

# Equality Data Collection

European network of legal experts  
in gender equality and non-discrimination  
- Legal Seminar 1 December 2017 Workshop 5



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# Collecting data on equality and non-discrimination

- **WHY?**
- **HOW?**
- **OUTCOME?**

# WHY DATA?

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Legal frames, policies, monitoring, emerging  
needs

# Background (1)

- Discrimination and hate crime
  - Racial Equality Directive
  - Employment Equality Directive
  - Proposal for a “Horizontal Directive”
  - Framework Decision on Racism and Xenophobia
- Integration
  - Need for common indicators to monitor integration policies and outcomes (Zaragoza Declaration 2010; EC Report on *Using EU Indicators of Immigrant Integration*) and harmonised statistical data
- Social inclusion
  - Europe 2020
  - EU Framework for National Roma Integration Strategies
  - EU Social Pillar

## Background (2)

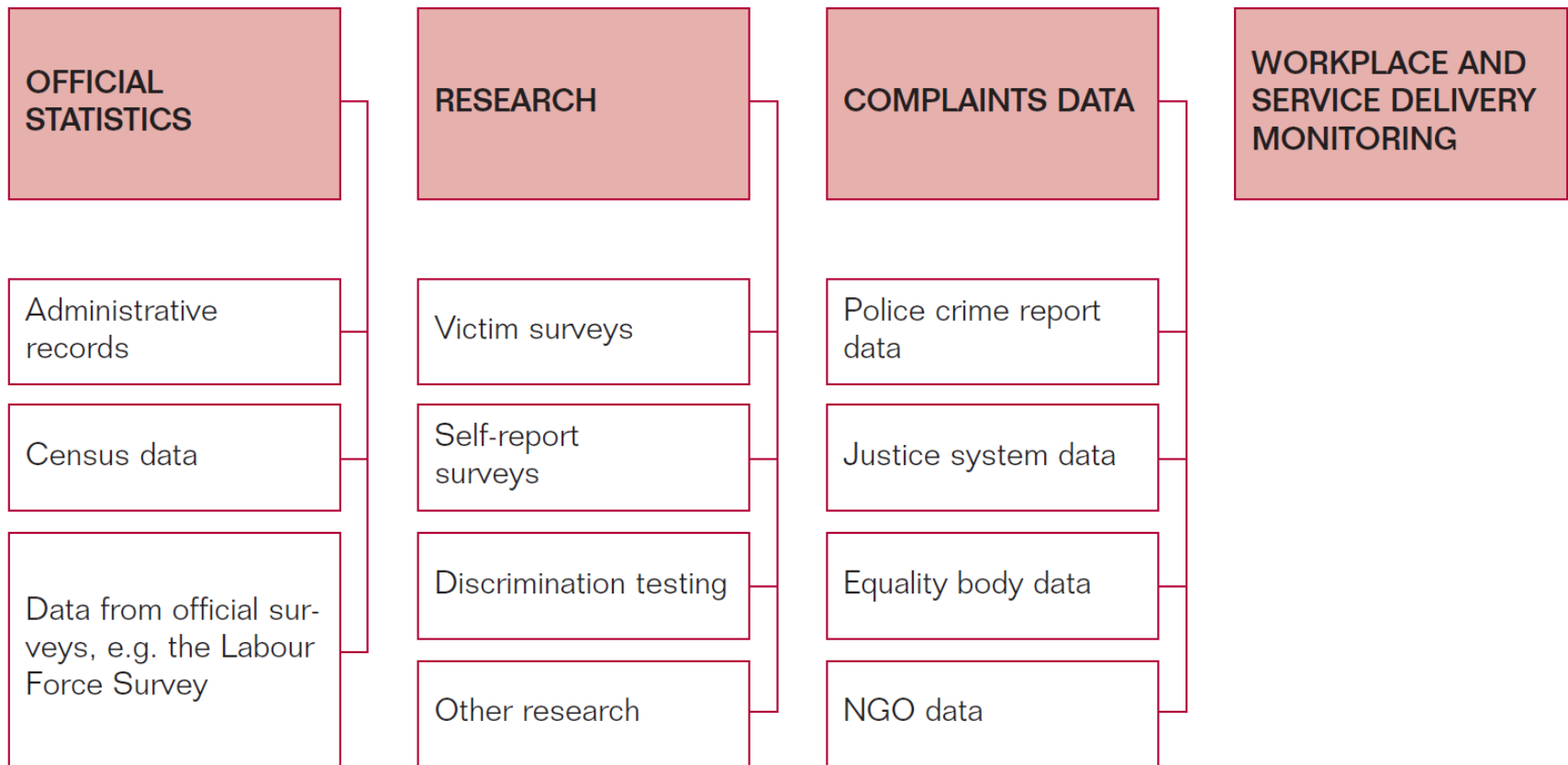
- Gender Based Violence
  - The Victims' Rights Directive – recognises GBV
  - The Council of Europe Convention on preventing and combating violence against women and domestic violence
- Disability
  - UN Convention on the Rights of Persons with Disabilities
- United Nations 2013 Agenda – Sustainable Development Goals and indicators

# HOW?

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- How and what to collect ?
- sources, principles, challenges and gaps

