The diversity within the European population is recognised as one of its most precious resources. However, because of this diversity, still many people experience that they are not equally treated. Europe's fight for equal opportunities received a boost with the adoption – by EP and Council - of the EU Equality laws (2000) and through the Community Action Programme to fight discrimination adopted by the Commission in 2001. The right to equality constitutes a universal right recognised by a wide range of internationally agreed human rights instruments, such as the Universal Declaration of Human Rights.

Already within the context of the 2001-2006 Community Action Programme, activities at EU level have started on gathering 'data' on equality. In 2002 DG Employment and Social Affairs (DG EMPL) has established a Working Group (with experts of 10 Member States) to examine available data on 'equality' and to consider a way forward to improve the availability and quality of data on 'discrimination'. As a follow-up to the 2001-2006 Action Programme 'discrimination' is now one of the four areas covered by the new PROGRESS programme, a Community action programme for employment and social solidarity.

During 2005, DG EMPL had asked Eurostat to assist in compiling statistics on 'equality/discrimination' and since 2007 actions on 'statistics on discrimination' are a separate action mentioned in the Commission's annual statistical programme. While statistics on gender equality, age and disability are already since many years part of the Community statistical programme, data collection on equality with respect to 'racial or ethic origin', 'religion or belief' or 'sexual orientation' adds a new and challenging dimension to the statistical work to be undertaken at Community level.

In the context of the 2001-2006 Community Action Programme, a number of initiatives have been taken at EU level, such as through the publication of a study on 'Data collection and EU Equality
'Law' and by the publication of a 'European handbook on equality data', which gives guidance to countries for their planning of data collection on equality. At the moment work is being undertaken, as a result of a call for tender launched by DG EMPL, on the establishment of a conceptual framework for the purpose of measuring progress in combating discrimination and promoting equality. Experts involved in these studies have also been invited to participate at this seminar.

The 2007 European Year of Equal Opportunities for All offers a good opportunity to bring the topic of measuring discrimination at the forefront of our activities in the European Statistical System (ESS) on social statistics and I am particularly grateful to our colleagues in DG EMPL for their support and assistance to have this seminar recognised as a major action within the context of the 2007 European Year.

Why is there a need to focus actions at Community level on collection of statistics on equality/discrimination?

In most EU countries policy makers currently rely on situation tests and anecdotal evidence to prepare their policies and programmes. Quantitative data are generally not widely available, with the exception of those relating to gender and age, and to some extent disability.

So there is a clear need for national and EU authorities to make use of a sound knowledge base on equality, including statistics on equality/discrimination, in order to monitor and evaluate EU and national anti-discrimination laws, policies and programmes and to guide future policy and legal development.

Discrimination data provide the framework for anti-discrimination policies. The Racial Equality and Employment Equality Directives, together with the Community action programme to combat discrimination, form part of the EU's broader strategy to promote the inclusion and participation of disadvantaged groups.

In the context of the European Employment Strategy, Member States are drawing up their National Action Plans (NAPs) for employment to develop a more comprehensive strategy, combining measures to promote the integration of disadvantaged groups with measures to tackle discriminatory attitudes, behaviour and practices. Analysis of the Social Inclusion National Action Plans showed that only a minority of Member States make an explicit link between measures to combat social exclusion and efforts to combat discrimination, including anti-discrimination legislation. As a next step to the NAPs - and as for other areas in the new Social Agenda - one could think of
'discrimination' as an area for considering indicators in the context of the Open Method of Coordination.

*Businesses* and *organisations*, such as national equality bodies and NGOs, also need data to allow them to take full responsibility and adapt their programmes according to the situation so as to comply with equal treatment laws.

Statistics on discrimination could play a decisive role in *judicial processes*. This is particularly true for 'indirect discrimination', which focuses the attention on group outcomes.

Statistics and other scientific knowledge and evidence can also give a major boost for awareness-raising and sensitising activities in the *general public* and for *researchers* seeking to improve our understanding of discrimination.

This seminar brings together a variety of data 'users' which provides the opportunity for all of us to learn better about the specific needs of the various user groups and to examine how these needs – for data and indicators on equality/discrimination - could at best be addressed and accommodated by initiatives on data collection at Community and at national level.

