences between the number of actual cases and those that are reported to the police.

Anna Buchta: The EU legal framework on data protection might not be ideal, as security laws are outside of the scope of the Directive of Data Protection. Areas such as civil and criminal justice cooperation matters now fall under the scope of EU law, so the potential scope of the Data Protection Directive is broader than when it was adopted. It could extend in the future to security legislation, but this is currently not the case.

Video contribution: a US perspective on equality data

Professor David Oppenheimer, University of California, Berkeley:

- The US collects data on race and racism. From the US census bureau, it is easy to determine that there are enormous differences in the median family income: Black and Hispanic families earn less than two thirds of what White family earn. White families are far less likely to fall into poverty than Hispanic and Black families (White family: under 11% risk, Black and Hispanic families: around 20% risk). As for children, there are many White children falling into poverty (17%), but nearly twice the number of Black and Hispanic children living in

“In Europe, measuring inequality is sometimes impossible because of the unwillingness to legitimize the category of race. But if we can’t measure inequality it is too easy to pretend it doesn’t exist”.

***Prof. David Oppenheimer,
University of California, Berkeley***

poverty. With regard to accessibility of health care, white families are far more likely to have health insurance.

- The US is not proud of these data showing continuing racial and ethnic disadvantage. However, it is important to measure these levels of inequality. In Europe, this measurement is sometimes impossible to get because of the unwillingness to legitimize the category of race. But if we can’t measure inequality it is too easy to pretend it doesn’t exist. In the US, because data is so

accessible, it is not possible to even deny the existence of inequalities. This is important for the social and legal approach to inequality.

Panel Discussion 2: Equality data in the context of education

Moderator: Daniel Pop, Senior Program Manager, Open Society Foundations, Education Support Program

- ***Some current gaps in education.*** There are “gaps” in access to resources, quality trainings, policy expertise and outcomes in education. Privatisation of education leads to governments giving out their exclusive responsibility to provide education to service providers. This process has also affected the access and ownership of school premises. There is a move from normative funding to quasi-funding in education, e.g. the European Social Fund. There are differences in teacher policy, status and expectations. Teachers are sometimes becoming fundraisers for programmes such as Comenius. Education assessment is increasingly being externalised, which has an impact on education policies. What would be the place of special needs education in education quasi-markets?

Daniel Škobla, Poverty Reduction and Social Inclusion Officer, United Nations Development Programme (UNDP), Europe and the CIS:

- ***UNDP work on equality data collection.*** UNDP supports ethnic data collection from a human development perspective. The data collected reveal that social disparities between ethnic groups are not incidental but may be structurally determined and deeply embedded in society. Ethnic data collection supports evidence-based policy-making, which targets vulnerable groups. However, practices of data collection on ethnic minorities in countries vary and this may lead to inconsistencies in comparing data between different countries.
- Since 2002, UNDP in cooperation with the European Commission and the EU Agency for Fundamental Rights carried out several ***comparative surveys on the Roma population in countries of Central Europe and the Balkans.*** UNDP published methodological guidelines on how to measure the progress of the Roma Decade, and how to monitor and evaluate National Roma Integration Strategies.

“Data collected by UNDP reveal that social disparities between ethnic groups are not incidental but may be structurally determined and deeply embedded in society. Ethnic data collection supports evidence-based policy-making, which targets vulnerable groups”. Daniel Škobla, UNDP

- **UNDP and the Slovak government have joined efforts** in monitoring and evaluating the living conditions of Roma in Slovakia. UNDP and the Slovak Statistical Office are currently developing a methodology to include Roma population statistical sub-samples into the EU-SILC regular surveys in order to obtain comprehensive information on the living conditions of socially excluded groups.

“Data on disability and special needs education are available. Problems arise with the interpretation of this data”.
Lene Mejer, DG EAC, EC

Lene Mejer, Deputy Head of Unit, Statistics, studies and surveys, DG Education and Culture, European Commission (EC):

- **Interpretation of data.** Data on disability and special needs education are available, mainly at micro level. However, problems arise with the interpretation of this data. The EC monitors equality indicators and

benchmarks on early school leaving, adults’ education, etc. The EC is working on connecting benchmarks with policies at the EU and the national levels.