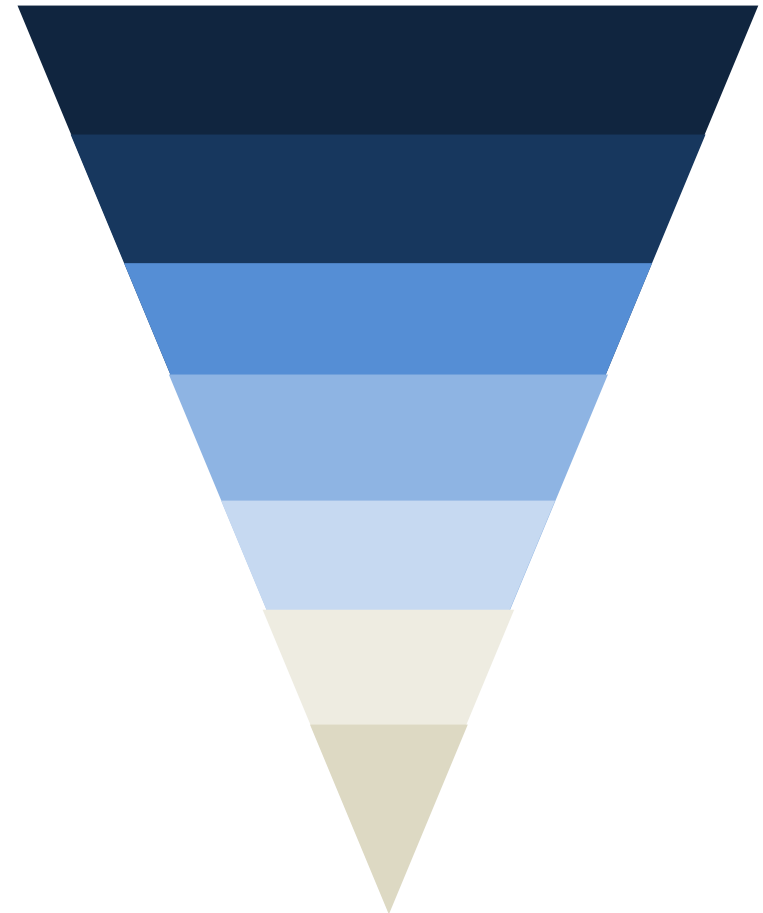
# Knowledge base on equal treatment



*Source: European handbook on equality data (2006)*

## Case for survey research on crime – attrition

- All incidents
- Reported to the police
- Recorded by the police
- Arrest made
- Person charged
- Prosecution
- Conviction





# Case for discrimination testing (DT)

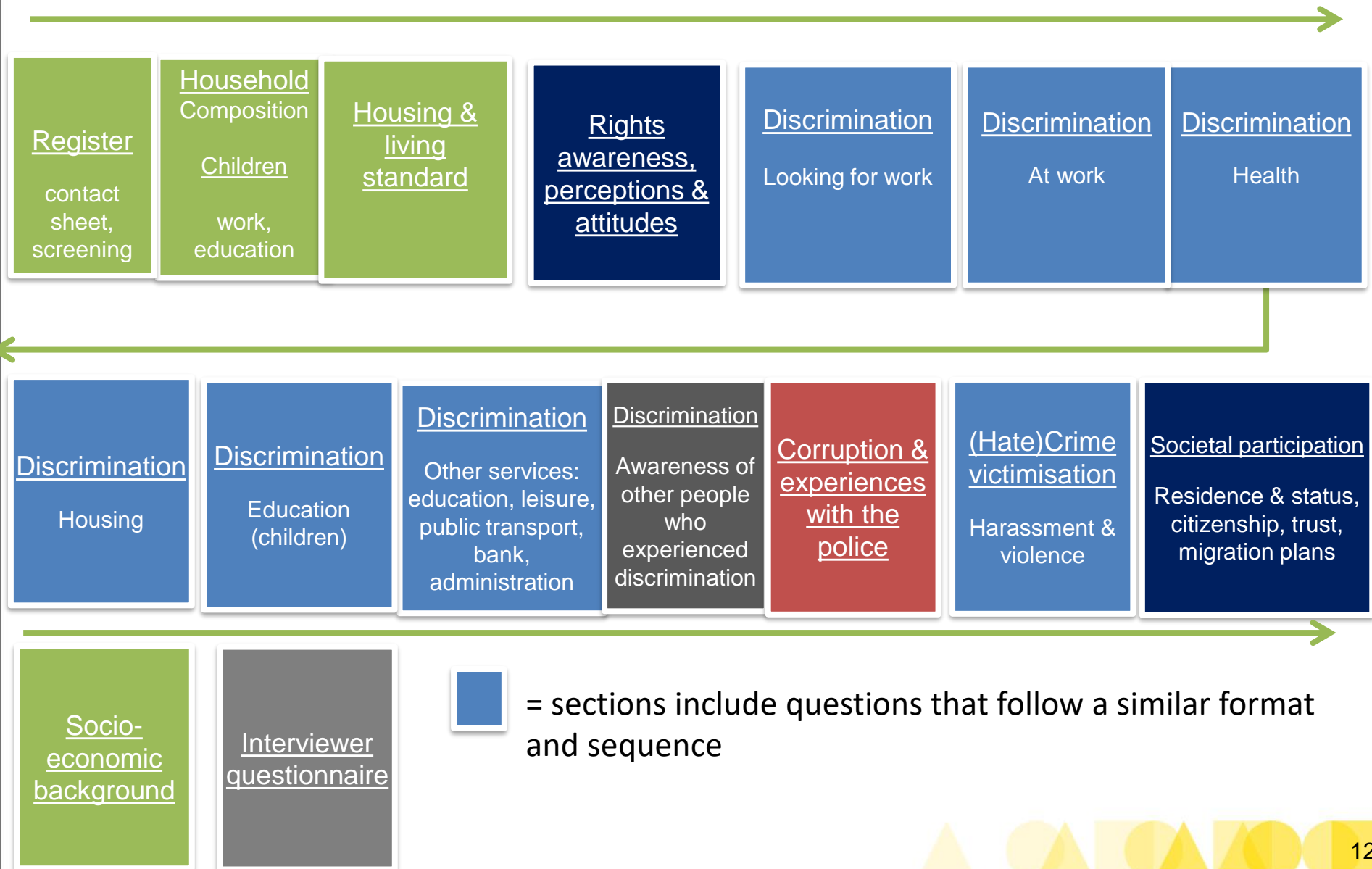
- Limitations of other sources
  - Surveys measure societal or victim perception or attitudes.
  - Recorded data are affected by high underreporting.
  - Statistical data as proxy.
  - Only real life experiments like DT verify and measure the actual amount of discrimination.
- Modalities
  - Within context of legal proceedings
  - Sociological context

