DATA ON DISCRIMINATION IN EU COUNTRIES:

STATISTICS, RESEARCH AND THE DRIVE FOR COMPARABILITY

John Wrench

Centre for Diversity and Inclusion
NTNU Social Research
Norwegian University of Science and Technology
NO-7491 Trondheim
Norway

This paper is published in: *Ethnic and Racial Studies* Vol. 34 No.10, 2011, 1715-1730

ABSTRACT

This paper focuses on data collection on ethnic/racial discrimination, and more particularly on the question of ‘ethnic statistics’, in the context of the work of the EU Agency for Fundamental Rights, an international body whose task is to provide European overviews of data on discrimination. The paper describes how the Agency addresses the problem of comparability of such data between EU member states, working at three levels. The first is to produce reports mapping available data, highlighting gaps, and explaining when and why data are not comparable. The second level is to initiate its own primary research - such as the EU-MIDIS 2008 victim survey - specifically designed to produce comparable data covering all 27 EU member states. The third level is to contribute to political and policy discussion to help raise awareness of the need for convergence in data collection practices between EU member states.

Key words

Discrimination, ethnicity, data, comparability, EU, FRA

Data on Discrimination in EU Countries: Statistics, Research and the Drive for Comparability

In the context of a growing demand for evidence-based social policies, the issue of data collection regarding the migrant and minority populations of Europe has become increasingly important. Both governments and civil society organisations demand information on the numbers and characteristics of migrant and minority groups in order to identify factors relating to their social and economic integration, or to facilitate the exposure of discrimination and the assessment of measures to combat it. This paper looks at the issue of data on racial/ethnic discrimination in Europe from the perspective of an international organisation whose task it is to collect such data covering all EU member states.

It has been argued that the collection of data on ethnic and racial discrimination is necessary for awareness-raising and for sensitising the public and policy makers as to the extent and nature of discrimination and related injustices. It is often only when data have been assembled, or when specific research has been carried out for the first time, that public attention is drawn to phenomena which until then have not been easy to see. Data are necessary for identifying the need for, and planning, positive action measures and other policy initiatives to combat discrimination. Furthermore, data can be useful for organisations to ensure that their own policies comply with equal treatment laws, and for judicial processes in proving or rebutting claims of unfair treatment (Makkonen 2006, p. 5)

Ideally, for such data to be meaningful, they need to include categories of ethnic origin in order to allow the identification of those populations who are most vulnerable to discrimination. Yet such statistics are rarely collected in EU countries because of their highly contested nature. As Patrick Simon points out, there is a paradox in the production of statistics about discrimination, “namely that they must necessarily take on board categories that are used to diminish, dominate and exclude in order to monitor equal treatment and provide redress for wrongs suffered” (Simon 2005, p.10). In many countries, authorities are unwilling to embrace such categories, and in very few EU countries is ethnicity used as a concept in social statistics. Whereas in some member states the use of such data is encouraged, and even forms part of the national census, in many others there are strong norms against such statistics, and in a few the gathering of such data is prohibited by law. The principled opposition to ethnic statistics is well known in countries like France where the universalistic approach to issues of immigration, ethnic diversity and citizenship has long discouraged the identification of ethnic origin in social policies (Castles 1995). Whilst there have been some developments in favour of the use of such statistics in recent years in France (and also in Belgium), in some other countries - for example, Lithuania and Slovakia – there has been a move *away* from data collection which uses the concept of ethnicity (FRA 2007; 2008).

The differences in attitudes and practices regarding ethnic data between EU Member States have been thrown into relief by the coming of the EC Racial Equality Directive (Council Directive 2000/43/EC). Apart from the fact that there is now general pressure on member states to produce statistics to show compliance with European laws, there is a more specific stimulus from the inclusion of *indirect* discrimination within the Directive, which means that indirect discrimination is now unlawful in many member states for the first time. As Simon points out, by its very nature, indirect discrimination calls upon statistical reasoning. Apparently neutral procedures can be shown to be not at all neutral in their effects on certain groups, and this can be done only through statistical data, which makes the invisible visible (Simon 2005, p. 13).