- The EU Labour Force Survey provides data on income and households which help to assess the situation of vulnerable groups.
- Data on ethnicity are not collected at EU level because of existing legal obstacles.
- There is also a need for common definitions and a common understanding of equality data.

Amanda Watkins, Assistant Director, European Agency for Special Needs and Inclusive Education:

- **The European Agency for Special Needs and Inclusive Education** is an independent and self-governing organisation established by Member States to act as a platform for collaboration regarding the development of provision for learners with special educational needs. The agency is run by the Ministries of Education in the Member States and is co-funded by the European Commission.
- **National data collection systems.** Each Member State has its own system of data collection. Member States are at different levels of progress with regard to disability and special needs education. There are currently no universal definitions regarding special needs education and disadvantaged backgrounds. Special needs education depends on each child and their needs. Article 24 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) obliges all the countries that signed the Convention to work on the implementation of inclusive education. The UNCRPD also foresees that States “undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies.”
- **Cross-referencing data.** Many students in special needs education have more than one disadvantage; we should therefore combine factors of disadvantage and cross-reference data that will provide us with the full picture.
- **Need for data to monitor rights.** If children are not counted, they often do not count.

“Article 31 of the UN Convention on the Rights of Persons with Disabilities obliges all the States who signed the Convention to undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. Amanda Watkins, European Agency for Special Needs and Inclusive Education

- **Self-identification.** In higher education, students with disabilities do not always report their needs due to fear of stigma.

Peter Grimes, Principal Lecturer in Inclusive Education, Canterbury Christ Church University:

“Quantitative data are important to have an overview of the number of students in or out of school but these data do not provide information on the causes for high dropout rates”. Peter Grimes, Canterbury Christ Church University

- **Limitations of quantitative data.** Quantitative data provide an overview of the number of children enrolled in school and leaving school. However, quantitative data do not provide information about the causes for high dropout rates, etc. According to a 2008/9 survey, a student with disabilities is eight or nine times more likely to be excluded from school.
- **Identification of children with disabilities.** On the one hand, it is advised to identify children with disabilities as early as possible to be able to support them in their development. On the other hand, this could produce misleading perceptions because children develop at different stages and at a different rate.
- **Market-driven education and its effect on students with special needs.** If children are assessed and considered to bring the level of education down, then they can be discriminated against and excluded in market-driven education.
- **Data collection would bring schools and governments to account.** Teachers and parents want schools to be accessible. Schools need help in creating an inclusive society.

Mihai Surdu, Senior Researcher, Research Institute for the Quality of Life, Romania:

- **Indicators for data collection.** It is important that data produce positive change in society. Education can be seen as reproducing social inequalities. Different theories are relevant in the design of indicators for data collection in education including the idea of increased merit selection and the idea of achievement.
- **Theoretical perspectives informing equality data collection.** Data collection requires a theoretical perspective. Some of the theories that can be applied include: Pierre Bourdieu - education systems as apparatus for the reproduction of dominant culture and status positions; Breen and Goldthorpe - is the increased merit selection empirically verifiable?; Basil Bernstein - the theory of linguistic codes as mechanisms of school selection; Bowles and Gintis – the creation of a “reserve army” of cheap labour forces; Boudon - the importance of social origin for mobility in the social hierarchy; Goldthorpe - risk aversion in educational decisions related to educational costs; Cicourelși Kitsuse - labelling theory in the construction of deviant adolescent careers by the school personnel; Rosenthal and Robin - meta-analysis of school labelling demonstrates different academic achievements, etc.
- **Empirical implications for data collection.** Does the school curriculum influence educational progression and essential skills? Some of the parameters that should be taken into account are: differences between rural and urban environments; differences between poor and rich communities in the context of decentralization; private vs. public education; differences in access to tertiary education; labelling by the school and early tracking in special schools; misdiagnosis and influence of residential and socio-economic variables; affirmative action policies - selection, correlation with labour market and stigmatization.