## **Planned joint OCDE/FRA project on standardised discrimination testing (CV or correspondence testing)**

- Discrimination in access to housing and in access to the labour market.
- Migration background and LGBT
- Across selected EU and OECD countries to enable international comparison.
- Pilot in 2018 with a qualitative and quantitative (pilot cv testing) component.

- **EU-MIDIS: European Minorities and Discrimination survey (2008) – EU-27**
  - 23,500 ethnic minorities & immigrants & 5,000 majority population in 10 EU MS – random sample
- **Roma pilot survey (2011) – 11 EU Member States**
  - 22,000 respondents – random sample
- **Survey on Discrimination and Hate Crime against Jewish people (2012) – 8 MS**
  - 6,000 respondents – online (opt-in)
- **LGBT survey (2012) – EU-28**
  - 93,500 respondents – online (opt-in)
- **Violence against Women survey (2012) – EU-28**
  - 42,000 women – random sample (general population)
- **EU-MIDIS II (2015-2016) – EU-28**
  - 25,500 ethnic minorities & immigrants (including Roma) – random sample
- **In preparation:**
  - **Fundamental Rights survey (2018) – EU-28**
  - **2nd Survey on Discrimination and Hate Crime against Jewish people (2018)**
  - **Roma survey (2018) – 6 EU Member States**

# EU-MIDIS II questionnaire



# A human rights based approach to data

## OHCHR principles for data collection:

- Participation
- Disaggregation
- Self-identification
- Transparency
- Privacy
- Accountability

# Outcome: Evidence from the FRA surveys

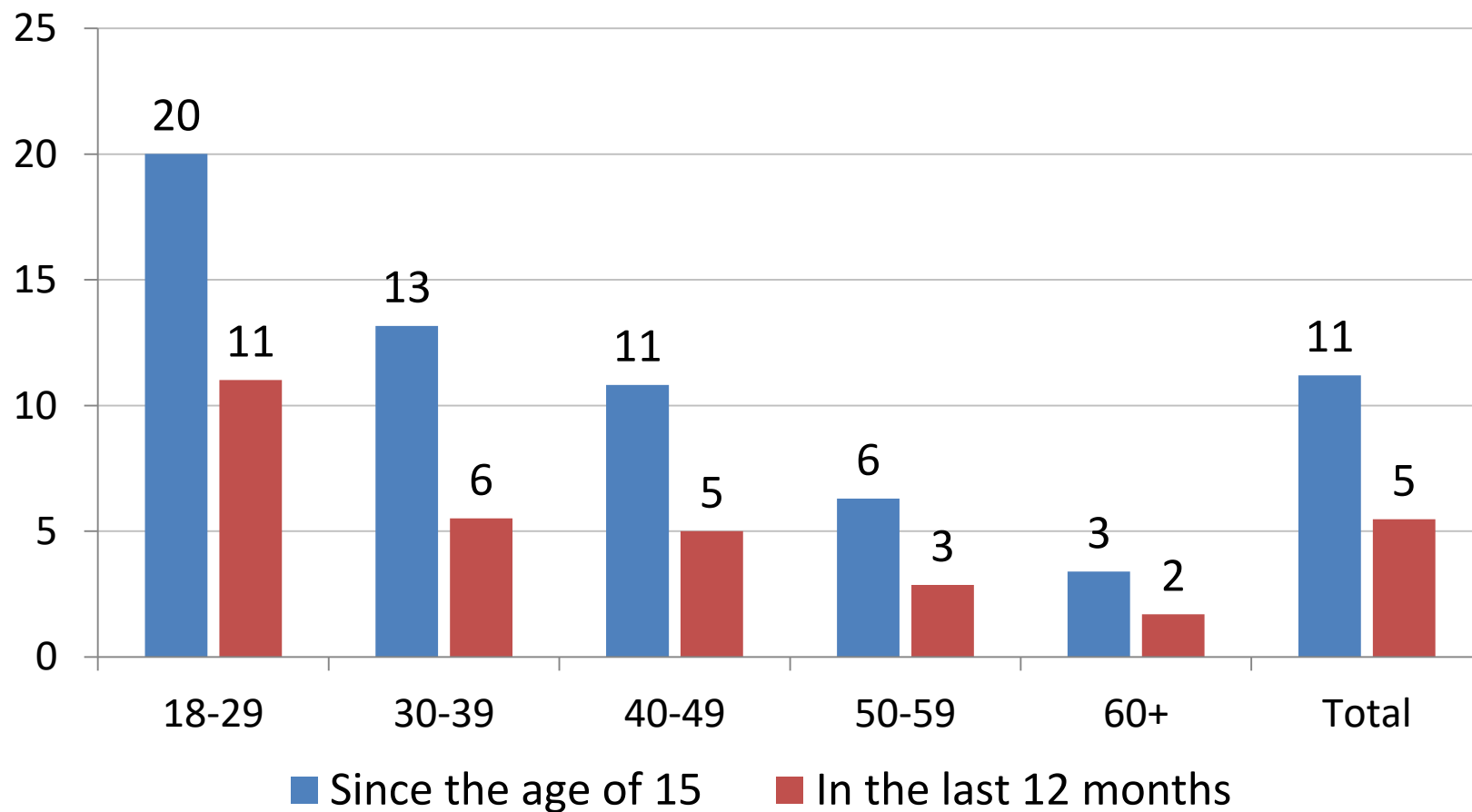
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The role of data as **outcome indicators**  
What is the **practice/reality** on the ground?  
Some examples:

# Examples for impact of FRA Data

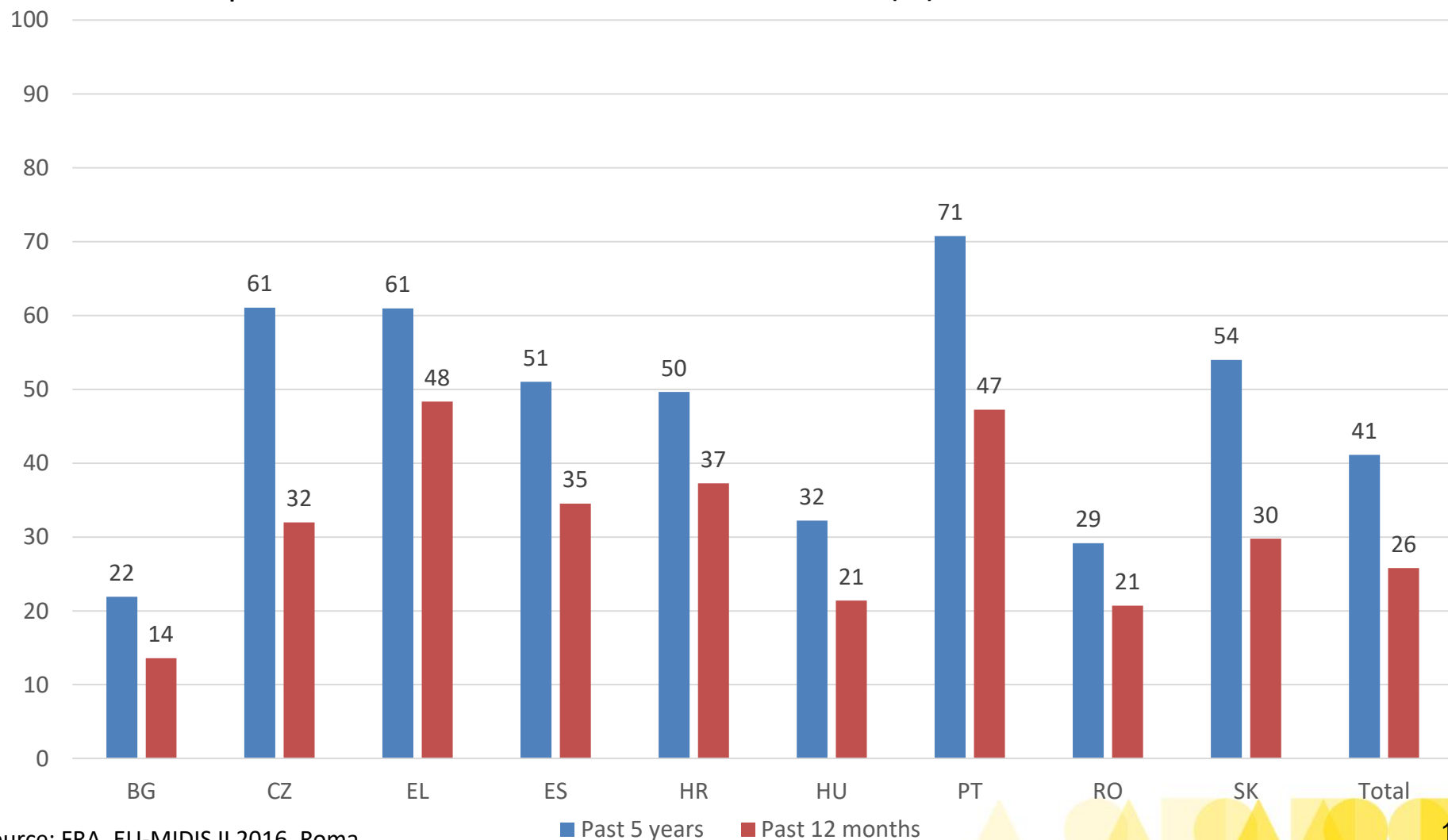
- EU signed „Istanbul Convention“ 2017 referring to FRA's data in the explanatory report
- Detecting new areas for legal action (e.g. cyber harassment)
- Monitoring Roma inclusion strategies: COM uses data for the mid-term review of national strategies 2020
- VAW:
  - Supports countries to set up national data collections (e.g. VAW in Spain, Germany and OSCE countries)
  - Feeds into SDG indicators of Eurostat
  - Feeds into national awareness campaigns
  - Feeds into national measures and policies
- Supports judgement in case law  
(e.g. CASE OF YORDANOVA AND OTHERS v. BULGARIA (Application no. 25446/06))