The data collection work of the FRA

This brief introduction to the different approaches to ethnic statistics in the EU provides the context for the main theme of this paper, namely the work of the EU Agency for Fundamental Rights (FRA), an independent agency of the European Union, in collecting and analysing data on racial/ethnic discrimination in Europe. The paper presents an insight into how the FRA addresses the problem of comparability of data between EU member states whose data collection traditions and practices vary so widely. The paper will focus primarily on the area of employment, as this is the arena where data from member states is most available.

The FRA has particular reasons for being interested in the quality and availability of data on racial and ethnic discrimination in general, and in the issues around the collection of ethnic data in particular. In 2007 the Agency was built upon the former European Monitoring Centre on Racism and Xenophobia (EUMC), and still continues with one of the prime objectives of the EUMC, as set out in its founding regulation, namely “providing the Community and its member states with objective, reliable and comparable data at European level on the phenomena of racism and xenophobia”. Furthermore, the Agency has a more specific mandate, which is to monitor the progress of the Racial Equality Directive. According to Article 17 of the Racial Equality Directive, the FRA is tasked to contribute to the European Commission’s report to the European Parliament and the Council on the application of the Directive in the member states.

One of the main tools used by the Agency to collect data is its European Racism and Xenophobia Network (RAXEN), consisting of 27 National Focal Points (NFPs), one in each member state. NFPs are typically composed of anti-racist NGOs, national equal opportunities bodies, institutes for human rights, or university research centres, supplying the FRA with regular information on racism, xenophobia and related issues in each member state according to common guidelines provided by the FRA. In various thematic areas, including employment, education, housing, healthcare, and racist violence and crime, the NFPs collect statistical data from official, semi-official and NGO sources, as well as information on racist incidents and court cases, the findings of research activities and opinion polls, and on positive initiatives against racism and discrimination. This data is used to compile the Agency’s Annual Reports, which present an overview of developments regarding racism and xenophobia in EU member states. In addition the data is used in comparative studies which set out common trends and national differences, identifying gaps in the data, using qualitative explanatory material of national context (EUMC 2003; 2004b; 2006b)

Quality of data

As stated earlier, the FRA’s founding regulation specifies that the data collected by the Agency should be ‘objective, reliable and comparable’. The term ‘objective’ indicates that the information should be collected with as much scientific rigour as is possible, according to canons of good social science methodology. The term ‘reliable’ can have more than one interpretation. One relates to a more ‘everyday’ usage, and another has a more specific meaning in social science methodology. The more commonsense usage of the term sees data as ‘reliable’ if they are accurate and do not present a misleading picture of what they are trying to describe. However, in social science methodology the concept of ‘reliability’ relates to the assumption that a measuring procedure yields the same results on repeated trials (Makkonen 2007, p. 27). The FRA reasonably aspires to collecting data which are reliable according to both of these definitions.

However, the term ‘comparable’ poses more problems than the other two terms. The implication within the FRA regulation is that the units between which comparisons are to be made are the EU member states. The FRA/EUMC has produced a great deal of data on member states which is *comparative*, in the sense of describing, analysing and commenting on similarities and differences in the occurrence of incidents, policies, and so on, between member states. However, these data are rarely directly *comparable*. Comparability would mean that a particular indicator of inequality or discrimination in one member state would have equal validity in terms of its meaning in another member state, thus allowing a reasoned judgement to be made that, for example, a level of inequality or discrimination is greater or lesser in one member state than another. There are many reasons why data collected by the FRA/EUMC are rarely comparable in this sense, including different policies and practices between member states in categorising and collecting statistics. Nevertheless, there are ways of improving comparability, and one of these is to collect data in different member states using a common research method which is specifically designed to produce data which are comparable between them.

Thus it could be argued that there are three levels in the work of the FRA in the drive for comparability in its data output:

Level 1: Collecting secondary data

For several years the FRA/EUMC has been mapping what data are available in the various member states, collecting them, identifying the gaps, and explaining the reasons why data are *not* comparable, drawing on descriptive, qualitative material to explain differences of national context and their implications for the data comparability. This is one of the functions performed by the Agency's comparative studies, and Annual Reports.

Level 2: Researching primary data

Partly in order to make up for the lack of comparable statistical data, the Agency has begun to design and implement increasingly more ambitious research projects with comparability built into them, as its human and financial resource capacity have allowed. These use a common methodology, applied simultaneously in the various member states in order to produce comparable data on issues related to discrimination. Examples of these include the EUMC's Eurobarometer study on majority attitudes towards minorities (EUMC 2004a), and the FRA's EU-MIDIS survey of migrants' and minorities' experiences of discrimination, racist crime and policing, (FRA 2009a; 2009c; 2009d), to be discussed later in this paper.