Questions from the audience:

Niels-Erik Hansen, Danish Documentation and Advisory Centre on Racial Discrimination: Could you expand on the issue of data on mother-tongue instruction? This is a big issue, for example, in Denmark. There is a need for data on the mother tongue spoken at home.

Daniel Pop: This is an issue in education regarding a) self-segregating minorities in education, e.g. in Hungary and b) being denied the right to learn in their language.

Amanda Watkins: Over-representation of students with an ethnic minority background in special needs education constitutes a big problem. Teachers may identify these children as having special needs, while in reality it may be just a communication issue.

Lene Mejer: Research on mother tongue is not done at the EU level.

Daniel Pop: UNESCO stated that mother tongue learning is better compared to any other learning.

Shannon Pfohman, ENAR: Studies in the US show that poverty levels of children negatively affect their communication levels at school.

Amanda Watkins: Policy-makers in the EU call for comparable information for developing policies on children's rights, effectiveness of systems, quality of education and tracking success of different learners. It is also important to have information on the learning environment: mainstream or separate, segregated settings. From a political aspect, it is about labelling people's needs and identifying who is responsible for meeting those needs.

Vera Egenberger, Büro zur Umsetzung von Gleichbehandlung e.V. (BUG), Germany: There are limited data in Germany in the field of education, including because of the structure of the federal system in the country. Data would help to support litigation cases.

Lene Mejer: There is a lot more than 'big data' to consider - there are individual case studies. A number of tools are used at school level to improve pupils' individual performances.

Panel Discussion 3: Equality data in the context of employment

Monica De Coninck, Belgian Federal Minister for Employment:

- **Why we need data.** Based on my experience as President of the Social Council in Antwerp for 11 years and Alderman for Social Affairs, I know how much data are important and should be used in social policy. Often, data might not reflect reality, which is why qualitative research is so important. It is usually easier to support beneficiaries of a public service when their ethnicity and the problems they face are known, but the data should not be used to stigmatize. Having no data leads to bad policies, and these may lead to further stereotyping.
- **The Belgian situation.** In Belgium, we recognize the need to have data to design efficient social inclusion policies. Belgium opted for collecting data from its social security system and its labour market. Data provide a picture of the specific moment, and we hope we can continue monitoring the results we gathered to assess evolution over time. We have used the notion of 'origin' and 'migration background', to look beyond nationality. Surveys such as those developed by Eurostat use 'place of birth' and 'nationality', but Belgium decided for the first time to use new variables in its first report on [socio-economic monitoring](#). It is necessary to give a full picture of the labour market.

"In 2013, Belgium published its first report on socio-economic monitoring, which provides detailed employment data disaggregated by 'origin'". Monica De Coninck, Belgian Federal Minister for Employment

- **Results.** In 2008, 83% of men of Belgian origin have work, as do 75% of women. 70% of men and 43% of women of EU candidate countries (in 2008: Croatia, Former Yugoslav Republic of Macedonia and Turkey) and 52% of men and 40% of women from other European countries work. Results also show that for women, activity rates are low, especially for women of Asian origin and for other EU candidate countries and other European countries. Results bring evidence that we need to do more to integrate migrant women, as the gender divide is an important challenge. If you have good, concrete targets based on data monitoring, you can develop means to reach them.

Questions from the audience:

Vera Egenberger: At the political level, equality data collection in Germany is perceived negatively. What was the political trigger in Belgium to move forward on this?

Monica De Coninck: After numerous debates, there was an inter-regional conference to decide what criteria would be used to have an instrument to compare across regions. There were problems regarding data protection, but the data protection authority was consulted.

Nils-Erik Hansen: Was gender equality data an inspiration?

Monica De Coninck: Mentalities change if you have a better representation of groups and we have to think in terms of diversity.

Costanza Hermanin: What can be done to take a practical approach toward data collection in a context of data abuses? Is there room to bring more continental Member States in the EU to collect equality data, seeing as they are collecting data on other proxies already anyway?