## % - Experiencing cyber-sexual harassment by age group e.g. Unwanted sexually explicit emails or text messages





Overall prevalence of discrimination because of Roma background in the past 5 years and in the past 12 months in nine EU Member States (%)



## Who was contacted after the most serious incident of sexual violence

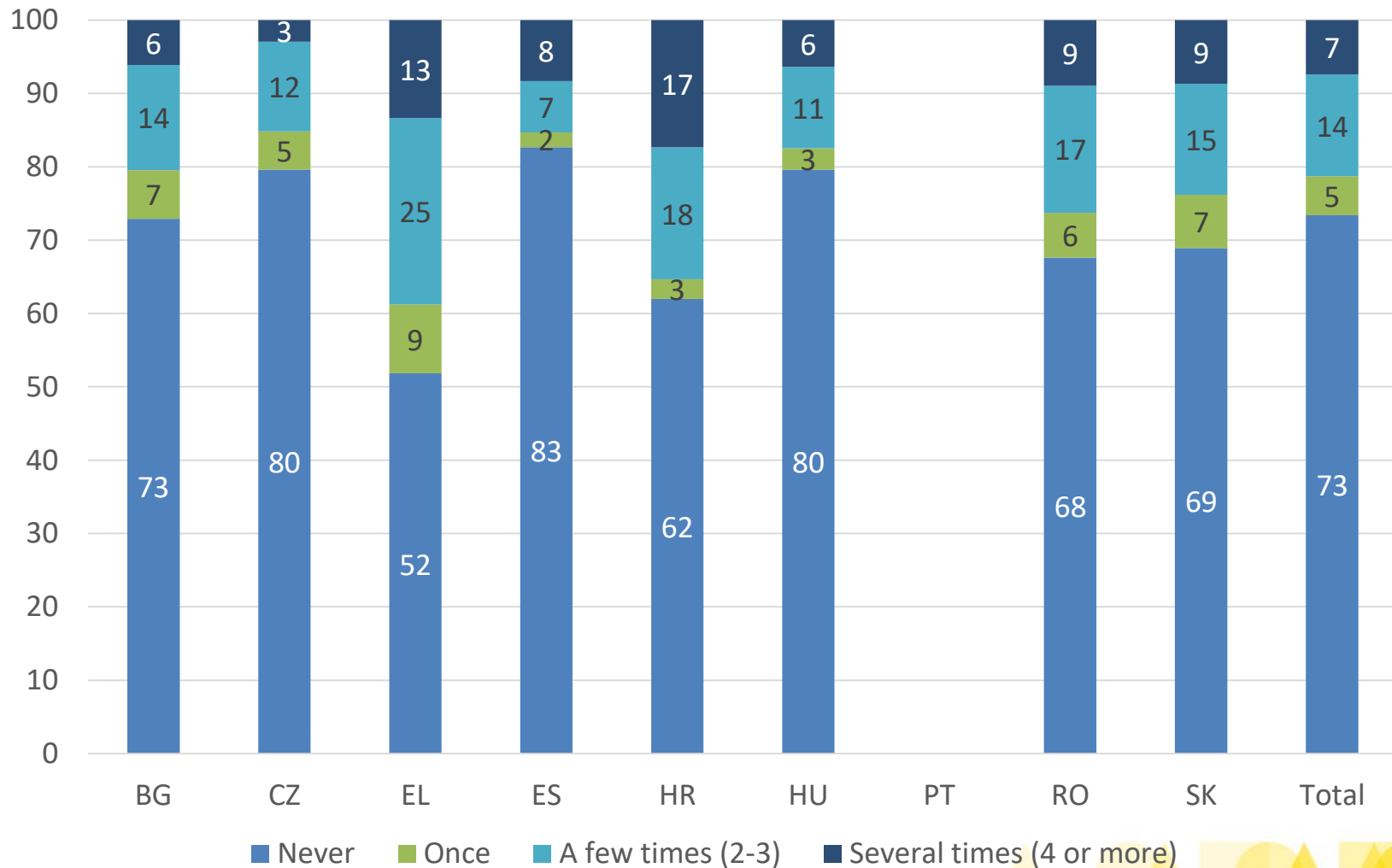
SINCE AGE 15, %	By any partner (current and/or previous)	By someone else (not a partner)
Police	15	14
<b>Hospital</b>	<b>12</b>	<b>12</b>
<b>Doctor, health centre or other health care institution</b>	<b>22</b>	<b>16</b>
Social services	7	2
Women's shelter	6	1
Victim support organisation	4	4
Church/faith-based organisation	4	2
Legal service/ lawyer	15	6
Another service/ organisation	5	3
<b>Any of the above</b>	<b>39</b>	<b>30</b>

## **FRA findings – contacting services (other than the police)**

- Very few women contact specialist victim support services
- Requirements of EU Victims' Rights Directive difficult to meet
- Need for enhanced resources/tools for specialist services – particularly to reach out to significant numbers of women who don't report abuse
- Women report most to health care services
- 87% of women said it would be ok for doctors to ask about violence
- Need to equip doctors with knowledge/tools to effectively respond
- Medical confidentiality/data protection – clarification needed