Level 3: Encouraging change

One aim of the Agency's reports has been to contribute to the raising of awareness on the need for convergence in member states' administrative procedures, in data gathering methods, and in definitions used, so that officially-produced data can become intrinsically more comparable. The messages have been regularly disseminated in workshops and conferences across the EU, and conveyed in meetings with member state government officers, and in EU parliamentary presentations. As part of this process, the Agency has been cooperating with bodies such as EUROSTAT, and with the European Commission's working groups on data and statistics.

The comparability of equality data

The difficulties of comparability regarding data on employment inequality and discrimination can be illustrated in relation to three main sources of equality data:

1. official statistics

2. complaints data
3. data from research

Official statistics

Official statistics from member states come from three types of data source – population censuses, national registers, and official surveys. These can show differences in the circumstances of different minority and migrant groups, provided that information on ethnic/national origin, or a close proxy, is available within the data. Such national statistical data can in theory produce patterns which (indirectly) identify the operation of discrimination. The national reports provided by the NFPs regularly present examples of studies where, for example, multivariate regression analysis applied to statistics on unemployment and earnings indicates a residual amount of disadvantage for migrants and minorities that can be assumed to be due to discrimination (see FRA 2007; 2008; 2009b).

However, such statistics are of limited use for providing *comparability* between member states. As stated earlier, most member states do not record ethnic or national origin in their official statistics, censuses or national registers. Some member states provide statistics from which can be calculated, for example, the rates of unemployment of 'citizens of countries from outside the EU' compared to those of 'citizens of Member States', and these statistics show that the unemployment rates of citizens of countries outside the EU can vary markedly between countries, with some countries showing a rate over three times that of the majority population (FRA 2007, pp. 44-5). However, while such figures would seem to provide a basis for comparison of labour market integration between member states, they are in fact of relatively little value, being affected by many distorting factors affecting naturalisation rates, one of them being the different requirements for obtaining citizenship between member states (EUMC 2003, pp 20-21).

Some transnational European surveys, such as the European Social Survey, have the potential to provide more sophisticated and reliable analyses. However, the sample used by the European Social Survey picks up too few migrants and minorities to be of great use. EUROSTAT introduced an *ad hoc* module for the Labour Force Survey 2008 covering migrants and their descendants, with the aim of showing the degree of their integration in the labour market. It is the first time that such a module has been used, and it is likely to be repeated every three or four years. Although the module provides some information relevant to those concerned with combating discrimination, it has a limited number of questions and does not directly address experiences of discrimination.

Complaints data

This category of evidence comes from complaints reported to specialised equality bodies for assisting victims, or to Ombudsmen, the police, the courts or NGOs. Complaints are not a good indicator of levels of discrimination because of under-reporting. Many victims are not certain that they have been victims of discrimination, and even when they are certain, there are many social and institutional forces which will determine the likelihood of them reporting it. In the past, this has been exacerbated by the fact that in some member states there was no official agency to receive a complaint. Now, in theory, the need to comply with the EC Racial Equality Directive should gradually improve this situation, with the obligation for member states to provide equality bodies to document discrimination and assist with cases.

However, even where a complaints mechanism exists, it is well known that only a minority of victims who perceive that they have suffered discrimination are likely to complain. In other words, complaints data represent ‘the tip of the iceberg’. Amongst the reasons for a low level of complaints identified during 2007 in a number of EU member states were: difficulties of evidence and worries about the financial cost (Czech Republic); a lack of training of relevant officials (Belgium); a lack of awareness by victims of their rights (Spain), and a lack of incentive to complain due to the very minor sanctions faced by companies (Romania) (FRA 2008: 48-49).

Furthermore, in reality there has been a tremendous variation in the nature and powers of the equality bodies created by member states following the transposition of the Racial Equality Directive, and this has direct implications for the readiness of victims to complain. For example, in a few member states there was still no operational specialised body in place at all by the end of 2007 (FRA 2009b), and in others the equality body which does exist has been categorised as ‘ineffective’, with some having inadequate powers to assist victims or apply dissuasive sanctions (FRA 2008). In addition, whilst some member states have run awareness campaigns in the media targeting potential victims of discrimination to draw attention to the new possibilities of redress under the new legislation, other member states have carried out no awareness-raising activities at all. Clearly, under these circumstances a comparison of the numbers of official complaints to equality bodies between member states is not particularly meaningful.