Monica De Coninck: There are differences of traditions between northern and southern EU Member States. In an EU EPSCO meeting, there were many debates on economics/budgets of social monitoring systems. Data can be interpreted in different ways, and are often misused.

Claire Fernandez, ENAR: At the inter-regional conference you mentioned, what were the criteria used to pinpoint ethnicity as there is no common definition across Belgian regions?

Monica De Coninck: It was a long negotiation and we eventually reached a compromise on using the concept of 'origin'.

Bruce Roch, CSR Manager, Adecco and President of French Association of Diversity Managers:

- **The situation in France in the field of employment.** To collect data within private companies, you need to have the authorization of the Data Protection Agency (CNIL) to conduct certain studies and researches. Companies could also work with the equality body to collect and keep sensitive data for certain cases, in order to have data available if you ever need to go to court.
- **Example.** ADECCO conducted research based on family names with a French research institute (INED). There is a difference in data collection methods and authorisation depending on whether you work as a company operational manager or are a researcher.
- **Anonymous CV experiment.** It takes a lot of investment in HR and IT policies to make the testing effective, because effective "anonymisation" is a complex process. As you cannot measure 'race' per se, in France, testing is a way of measuring racial discrimination. Since

2008, there has been research on age, gender and ethnicity. It has shown that ethnicity is a discriminating factor, particularly in regard to longer-term contracts and in executive positions. As a result, Adecco has established several working groups to address this inequality.

Wilf Sullivan, Race Equality Office, UK Trade Union Congress:

- **Demand for data.** The demand for statistics came from Black and other ethnic communities in the UK; it was not a State initiative. They called for monitoring to address discrimination. The fight for including race in the census had been won, and trade unions also won the battle of getting ethnic monitoring in the workplace. It started in public authorities, and then materialized in changes in legislation – especially the Race Equality Act.

“In the UK, Black and other ethnic communities demanded statistics, it was not a State initiative. It was a demand that there be monitoring to address discrimination”. Wilf Sullivan, UK Trade Union Congress

- **Monitoring.** Different factors are monitored, like access to employment but also potential differences in pay, career development, etc. Because public employers outsource to private companies, public authorities also started to request from these external partners that they do ethnic monitoring. Data are collected either through surveys or personnel records, usually coded or there is an agreement as to who has access to the data. There are discussions about what data are recorded, why, and also the transparency of the data because many companies decide not to publish them.
- **Privatisation of public services.** The privatisation of the public service in the UK has had a negative effect on data collection because the regulations that were in place are no longer valid and public authorities do not request subcontractors to collect equality data as much as before. We are back to a situation where it is really hard to have the full picture in some areas of the labour market – this is once again becoming an area of concern for trade unions.

Michael Bennetsen, Project Manager, Diversity Barometer, Belgian Centre for Equal Opportunities and Against Racism:

- **Diversity Barometer.** The barometer is a series of reports to measure diversity (tolerance, discrimination, participation) in different fields including housing and employment. We have used different monitoring tools: surveys, administrative data, testing. A combination of tools is an asset because of the complexity of the issues monitored.
- **Results.** Results show evidence of discrimination. Age is a very important discrimination ground in Belgium, in particular regarding the employment of senior citizens. Young people also have limited access to employment. There are always limitations in different types of studies, but it is nevertheless possible to identify trends.
- **Testing.** With situation testing, we found a 6 to 10 per cent difference in invitations to interview using ethnic origin as a criterion. It is a costly method, as you need to have actors who will go to interviews as well as a significant number of actors in order to have a sufficiently broad scientific sample.
- **Intersectionality.** Discrimination is often intersectional (based on several grounds of discrimination such as gender, age and ethnic origin), but the testing models are quite simplistic (only one factor is different). It would be very complex and expensive to have a more comprehensive approach. It is a limitation that is inherent in measuring discrimination through testing. The Flemish administration is more proactive in measuring diversity in their staff because they have a long-standing diversity plan and they want to know if it works.