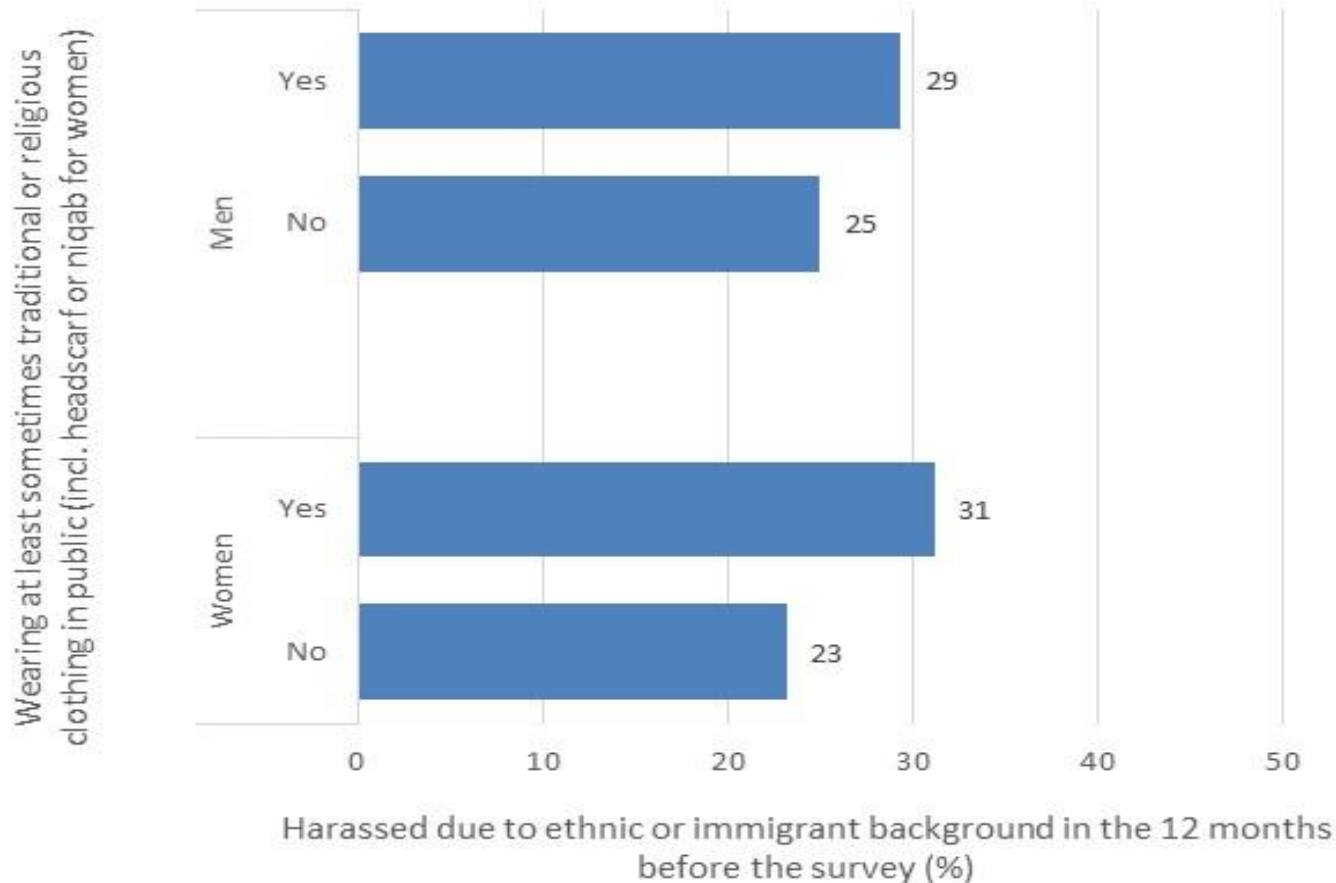
# Going to bed hungry

Roma living in households where, in the previous month, at least one person went to bed hungry once, a few times, or four or more times, by EU Member State (%)