Evidence from research

Because patterns of complaints give a very poor insight into the problem of employment discrimination, it is important to turn to the evidence provided by research and investigation. Research on discrimination can overcome many of the weaknesses of data that have been described above, particularly as research projects can be designed so as to include the sensitive categories of ‘race’, or ethnic/national origin, so difficult to find and use in existing statistics. The FRA asks NFPs to provide information on research on ethnic discrimination that has been published each year in the NFP’s particular member state.

From the FRA’s point of view the three most valuable types of research for providing data on discrimination in employment have been surveys of the majority population, victim surveys and discrimination testing experiments. Some examples of each of these are presented below.

1. Surveys of the opinions and practices of the majority population

Surveys of the majority population, of employers, or of employment agency staff, can provide information on attitudes or practices which can have direct implications for the access of migrants and minorities to employment opportunities. For example, interviews in Germany in 2006 showed that when recruiting for jobs, people such as personnel managers are not only guided by relevant factors like education, qualification and work experience, but also by cultural stereotypes and prejudices towards Turkish migrants (e.g. they are ’not ambitious’, ’too macho’, or ’incapable of working in a team’), and some employers themselves clearly displayed personal prejudices towards Turkish applicants. Also many German employers explained that they would worry about problems with clients or German employees if they recruited a Turk (Gestring, Janssen and Polat 2006, pp. 135-193). In Belgium a survey of 688 members of an organisation of self-employed, covering mainly small companies with five to ten workers, found that eight out of ten respondents would not consider hiring a person of foreign nationality, even for occupations where there are labour shortages (Decoo 2007, p. 3). There have also been studies of employment agencies where agency staff reported that employers regularly instructed them 'Don't send me an immigrant for this job', and where staff admitted that they quietly complied with these requests, even when this was unlawful (Cross and Wrench 1991).

2. Victim surveys

Questionnaire-based victim surveys have the advantage that they are able to capture a greater range of incidents than those reported to the police, because they are *not* reliant on people's willingness to report to the police or on the police's ability or willingness to record incidents. In recent years NFPs have reported to the FRA an increasing number of surveys of the perceptions and experiences of members of groups who are likely to be victims of racial or ethnic discrimination. For example, in 2006, surveys of Russian speakers in Estonia, immigrants in Denmark**,** Turks in Germany, Serbs and Bosniacs in Slovenia and Somalis, Russians, Estonians and Vietnamese in Finland all reported subjective experiences of discrimination in employment (EUMC 2006a, p. 48). In France, immigrants and descendants of immigrants reported that they were routinely subjected to negative treatment related to their origin, skin colour, name or speech (Algalva and Beque 2004). And in Germany, of 1,000 Turkish people surveyed in 2004, over 56 per cent stated that they had experienced discriminatory treatment at their workplace (Goldberg and Sauer 2004). The surveys describe issues such as racist insults and harassment at the workplace, being treated unequally regarding wages, conditions, access to training and access to promotion, and also being unfairly selected for dismissal.

3. Discrimination testing

The method of discrimination testing (otherwise known as ‘situation testing’, ‘practice testing’ or ‘matched–pair field experiments) utilises two or more testers, one belonging to a majority group and the others to minority ethnic groups, all of whom apply for the same jobs. The testers are matched for all the criteria which should normally be taken into account by an employer, such as age, qualifications, experience and education. If over a period of repeated testing the ‘applicant’ from the majority background is systematically preferred to the others, then this points to the operation of discrimination according to ethnic or national origin.

Examples of such research have been carried out in the UK since the 1960s and in recent years the method has become associated with the International Labour Office (ILO), which sponsored the test in the 1990s in Belgium, Germany, the Netherlands and Spain (Zegers de Beijl 2000). In 2003 the ILO re-started the testing programme with Italy and in 2006 included France and Sweden (Taran 2008). The method has also been carried out independently of the ILO, but guided by its methodology, in Denmark (Hjarnø and Jensen 1997) and Switzerland (Fibbi, Kaya, and Piguet 2003). The latest example, in Greece in 2007, showed that Albanian applicants have a much lower chance of employment than Greeks, and that when they are offered a job, they are offered greatly inferior terms and conditions of employment (Drydakis and Vlassis 2007).