Questions from the audience:

“Reasons behind data collection need to be well explained to members of ethnic minorities. It is very difficult to separate concerns about data misuse from the troubled history of a country”. Marc Chebsun, French journalist

Marc Chebsun, French journalist: There are emotional and human difficulties around data collection. It is very important to take into account the issues a country might have with its own image and identity. Ethnic minorities who are asked to provide data often show opposition/reticence at first, but if the reasons behind data collection are well explained, the reaction can change. It is important to explain that data collection is not about identifying oneself, but looking at the

discrimination experienced in employment. It is very difficult to separate concerns about misuse from a country’s history, colonial past, etc.

Costanza Hermanin: It would be interesting to know how much awareness there is outside of large companies in France about the possibilities to measure inequality.

Ann Singleton: We should keep in mind that real discrimination is happening in the hidden economy, and would not be measured by monitoring the ‘visible’ labour market.

Workshop 1: “Towards an EU Framework on the collection of equality data”

Moderators: Annica Ryngebeck (Social Platform), Michael Privot (ENAR)

Leadership and innovation are key to the advancement of equality data. Proposing a piece of EU legislation on data collection is a possible approach to solve the problem. A staff working document or other form of internal, bottom-up paper, could be a technical way to move forward. In parallel, civil society should put pressure on Member States and partner with the FRA and equality bodies. Some overlapping sets of data already exist. Attention should be paid to the data collection that is already being done, and how fears and concerns are being voiced.

Actors should be informed of the rationale for data collection: it makes problems more visible and informs policy design. Equality data might also be useful for other policy areas. The representative of Pavee Point explained that asking for data collection to provide better services might be more convincing for Member States and other stakeholders, instead of talking about proving discrimination. Advocates should also try to make the most out of the Survey on Living Conditions (SILC) managed by Eurostat. Adapting legislation that already exists, such as the Labour Force Survey module on migration, could be a good starting point.

At the same time, advocacy groups need to create a demand for data. Differences of opinion should be discussed.

Many participants were in favour of keeping a general approach: several grounds of discrimination, several fields.

Workshop 2 “Advocating at the national level for the collection of equality data”

Moderators: Lanna Hollo (OSF), Claire Fernandez (ENAR)

The discussion addressed the variety of national contexts within the EU and brainstormed about best practices that could be transferred between countries. The workshop also examined past German

and Irish experiences with the aim of informing the next steps in terms of national advocacy. For instance, the Irish NGO Pavee Point successfully advocated for the introduction of questions about (Traveller/Roma) ethnicity in the census. For this work, Pavee Point seized the window of opportunity offered by the adoption of the national anti-discrimination law, working in close cooperation with communities and grassroots organisations. The purpose was twofold: first, the NGO aimed to inform communities. They organised trainings for Traveller organisations to explain the objectives of the census and equality data collection using the argument “you are being discriminated already anyway – this is a way of proving it” and producing a DVD to be distributed to the relevant communities. A second objective was ensuring that the right questions were asked in the census in a meaningful and understandable way. The campaign started in the early 90s and delivered results after 15 years. Its outcome showed that it is critical to understand the resistance of the communities and address their fears of misuse/abuse of the data.

This workshop also discussed an intersectional approach to equality data, evaluating whether linking advocacy on ethnic data and disability data would be advantageous or detrimental. Participants agreed that the value of this approach was dependent upon each national context. Partnerships with the private sector can also be useful in advancing equality data collection at the national level. Local success stories can be transferred. Strategic litigation, as a distinct form of advocacy, is also method that can give visibility to the need for collecting equality data.

Workshop 3: “NGOs mobilisation and communication strategies to advocate for the collection of data”

Moderators: Tara Dickman (Studio Praxis), Mariana Berbec-Rostas (Human Rights Initiative, OSF)

Participants began the discussion by looking at what type of data is needed to close the equality gaps between majority and minorities, what are the “missing” data that NGOs need for their work on equality, and what is the legal status of these data? Participants mentioned data on employees’ work status (types of contracts), on representation of Muslims in Higher Education, discrimination on the ground of religion, on intersectionality and on ethnic profiling.