# Harassment and religious clothing

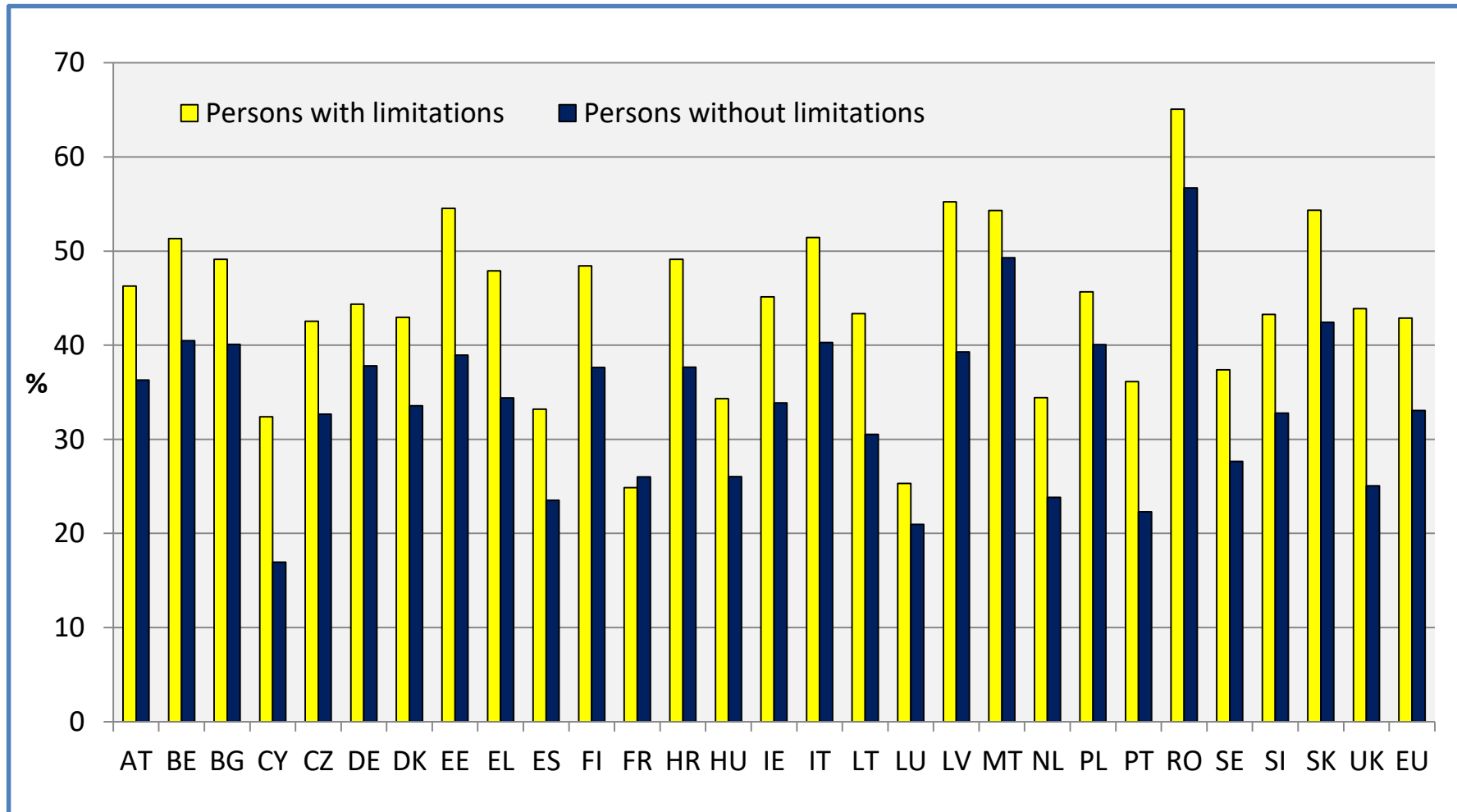
**Figure 24: Muslim respondents who at least sometimes wear traditional or religious clothing (including headscarf or niqab) in public and experienced harassment due to their ethnic or immigrant background in 12 months before the survey (%)<sup>a,b,c,d</sup>**



- Notes:
- <sup>a</sup> Out of
  - <sup>b</sup> Results based on a small number of responses are statistically less reliable. Therefore, results based on less than 20 or 10 unweighted observations in a group total or based on cells with less than 20 unweighted observations are noted in parenthesis. Results based on less than 20 unweighted observations in a group total are not published.
  - <sup>c</sup> Question: "Do you wear traditional or religious clothing when out in public that is different to the type of clothing typically worn in [COUNTRY]? This includes for example, specific traditional or religious clothing, symbols, headscarf or turban".
  - <sup>d</sup> Question only asked to Muslim women: "Do you usually wear a headscarf or niqab outside the house?".

# Art 19 CRPD: Independent living

Persons who live in a household having difficulty accessing at least one service (of grocery, banking, postal or primary health care services or public transport); age 16+, in %



# Law – Policy – Practice

## Structure – Process – Outcome

### Structure/Law

*Acceptance and  
commitment*

Legal and  
institutional  
framework  
States' duties

Council of Europe Istanbul Convention  
EU Victims' Rights Directive  
EU Gender Equality Directive  
EU Reception Conditions Directive (asylum)