Overall net-discrimination rates of up to 35 per cent were found to be common in the ILO tests, meaning that in at least one out of three application procedures the minority candidates were discriminated against. Another way of presenting results is to state that the minority candidates usually have to make three to five times more tries as majority candidates to obtain a positive response in the employment application process (Taran 2008).

Conducting primary research

Research is indispensable for identifying and bringing to public attention problems of racial discrimination that otherwise may have remained unseen. However, whilst the various types of studies on discrimination carried out at a national level can provide a valuable insight into discrimination within that country, they do not provide comparability *between* member states. Therefore, in recent years the FRA has put increasing emphasis on collecting primary data via research initiated by the Agency itself (‘level 2’ activities). This paper will now look at one example of such research commissioned by the FRA, the EU-MIDIS victim studies, which used the principle of a common research methodology applied in all member states at the same time, designed to produce comparable data.

EU-MIDIS Survey

In 2008 the FRA carried out its EU-MIDIS (European Union Minorities and Discrimination Survey) victim survey on criminal victimisation and policing, and on discrimination in other areas of social life, including employment. The survey pioneered sampling and questionnaire application on selected minority groups, covering two or three minority groups per country, selected on the basis of (a) being the largest ethnic minority or immigrant groups in a country, and (b) being at risk of discrimination and potentially vulnerable to racially, ethnically or religiously motivated criminal incidents. The particular groups chosen for interviews within each country were selected on the basis of information provided by the relevant RAXEN NFP.

The number of interviewees in a single country ranged from 500 to 1500. Each respondent was asked a series of questions concerning general discrimination, rights awareness, discrimination in employment, education, housing, consumer services, health care and social services; victimisation experiences with regard to property crime, violent crime, harassment and corruption, and experiences of law enforcement, customs and border control. In total 23,500 minority respondents were interviewed. The survey was the first of its kind to survey minority groups systematically across all EU member states using the same standardised questionnaire and providing comparable data. The questionnaire of 150 questions and 300 variables allows comparisons to be made between different minority groups and different member states.

Amongst other things, the survey presents evidence on which groups in which member state are most vulnerable to discrimination, and which are least informed about where to turn for assistance if they have been discriminated against. One result from the survey is that, of all the minority groups surveyed, the Roma and those with a Sub-

Saharan background consistently reported the highest rates of discrimination, followed by those with a North African background. For example, on average, every second Roma respondent claimed to have been discriminated against at least once in the previous 12 months, and those discriminated against reported an average of 11 incidents of discrimination for that period. Of those who indicated they were discriminated against, the survey showed that the overwhelming majority did not report their experiences of discrimination to an organisation or at the place where it occurred (FRA 2009c). Between 59 and 94 per cent of respondents, depending on the group and country surveyed, did not know of any organisation offering support and advice to people who have been discriminated against (FRA 2009a, p. 7).

The results have allowed comparability on various dimensions between migrant and minority groups in different countries, ranging from Roma in Greece and Africans in Malta, through to Somalis in Sweden and Russians in Finland. At the time of writing, the full results of the survey had not yet been analysed, with an expectation of full publication by early 2010.

The dimension of qualitative research

The EU-MIDIS survey was designed to produce data which is objective, reliable and comparable, in line with the Agency's original regulation. Such population surveys are a useful quantitative research tool based on representative samples that produce reliable statistical data and support analyses which then allow comparability, if replicated in more than one country. Furthermore, if they are repeated, such surveys can also show trends over time, which is important when studying changes in people's experiences, their perception of events, or their attitudes to social values.

Nevertheless, whilst it is important to continue to give high priority to producing comparable statistical data, there are also good arguments for the Agency to include dimensions of qualitative research. For one thing, this can provide a whole new dimension of understanding of issues of discrimination, including details and processes of its occurrence and the motives of actors, which cannot be gained from quantitative research. Secondly, in some circumstances it can be used to check the accuracy and relevance of findings from survey data. Thirdly, and perhaps most importantly, in order to properly design and target *anti*-discrimination measures, it is often necessary to draw on the evidence of qualitative research.

