# Ethnic data collection in the EU: can't seem to find the way

*Lilla Farkas, race ground coordinator, European Network of legal experts on gender equality and non-discrimination,,*
*LFarkas @migpolgroup.com*

# Reporting flurry

1. EDI Report 2014 - OSF & ENAR

2. European Commission
   1. Ethnic Data Report and Handbook update 2016
   2. Guidance note on hate crimes November 2018

3. FRA:
   1. EU MIDIS 2016,
   2. hate crime map,
   3. PAD November 2018

4. ECRI: general recommendations hate crime, hate speech, Afrophobia

# EU context - political

- Agenda setting & multilevel governance: allies, foes and competitors

- Equality data: a problem for many - coalition with other grounds?

- Recognised & non-recognised racialised groups - coalition?

- European silence on race - including among the racialised groups!

- Wallerstein and Balibar 1991: race and gender within class

- The Holocaust prism

- Migrant and Roma integration frames

# EU context - jurisprudential

1. The meaning of racial or ethnic origin under EU law 2017: historically contingent

2. 'racial' fragmentation: no dominant racial group

3. race reified in case law
   - = skin colour? as if racial minorities did not have an identity
   - *Timishev v Russia,*
   - *Biao v Denmark* - Islamophobic undertone
   - *Feryn* - Moroccans, xenophobia, Islamophobia or Afrophobia?
   - *CHEZ* and *Jyske Finans*: only ethnicity in RED? ICERD mis-used?
     - Attrey in CMLR,
     - Farkas in EADLR

# Key issues: categorization I.

1. Data on racial origin is seldom collected based on self-identification.

2. How to categorise descent: geographic origin and cultural/religious/linguistic traditions

3. How to link descent with skin colour

4. 30% of PAD Muslim - Islamophobia in Europe

Categories: Maghreb, Sub-Saharan African, Other African?

# Categorization II. - Examples

Belgium Socioeconomic Monitoring . a. Belgian origin: Belgian, born Belgian, if both parents are Belgians born Belgian. b. "foreign origin". The categories are the following: i.EU-14, ii. EU-12, iii. EU candidate, iv. Other European, v. **Maghreb, vi. Other Africa**, vii. Near/Middle East, viii. Pacific/Far East, ix. Other Asia, x. North America, xi. Central and South America.

Finland Quality of Life Survey: "**nationality or colour**" has been in use since the 1990s, but the Saami cannot be in this way identified, and the identification of Roma may also be problematic.

Ireland census A. White – 1. Irish; 2. Irish Traveller and 3. Any other white background. **B. Black or Black Irish 1. African or 2. Any other black background** C. Asian (Irish) 1. Chinese and 2. Any other Asian background D. Other.

The Netherlands: descent, national or ethnic origin, skin colour, **Antillean/Aruban**, other Europe, **other Africa**, Asia, Other, unknown, autochthonous, **allochthones**, Turkish, trailer park residents. **Race and religion, as well as Race and nationality**.

United Kingdom: The categories combine national, ethnic and geographic headings. The present categories are open and include: A, White including Gypsy or Irish Traveller, B, Mixed / Multiple ethnic groups, C, Asian / Asian British including Indian, Pakistani, Bangladeshi, Chinese, **D, Black / African / Caribbean / Black British** and E, Other ethnic group including. Arab.

# Categorization III.

White as a category may be difficult to introduce, particularly in countries where many ethnic and national minorities would be categorized as white.

Great variety of 'indigenous', autochtbon ethnic groups on the continent: how to bring them under one category?

The interchangeable use of racial and ethnic origin seems more straightforward in the UK than in the continent.

The minority special rights regimes may complicate categorization.