Some existing and pending NGO projects were discussed, including OSF’s experiences with pressuring authorities by sending out thousands of email requests for data. The Grassroots Coalition Against Ethnic Profiling (*Collectif Contre le Contrôle au Faciès*) in France has focused on data collection on police activity to shed light on ethnic profiling.

The European Network of Migrant Women shared that according to their experience in Belgium, data on migration does exist. However, the network believes that there is a need for much more detailed data, particularly about the deskilling of migrants. One of their projects focused on gathering information about the skills of migrant women and showing the data to prospective employers. It turned out that these migrant women’s skills were indeed needed in the labour market. Therefore, actual lack of skills was not necessarily the real reason behind their unemployment. There are also efforts to make employment agencies give greater recognition to non-formal skills. One of the recommendations made during the discussion was that NGOs should broaden their partnerships, including their official relationships with companies, as well as increase their direct work with migrant women/minorities. Participants stated that the issue of data collection *per se* does not necessarily threaten the broader public. A more effective strategy could be to focus the campaigning on issues around ethnic data or on other discrimination issues, where the discussion would require more data. External legitimacy is also useful, which can be harnessed using the framework of the EU and other national and international bodies. Another recommendation resulting from the workshop underlined the importance of ensuring that targeted groups have ownership of the project on data

collection and lead the campaign. Grassroots activities can lead to greater media coverage to trigger policy and legal change.

Workshop 4: “The role of statisticians and academics in advocating for the collection of equality data”

Moderators: Marwan Muhammad (Collective Against Islamophobia in France), Andrea Krizsán (Central European University)

Policymaking on equality data is lacking and debates are stalled. There is a need for support and complementarity among actors to improve policy frameworks, as well as to achieve more fact based policy thinking and making. Research, academics and statisticians can support this group effort. How can they be involved? Are dynamics similar for ethnicity and disability? Policies and research addressing inequality have been largely segmented until now: gender, ethnicity, disability are all independent fields. Recent developments regarding research on intersectionality have lead towards bringing these grounds together. Does this make sense as far as the role of academics is concerned?

Participants voiced concerns about balancing advocacy with academic credibility, and the role of NGOs in supporting academics in achieving this balance. Also, academics should be reflective in how they collect and use data: no matter how well collected, statistics are still a reduction of reality. Moreover, the categories that help frame the research are not neutral. Data, therefore, should not be oversimplified: the public should have some access to the complex realities underlying published data, and the research process should make some room for flexible identification. Data collection is about more than just gathering facts and figures.

Participants also discussed and compared the state of different methods of equality data collection. Disability data does have some existing models and categories to work on, but these are somewhat controversial and possibly too medicalised. Ethnic data, on the other hand, is just at the beginning but in some ways would have fewer assumptions to get out of the way. Scholars and advocates of both might learn from the history of gender equality, where the collection of disaggregated data was linked with the greater participation of women in the academia. Wider participation of minorities in research is very important.

Closing speech

Andrey Ivanov, Programme Manager - Social Research, Equality and Citizens Rights Department, EU Fundamental Rights Agency (FRA):

It is important to think about what is meant by equality, and to delineate synergies and distinctions between the concepts of equality and diversity. For instance, diversity can often result in inequality. It is critical to take note of the state of diversity in today’s society, but we must also remember why promoting and measuring diversity is important. We should also try to understand why hidden inequalities and discrepancies happen. We can then turn to wider questions of comparison, and analyse the impact of such discrepancies on the broader society.

“It is necessary to keep the purpose of data collection in mind. Particular sets of data are not useful for everything; discerning their appropriateness to certain situations is key. In the past, the mantra was that data did not exist; nowadays, the mantra is to operationalize the data into strategy”.
Andrey Ivanov, FRA

It is necessary to keep **the purpose of data collection** in mind. Particular sets of data are not useful for everything; discerning their appropriateness to certain situations is key. In the past, the mantra was that data did not exist; nowadays, the mantra is to operationalize the data into strategy.