An advantage with qualitative research is that the researcher gets personally close to the particular phenomenon of discrimination under study, and thus gains more understanding of the validity and *meaning* of the data. For example, although a large scale questionnaire survey can produce statistical patterns of responses which are reliable and comparable, in the sense that this survey could be replicated in another member state, how do we know that this reflects the reality of discrimination in practice? There is no way of observing if the stated attitudes or practices of respondents correspond to what the respondent feels or does in reality. Expressed attitudes of discrimination may have little correlation with actual practices of discrimination (LaPiere 1934).

Work in this area reflects the inherent dilemmas in social science methodology – research methods which are high in reliability and which produce quantitative results and comparable indicators, score less highly on ‘validity’, namely the degree to which a measure of discrimination really measures discrimination and nothing else (Makkonen 2007, p. 27). They are intrinsically less useful than qualitative methods when it comes to getting close to the reality of discrimination. We can illustrate this point by referring to the EU-MIDIS research described above. How do we know that the level of subjects’ perceived discrimination reflects actual discrimination? It is difficult for an individual to know when they have been unfairly discriminated against – they may feel that they have suffered discrimination when they have not, or they may not realise it when they have.

Furthermore, they may be less likely to ‘open up’ on such a sensitive area during a brief encounter with a stranger with a questionnaire, and it may take more informal, unstructured and open-ended interviews to gain results. To give just one example, qualitative interviews were used by German researchers when investigating ‘discrimination in everyday work relations’ through interviews with Turkish, Italian and Portuguese women who worked as cleaners in a Hamburg hospital. They wrote that when they started the conversations they were told by the women that they had no problems of discrimination and got on fine with their German colleagues. “Only after we gave some examples about problems we had seen in other enterprises did they gain the confidence to talk. For over an hour we were then told of the daily incidents that made life hard for them" (Räthzel 1999, p. 51). Yet this was a subject where in answer to the initial question the women had replied that there was "no problem". This shows one way in which the use of a formal questionnaire of the type used in the EU-MIDIS project could actually under-estimate the problems.

The value of discrimination testing

One method of researching discrimination which is able to sidestep some of the weaknesses of both quantitative and qualitative research is discrimination testing, as described earlier. This is a valuable method for investigating discrimination, for several reasons. Firstly, it overcomes many of the earlier-stated problems of data on discrimination by identifying ethnic or national origin, controlling for other variables, and carrying out enough tests to produce statistical significance. Secondly, the researchers are close enough to the phenomena of discrimination to banish any doubts as to the 'truth' of the evidence, particularly when, as often happens, the minority candidate enquires first, is told that a job is gone, and then a little later the majority applicant is informed that the position is still vacant. The problem associated with some other methods, namely that a victim does not know whether he or she has suffered discrimination when being turned down for a job, is overcome.

Furthermore, in theory, this is a method with the potential for producing statistical data on discrimination which allows a degree of comparability between different countries – i.e. a comparison of net discrimination rates, or of the average number of applications necessary to secure a job. If carried out in the same country at regular intervals of a few years it also has the potential for producing comparability over time.

Encouraging change: the long term impact

The FRA, and in its earlier form, the EUMC, has contributed to the drive to increase the comparability of data in the EU in its field at two levels, firstly by mapping and collecting secondary data along with analyses of its strengths, weaknesses and gaps, and secondly by initiating research to produce comparable data and to test comparative methodologies. Both these activities have contributed to developments at the longer term 'third level', namely encouraging change by raising awareness on the need for convergence in member states' administrative procedures, in data gathering methods and in definitions used in the various member states, so that officially-produced data can become intrinsically more comparable.

One issue regularly addressed in the Agency's reports is that of 'ethnic data collection'. In order to have reliable and comparable data on discrimination it is necessary to have to have information on the main relevant variables according to which discrimination occurs, namely on 'race', ethnic origin, national origin and religion. From the experience of collecting secondary data and cases of 'good practice' against discrimination over many years, it has become clear that the information would be more useful if more of the publicly-available evidence that the NFPs collect contained statistics where variables such as ethnic and national origin were recorded, and also that comparability would be enhanced significantly if in official statistics, such as unemployment statistics or police and court statistics, these variables were recorded by member states in similar ways (Makkonen 2007). As stated at the beginning of this paper, the issue of ethnic data collection remains controversial across much of the EU, but there have been in recent years some political moves in some member states towards the use of such data (FRA 2007; 2008; 2009b).