# Key issues: stakeholders I.

1. Community involvement: antagonised
   - Afrophobia: perhaps most straightforward
   - Jews and the Roma - already recognized (but cf anti-semitism & Romaphobia)
   - Islamophobia: overlap with religion, PAD

2. Statisticians: antagonised

4. Data protection authorities: allies

6. Equality bodies: allies

8. Ground specific INGOs: antagonised
   - gender and age already in
   - race is most controversial

# Stakeholders II. - Statisticians

Revision of **UN guidance**? Department of Economic and Social Affairs Statistics Division, Principles and recommendations for population and housing censuses, Revision 2, 2006, para. 2.156-162. Principles and Recommendations on statistical data collection regarding language and ethnicity.

**Eurostat** and FRA: coherence across EU surveys
    LFS, ESS, EU SILC, EHIS, EUMIDIS, Eurobarometer
    question cards?
    LFS good practice

Member State statisticians: coherence with national surveys

# Statisticians

LFS and the EU-SILC do not ask about racial and ethnic origin, colour or descent. They do not capture descendants of immigrants, Afro-Europeans, Muslims and the Roma across the EU. Similarly, the European Social Survey (ESS) does not capture descendants of immigrants after the second generation, Afro-Europeans, Muslims and the Roma. LFS and the EU-SILC monitor the evolution of Europe 2020 indicators (employment, education and poverty). EU-SILC provides big enough cases for the main immigration countries.

The LFS ad hoc module on the "Labour market situation of migrants and their immediate descendants" in 2008 and 2014 are good examples of mainstreaming minority data and variables into EU surveys. This module has revealed the limitations of the EU surveys to identifying barriers and analysing discrimination experiences. Eurostat could valorise the experience of national surveys on discrimination and favour the exchange of best practice. This might be useful for the selection of sample, elaboration of questionnaire, categories to be used and methodological issues.

An EU-SILC module on racial and ethnic origin could be organised in order to study different dimensions of racial and ethnic origin.

# Stakeholders III. - EU institutions

European Parliament:
    2009 regulation on statistical planning and
    future legislation on social policies

European Commission
    Eurostat
    European Statistical Programme until 2020
    at present: 7. An Area of Justice and Fundamental Rights Based on Mutual Trust: gender pay gap, **Gender and discrimination statistics**, Regulatory framework for social statistics, Implementation of 2018 LFS module on reconciliation between work and family life

FRA: involve minorities in categorization, is it using the best categories?

European Commission

GUIDANCE NOTE
ON THE PRACTICAL APPLICATION OF COUNCIL FRAMEWORK DECISION 2008/913/JHA ON COMBATING CERTAIN FORMS AND EXPRESSIONS OF RACISM AND XENOPHOBIA BY MEANS OF CRIMINAL LAW

European handbook equality da

2016 revision

Justice and Consumers

Second European Union Minorities and Discrimination Survey

Being Black in the EU

The purpose of this guidance document is to facilitate the practical application on the ground of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. This document is also intended to assist the Member States to have a common understanding of the provisions contained in the Framework Decision, with a view to the effective implementation of national transposition measures.

This document is the result of a process of mapping and consultations carried out in the context of the work of the EU High Level Group on combating racism, xenophobia and other forms of intolerance in cooperation with the relevant stakeholders, including Member States' authorities, civil society and relevant EU and international organisations and bodies.

This document is not legally binding and is intended for guidance only. It will not serve as a checklist for assessing Member States' compliance with the provisions of Council Framework Decision 2008/913/JHA.

within the sole remit of the European Court of Justice Union (TEU) and the Treaty on the Functioning of the EU

EUROPEAN COMMISSION
a formal interpretation of EU law, nor provide legal advice on

Brussels, 19.12.2017
C(2017) 8555 final

ANNEX 3

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ANNEX

to the

COMMISSION DECISION of 19.12.2017

on the adoption of the work programme and financing decision for 2018 for the implementation of the European statistical programme 2013-2020

European Commission

Analysis and comparative review of equality data collection practices in the European Union

Data collection in the field of ethnicity

Olaiya, H. B. A. and University of the West of England (2017) A qualitative research study of strategic interventions to address afro-phobia in the european union. In: UWE 2017 HAS Postgraduate Research Conference, Bristol, England, 19 June 2017.