We should adopt a **constructive culture for collecting and using data in an appropriate way**. As things stand, methodologies are often unclear. This can result in the legitimisation of faulty data when statistics are reproduced uncritically. Data needs to be gathered more professionally, and practitioners must be held accountable. The benefits of publishing data should also be recognized. People are understandably cautious about making data public, but doing so can decrease resistance to collection and use of needed data.

Special guest speech

Anastasia Crickley, founder of ENAR, member of the UN CERD, founder and chair of Pavee Point, Ireland:

- **State of play.** We have reached a dead end when it comes to equality data in Europe. This is partly due to issues with the legality of data collection across Europe. It is perceived as illegal under French law, and British isolation makes it difficult to plan with other countries, though the British approach is in itself praiseworthy. These issues have broad ramifications because it is hard to manage phenomena without measuring them.
- **Data collection has major pros and cons.** On the bright side, data help to design better services. On the other hand, there is great potential for misuse that cannot be ignored. For example, Travellers' data was later used to evict them in Ireland. We must remember, therefore, in whose interest data are collected. For instance, minorities are often "easy targets" for researchers, and their data are collected for the own academic advancement of scholars. In the context of major information gaps, data are not just an end in itself. There is also the question of use and motivation.
- **UN CERD.** In the CERD's view, the definition and measurement of racial discrimination is an essential element in combating it. Although the [reporting guidelines for Member States](#) issued by CERD in 2007 stress the need for data, it is important to be cautious and critical. Collectors must be careful about how they count and collect data. For instance, how one labels hate speech has a great impact on the data one will be able to gather on it. Efforts to combat discrimination are often limited by a lack of ability to enforce principles. CERD lacks coercive means and the capacity to enforce punitive measures.
- **Intersectionality.** When advocating for data collection, we must keep in mind the intersectional approach to discrimination and address multiple grounds. Also, safeguards apply to both citizens and non-citizens, and it is essential not to focus only on citizens. In addition, religious minorities also need support. The lack of data may mask major problems. Even the UK's supposedly good record might reflect a reality of underreporting of discrimination cases.
- **Limits of data collection.** We must remember that data collection has its limits and cannot solve all problems. There are still gaps in equality legislation, even with the existence of the

"When advocating for data collection, we must keep in mind the intersectional approach to discrimination and address multiple grounds. It is important to remember in whose interest data are collected". Anastasia Crickley, UN CERD

Equality Directive and associated institutions/methods. Cultural constraints, language gaps, and government capacity are also related issues that can complicate data collection.

List of participants

	SURNAME	NAME	COUNTRY	ORGANISATION
1	Abdikeeva	Alphia	Spain	Proigual
2	Al Zubaidi	Yamam	Sweden	Equality Ombudsman
3	Amjahad	Anissa	Belgium	DG Education and Culture, European Commission
4	Atanasova	Angelina	Belgium	OSF
5	Bennetsen	Michael	Belgium	Centre for Equal Opportunities and Against Racism
6	Beqiri	Nexhat	Finland	Ministry of the Interior/Legal Affairs Unit
7	Berbec-Rostas	Mariana	Hungary	OSF
8	Bokjo	Izabella	Spain	OSF
9	Callier	Louise	Belgium	Centre for Equal Opportunities and Against Racism
10	Chebsun	Marc	France	Journalist
11	Chopin	Isabelle	Belgium	Migration Policy Group
12	Crickley	Anastasia	Ireland	UN Committee on the Elimination of Racial Discrimination
13	De Coninck	Monica	Belgium	Federal Minister of Employment, Belgium
14	Deutch	Jeff	Belgium	Hertie School of Governance
15	Dickman	Tara	France	Studio Praxis
16	Egenberger	Vera	Germany	Büro zur Umsetzung von Gleichbehandlung e.V. (BUG)
17	Farkas	Lilla	Hungary	Migration Policy Group
18	Fay	Ronnie	Ireland	Pavee Point
19	Fernandez	Claire	Belgium	ENAR
20	Florindi	Francesco	Belgium	European Cancer Organisation
21	Germaine-Sahl	Catharina	Belgium	Migration Policy Group