### Process/Policy

*Efforts to transform*

Effectiveness of  
complaints and  
support systems

National Action Plans on GBV  
Implementation guidelines  
Training measures

### Outcome/Practice

*Results of efforts  
Evidence/data*

Situation on the  
ground – rights  
holders'  
experiences

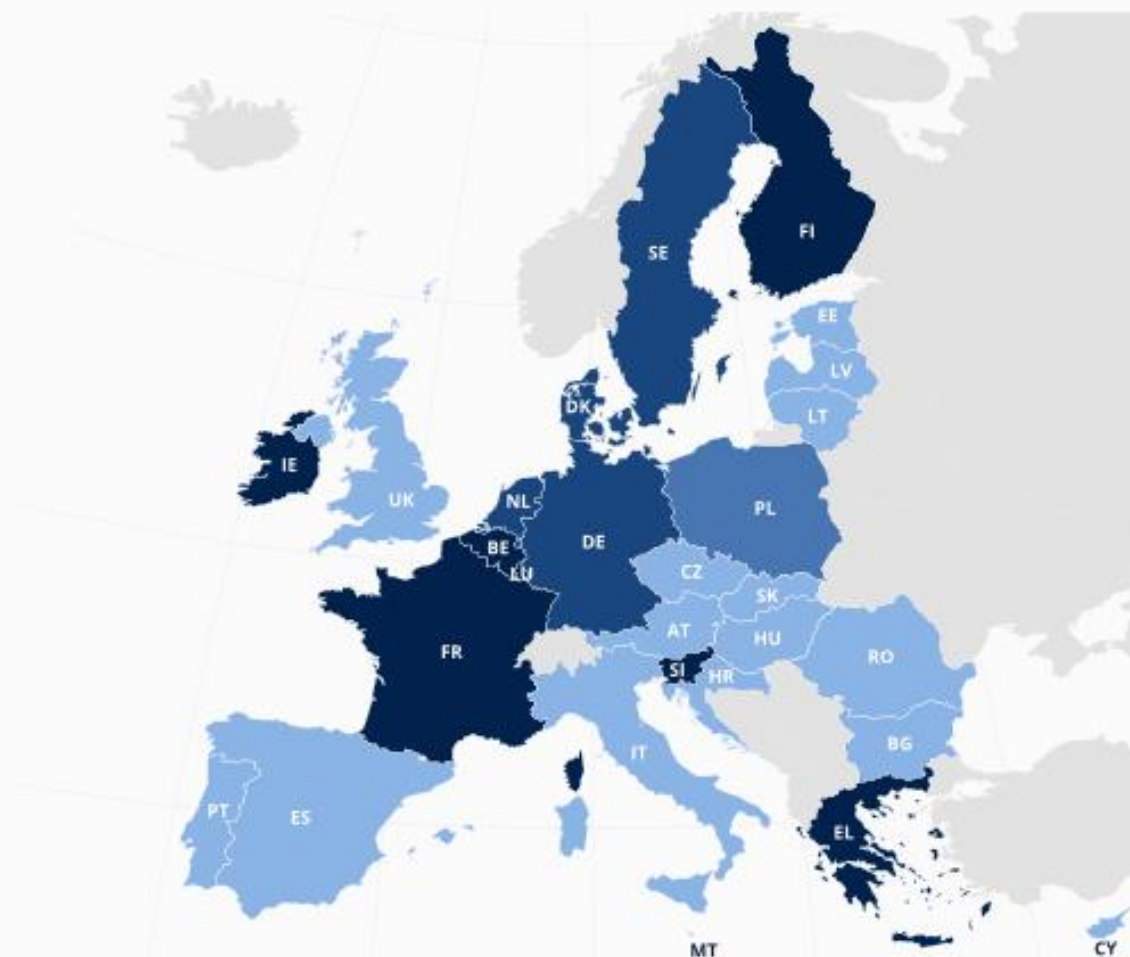
Actual occurrence of violations  
Survey data and administrative data  
Attrition rates – incidents/reports/cases  
People's awareness of their rights

Source: FRA

## FRA's interactive data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/minag>

- 15-16
- 16, but only women
- Marriage only allowed from 18
- Lowest age not regulated





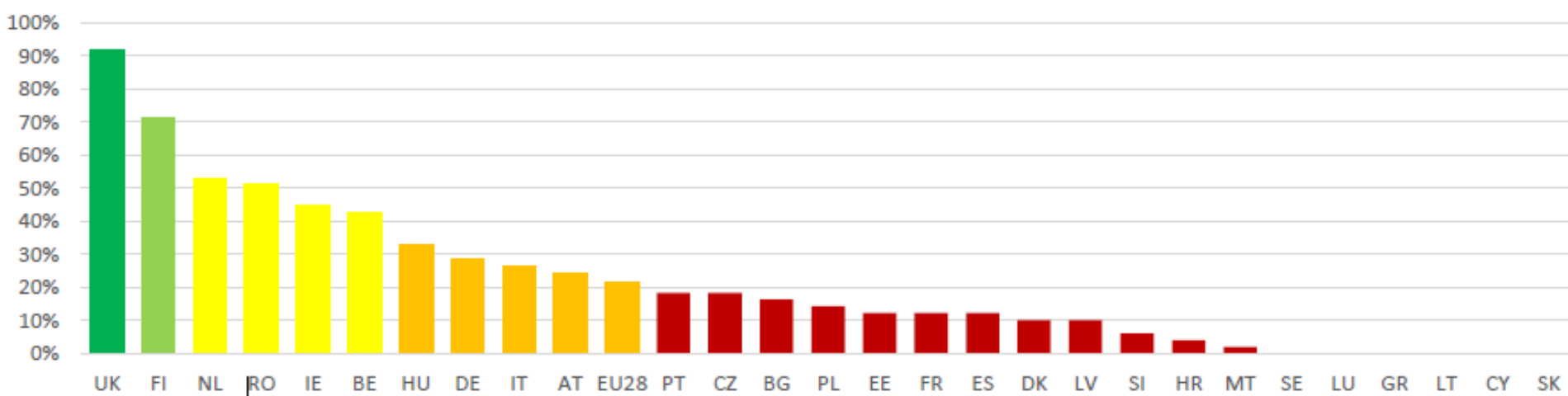
## To Conclude . . .

### FRA's data:

- Timely evidence for fundamental rights issues
- For policy needs and target populations not sufficiently covered by EU's main statistical tools

**...but sufficiently used?**

Use of equality data to promote equality in practice



## Use of equality data to promote equality in practice

<i>5. Used</i> <i># of countries with relevant provision</i>	<i>Age</i>	<i>Disability</i>	<i>Ethnicity</i>	<i>Race</i>	<i>Religion/belief</i>	<i>Sexual orientation</i>	<i>Gender Identity</i>
<i>A) Official national monitors (discrimination, equality, integration)</i>	8	10	13	5	5	6	4
<i>B) Official local monitors</i>	7	6	9	3	3	5	3
<i>C) Proof in discrimination cases</i>	10	8	9	8	8	8	7
<i>D) Use of remedies &amp; sanctions</i>	4	7	2	2	2	2	1
<i>E) Planning for equality or positive actions</i>	11	14	11	2	4	3	3
<i>F) Law- and policy-making</i>	10	11	11	3	4	4	3
<i>G) Evaluation of anti-discrimination legislation</i>	6	6	6	4	5	5	5

## For discussion:

- How to increase the use of existing data?
- How to improve the impact of existing data?
- What is needed in terms of data, application, information?

Thank you  
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