As part of its 'level 3' activities the FRA has contributed its experience to this debate at an EU level. In the context of the Community Action Programme against Discrimination 2001-2006, adopted in 2000, the European Commission established a working group to assess the availability and improvement of equality data. This produced, among other things, the *European Handbook on Equality Data* (Makkonen 2007), which draws upon the FRA's data collection experiences, and aims to raise awareness amongst policy makers of the need for better data, and give guidance on its production. Other relevant European initiatives in which the Agency has been involved include the project 'Promoting quantitative comparative research in the field of migration and integration in Europe' (PROMINSTAT), which, amongst other things, has examined the availability and comparability of European statistics in regard to employment, integration and discrimination, and a 2007 initiative of the European

Advisory Committee on Statistical Information in the Economic and Social Spheres (CEIES) to explore ways to include ethnicity as a category in existing EU survey instruments.

Conclusions

Since it began data collection, the FRA/EUMC has highlighted the weaknesses of data in its field. The Agency's reports have provided insights into the reasons why data are not comparable, and have enabled judgements to be made as to what is needed to enhance comparability. The message of these reports has contributed to public policy debates on better data. Increasingly there is seen to be a need for more officially collected data which record ethnic and national origin, if member states and European institutions remain committed to the idea of greater reliability and comparability in statistical data. It is difficult to talk about reliable indicators of discrimination unless there is such data. Such statistics can be drawn on as evidence to support claims of racial discrimination and can have a particular value in illuminating processes of indirect discrimination. They enable positive action targets to be set, and they allow the success or otherwise of anti-discrimination initiatives to be judged.

The FRA has also contributed to enhancing the availability of reliable and comparable data by carrying out and improving its own primary research. The lessons learnt from this will allow more comparable data to be collected and analysed by the FRA and others. In addition to the existing major surveys across member states, there is an argument that there should also be cross-national discrimination testing experiments. In comparison with most other sources of data, these act as a highly reliable indicator of the operation of discrimination, and also have the potential for producing comparable data, geographically and over time.

At the same time, the drive for comparability should not obscure the value of qualitative kinds of research, such as on victims of discrimination, but also on gatekeepers to employment. Qualitative research can provide an insight into processes of discrimination and the motives of discriminators: for example, if discrimination testing shows that employers are rejecting applications for jobs from migrants and minorities, qualitative research can establish the degree of importance of factors such as personal prejudices or ignorance, pressure to discriminate from others, a lack of awareness of the law, a fear of losing customers, and so on. Of course, one weakness with qualitative research is that this kind of material is not ‘comparable’ in the way that data are from a questionnaire survey of employers, but this should not be a reason for excluding it.

At the time of writing the Agency is researching the impact of the Racial Equality Directive using a combination of the data sources and methods described in this paper, drawing not only on complaints statistics from courts, tribunals, and equality bodies in the 27 member states, but also on data gathered by the FRA’s EU-MIDIS study on levels of awareness of migrant and minority groups of victim support provisions, and on qualitative research on the impact of the Directive through interviews with trade unions and employers. In the context of the weaknesses inherent in existing official data on discrimination, it is clear that only by drawing on a combination of data sources and research methods can the Agency provide a meaningful insight into processes of discrimination and the operation of anti-discrimination measures.

References

ALGALVA, ELISABETH and BEQUE, MARILYNE 2004 ‘Le vécu des attitudes intolérantes ou discriminatoires: des moqueries aux comportements racistes’, *Etude et Résultats* no. 290, February, Paris: AIT du ministère de la Santé, de la famille et des personnes handicapées

CASTLES, STEPHEN 1995 “How nation states respond to immigration and ethnic diversity” *New Community* vol. 21 no. 3, pp 293-308

CROSS, MALCOLM and WRENCH, JOHN 1991 ‘Racial Inequality on YTS: Careers Service or Disservice?’, *British Journal of Education and Work* vol.4 no.3, pp 5-23

DECOO, S. 2007 'Zelfstanidgen zien allochtone werknemers niet graag komen', in: *De Morgen* 17.03.2007