22	Gilbert	Valerie	Belgium	Federal Public Service Employment, Labour and Social Dialogue
23	Grammenos	Stefanos	Belgium	Centre for European Social and Economic Policy
24	Grimes	Peter	UK	Canterbury Christ Church University
25	Grosset	Clara	Spain	OSF
26	Gusa	Alexandra-Alis	Belgium	DG Justice, European Commission
27	Hansen	Niels-Erik	Denmark	Documentation and Advisory Centre on Racial Discrimination (DACoRD)
28	Harrington Reddy	Julia	US	OSF
29	Hermanin	Costanza	Belgium	OSF
30	Hieronymous	Andreas	Germany	iMiR - Institut for Research about Migration and Racism
31	Himmat	Youssef	Belgium	Forum of European Muslim Youth and Student Organisations (FEMYSO)
32	Hollo	Lanna	France	OSF
33	Hübinette	Tobias	Sweden	Multicultural Centre
34	Ivanov	Andrey	Austria	EU Fundamental Rights Agency
35	Izere	Marlene	Belgium	ENAR
36	Jugo	Jamina	Belgium	ENAR
37	Krizsan	Andrea	Hungary	Central European University
38	Larson	Anders	Belgium	ENAR
39	Lee	Yolanda	UK	University of Oxford
40	Lindholm	Pia	Belgium	DG Justice, European Commission
41	Mejer	Lene	Belgium	DG Education and Culture, European Commission
42	Muhammad	Marwan	France	Collective Against Islamophobia in France (CCIF)
43	Moon	Gay	UK	Equality and Diversity Forum
44	Naydenova	Violeta	Belgium	OSF
45	Oliveira	Alvaro	Belgium	DG Justice, European Commission

46	Oppenheimer	David	US	UC Berkeley
47	Österborg	Charlotta	Belgium	DG Justice, European Commission
48	Pascoet	Julie	Belgium	ENAR
49	Patsalidou	Alexandra	Belgium	ENAR
50	Pfohman	Shannon	Belgium	ENAR
51	Pop	Daniel	Romania	OSF
52	Poupinel de Valencé	Frédéric	Belgium	Federal Public Service Employment, Labour and Social Dialogue
53	Privot	Michael	Belgium	ENAR
54	Quirke	Brigid	Ireland	Pavee Point
55	Ringelheim	Julie	Belgium	Université catholique de Louvain (UCL)
56	Roch	Bruce	France	Adecco and French Association of Diversity Managers
57	Ryngbeck	Annica	Belgium	Social Platform
58	Singleton	Ann	UK	University of Bristol
59	Škobla	Daniel	Slovakia	UNDP
60	Slacheva	Svetlana	Belgium	ENAR
61	Sonnino	Melissa	Belgium	CEJI
62	Sullivan	Wilf	UK	UKREN / TUC
63	Surdu	Mihai	Romania	Research Institute for the Quality of Life
64	Tchadjeu	Fanny	Belgium	ENAR
65	Turci	Cristina	Spain	OSF
66	Vaes	Virginie	Belgium	Federal Public Service Employment, Labour and Social Dialogue
67	Van Caeneghem	Jozefien	Belgium	Vrije Universiteit Brussel
68	Vandrotte	Annie	France	Sodexo
69	Vasic	Marina	Belgium	DG justice, European Commission
70	Watkins	Amanda	Denmark	European Agency for Development in Special Needs Education
71	Watson	Fay	Belgium	Europe Against Drugs

The European Network Against Racism (ENAR) is an EU-wide network of vibrant NGOs in all EU Member States, as well as Iceland. ENAR combats racism, racial discrimination, xenophobia and related intolerance, and promotes equality of treatment between European Union citizens and third country nationals.

More information: <http://www.enar-eu.org>

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