



Workshop 5: Equality Data Collection

Towards an evidence-based promotion of equality?

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Introduction

- What is 'equality data'?
- What is the importance of collecting 'equality data'?
- How is equality data collected?
- What does the EU and national legal frameworks say about collection of equality data?
 - Achievements, progress and good practices
 - Challenges and bottlenecks
 - Ways forward



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Background and useful resources

- European research project involving extensive mapping of equality data collection practices in the 28 EU Member States (2015-2016)
 - on the basis of **ethnic or racial origin, religion or belief, sexual orientation, gender identity, age, disability and multiple grounds**
- Useful resources
 - Various reports available on <http://www.humanconsultancy.com/projects/equality-data-collection-in-the-eu> (specific reports regarding equality data based on racial and ethnic origin; LGBTI people)
 - European handbook on equality data - 2016 revision
 - Overview article in European equality law review 2017/2 (Alidadi, *Gauging progress towards Equality? Challenges and Best Practices of Equality Data Collection in the EU*)



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Equality data and sources

- Defining 'equality data'
 - Different kinds of information (both qualitative and quantitative) that tells us more about the nature, extent, causes, risk groups and dynamics of discrimination and the state of equality in various areas of society
- Sources:
 - **surveys (including censuses),**
 - **administrative processes (e.g. crime reports) and**
 - **observations (discrimination testing)**



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The need for equality data

- Data collection serves a wide array of uses
 - Policy development and implementation: e.g. evidence-based policies
 - Use in judicial proceedings
 - Reporting to monitoring bodies
 - Communication campaigns
 - Research
 - Generally: track progress based on key indicators
 - Also: therapeutic effect for victims...



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Directives and their *implementation* in the Member States

- Racial Equality Directive (2000/43)
 - Prohibits discrimination on the basis of **racial and ethnic origin** in employment, social services, education, health, housing
- Employment Equality Directive (2000/78)
 - Prohibits discrimination on the basis of **age, sexual orientation, disability, religion or belief** in the area of *employment*
 - Accommodation for disability
- After the Directives: period of *implementation*
 - *Infringement proceedings launched against 25 MS*
 - *European Union's 2014 Joint report on application of directives*

Focus shifted → from norm-setting to practical implementation (of existing norms)



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From norm-setting to practical implementation

- EU Directives *mandate* very little with regard to equality data collection
 - Only Racial Equality Directive: duty of national equality bodies to monitor equality and publish reports
- Various sources refer to persistent levels of discrimination
- Project to map MS legislation that mandated, allowed or prohibited collection of equality data
 - Generally: combination of **anti-discrimination legislation** and **privacy and data protection legislation**
 - Both based on fundamental rights, but tug in different directions!
 - Exceptions;
 - tracking employees with disabilities to show compliance with quota
 - Art. 31 UN Convention on the Rights of Persons with Disabilities
 - UK and Ireland



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Overview of EU and national sources of equality data

- Some include benchmark data, others disparities, (illegal) discrimination...
- EU-wide surveys include:
 - EU-Statistics on Income and Living Conditions (EU-SILC)
 - Labour Force Survey (LFS)
 - European Social Survey (ESS)
 - FRA surveys
 - Eurobarometer
- Domestic sources
 - Census (many MS no longer have traditional census but use well-developed registry systems to capture same data)
 - Household surveys, administrative registers, justice system data, complaints data
 - Discrimination testing (still controversial in many MS)



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Privacy and data protection

- Equality statistics often involve processing sensitive, personal information
- EU law: personal data can only be gathered legally for a legitimate purpose and under strict conditions
- EU has strongest data protection standards in the world
- Regulation 2016/679/EU
 - will apply from 25 May 2018
 - replaces the 95/46/EC Data Protection Directive

Privacy and data protection

- Does data protection constitute a barrier to effective data collection?
 - Objectives of data protection and equality data collection
 - no absolute prohibition but conditions must be met to process 'special categories of personal data' ('sensitive data')
 - Good practices: examples of the UK and Belgium

Highlights from mapping exercise

1. Tensions between EU **privacy and data protection law**
 - The UK solution: explicit legislative action – few other countries have followed suit.
2. **Discomfort** to collect certain data, e.g. on so-called race or ethnic group affiliation, Roma, LGBTQ groups
 - Use of proxy data has its limits
3. Lack of legal *obligations* to collect data
4. Divergent practices and lack of coordination in defining terms and indicators
5. Existence of **good practices** at the EU and national level



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- Questions?
- Thank you!