DRYDAKIS, NICK and VLASSIS, MINAS 2007 *Ethnic Discrimination in the Greek Labour Market: Occupational Access, Insurance Coverage, and Wage Offers*, University of Crete Working Paper

EUMC 2003 *Migrants, Minorities and Employment: Exclusion, discrimination and anti-discrimination in 15 member states of the European Union* Vienna: European Monitoring Centre on Racism and Xenophobia

EUMC 2004a *Majorities’ attitudes towards minorities in EU Member States: results from the standard Eurobarometers 1997-2000-2003*, Vienna: European Monitoring Centre on Racism and Xenophobia

EUMC 2004b *Migrants, Minorities and Education: Documenting discrimination and integration in 15 member states of the European Union* Vienna: European Monitoring Centre on Racism and Xenophobia

EUMC 2006a *Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU 2006* Vienna: European Monitoring Centre on Racism and Xenophobia

EUMC 2006b *Migrants, Minorities and Housing: Exclusion, discrimination and anti-discrimination in 15 member states of the European Union* Vienna: European Monitoring Centre on Racism and Xenophobia

FIBBI, ROSITA, KAYA, BÜLENT and PIGUET, ETIENNE 2003 *Le Passeport ou le Diplôme?*, Neuchâtel: Swiss Forum for Migration and Population Studies

FRA 2007 *Report on Racism and Xenophobia in the Member States of the European Union*, Vienna: European Union Agency for Fundamental Rights

FRA 2008 *Annual Report 2008*, Vienna: European Union Agency for Fundamental Rights

FRA 2009a *EU-MIDIS at a glance: Introduction to the FRA's EU-wide discrimination survey* Vienna: European Union Agency for Fundamental Rights

FRA 2009b *Annual Report 2009*, Vienna: European Union Agency for Fundamental Rights

FRA 2009c *Data in Focus Report 1: The Roma*, Vienna: European Union Agency for Fundamental Rights

FRA 2009d *Data in Focus Report 2: Muslims*, Vienna: European Union Agency for Fundamental Rights

GESTRING, NORBERT, JANSSEN, ANDREA, and POLAT, AYÇA 2006 *Prozesse der Integration und Ausgrenzung. Türkische Migranten der zweiten Generation*, Wiesbaden: VS Verlag für Sozialwissenschaften

GOLDBERG, ANDREAS and SAUER, MARTINA 2004 *Die Lebenssituation von Frauen und Männern türkischer Herkunft in Nordrhein-Westfalen. Ergebnisse der 6. Mehrthemenbefragung*, Duisburg-Essen: Stiftung ZfT.

HJARNØ, JAN and JENSEN, TORBEN 1997 'Diskrimineringen af unge med invandrerbaggrund ved jobsøgning', *Migration papers* no. 21, Esbjerg: South Jutland University Press

LAPIERE, RICHARD T. 1934 'Attitudes vs. Actions' *Social Forces*, vol. 13, pp 230–7

MAKKONEN, TIMO 2006 *Measuring Discrimination: Data Collection and EU Equality Law* Luxembourg: Office for Official Publications of the European Communities

MAKKONEN, TIMO 2007 *European Handbook on Equality Data: Why and how to build a national knowledge base on equality and discrimination on the grounds of racial and ethnic origin, religion and belief, disability, age and sexual orientation*, Luxembourg. Office for Official Publications of the European Communities

RÄTHZEL, NORA 1999 'Workers of Migrant Origin in Germany: Forms of discrimination in the labour market and the workplace', in John Wrench, Andrea Rea and Nouria Ouali (eds), *Migrants, Ethnic Minorities and the Labour Market: Integration and Exclusion in Europe*, London: Macmillan, pp 35-53

SIMON, PATRICK 2005 ‘The measurement of racial discrimination: the policy use of statistics’ *International Social Science Journal* (UNESCO) LVII (57) 1/183, pp. 9-25

TARAN, PATRICK 2008 *‘Situation Testing’ – assessing discrimination in access to employment*, Paper presented at 13th International Metropolis Conference, Bonn, September

ZEGERS DE BEIJL, ROGER (ed.) 2000 *Documenting Discrimination against Migrant Workers in the Labour Market: A comparative study of four European countries*, Geneva: International Labour Office

Disclaimer

The views expressed in this article are those of the author and not those of the EU Agency for Fundamental Rights.