**What statistical data on equality/discrimination are needed at Community level?**

Situations of *inequality* are generally the result of a multitude of factors acting in concert. However, it is possible to identify the results of a situation of inequality. The disadvantaged situation of members of a certain group (in relation to other members of the population) can be demonstrated through quantitative or qualitative studies. They may reveal such indicators as: income differences in relation to other similarly qualified members of the population, differences in housing quality, different levels of health, lower than average levels of education etc.

Clearly, the identification of a situation of inequality does not in itself prove that it is caused by *discrimination*, nor does it reveal the extent to which discrimination is relevant. But the identification of the situation of inequality allows policy-makers to target supporting measures on groups who are found to be at a disadvantage and so to overcome the situation. In some cases, data might show that discrimination could play a more or less important role in compounding the disadvantage in a number of key areas such as access to housing, education, social care, health, employment opportunities.
In looking at 'data on discrimination' we should at first distinguish between 'direct discrimination' on the one hand, whereby the focus is on the consistency of treatment of individuals and which is based on a comparative logic and 'indirect discrimination' on the other hand, whereby the comparison takes place predominantly on group level instead of individual level.

Data on 'direct discrimination' are mainly obtained via complaints registers and through discrimination testing. These data play an important role for the juridical follow-up of individual cases. With the exception of some questions on direct discrimination (questions about personal experiences with discrimination) in general population surveys, official statistics have no role in the collection of data on 'direct discrimination'.

However, official statistics have a more prominent role to play in data collection for 'indirect discrimination'. Statistics on indirect discrimination should cover the possible grounds of discrimination as defined by EU law: racial or ethnic origin, religion or belief, age, disability, age or sexual orientation, whereby they should cover – as a minimum – the main key areas of social and economic life that are covered by the two EU Equality Directives (employment, education, housing and access to services).

This objective of this seminar - focussing on one ground 'racial or ethnic origin' and one key area 'labour market' – is chosen because of the raising importance of the topic. Employment is arguably the most single important factor to full, active and equal participation in society. Fair and equal treatment must apply not only in getting a job, but also in the conditions and opportunities that are available for those who are already working. And, while specific actions – such as in the context of the Labour Force Survey - have already been launched on 'gender equality on the labour market' and on 'employment of disabled people', measuring discrimination on the labour market on grounds of 'racial and ethnic origin' now merits our full attention.

What are the main issues to be highlighted for statistics on discrimination in general and for statistics on 'ethnic or racial discrimination on the labour market' in particular?

While focussing on the measurement of indirect discrimination, there are different issues to be considered: definitions and categorisation, scope and target groups, most important variables, data confidentiality, statistical analysis...
1) Definitions and categorisation

While for some grounds of discrimination, such as 'disability' there is substantial work done with respect to concepts and classifications to be used (which for disability is now concentrating on the use of the International Classification of Functions – ICF) there is not yet a common definition and/or classification for terms such as 'racial or ethnic origin' or 'religion or belief' or 'sexual orientation'. These are indeed complex issues, whereby one should take into account the differences between countries with respect to the sensitivity and the conceptual understanding of the term.

There is at EU level no common variable in use on 'ethnic or racial origin'. In fact, 'ethnicity' and 'race' are not natural categories, but they are social constructs. People are socially defined as belonging to a particular ethnic or racial group, either in definitions employed by others, or definitions which members of particular ethnic groups develop for themselves. While in some countries, such as the UK, the use of 'racial' language is commonplace and also accepted at the level of legislation and every-day speech, the situation is very different in other countries such as Germany, Austria and Sweden. Some Member States are indeed reluctant to develop quantitative data disaggregated with respect to racial or ethnic origin for cultural reasons, since the identification of national origins could lead to the implicit recognition of different ethnic categories with the risk of stigmatisation. For historical reasons, countries could consider the registration of ethnic or racial origin, religion or beliefs as 'inappropriate'.

It appears that only the UK collects data on 'race' in censuses, although the classification used is a mixture of ethnic and racial categories.

With respect to 'ethnicity' it should be noted that the Racial Equality Directive prohibits discrimination on the basis of 'ethnic origin', not because of 'ethnicity', so this shifts the focus from the present status of a person to his/her past. The experiences from Member States with respect to data collection show that definitions and categorisations on 'ethnic origin' or 'ethnicity' refer to the country's history, current demographic structure and prevailing legal system.

A proposal for a common international understanding on 'ethnicity' is included in the CES recommendations for the 2010 Censuses of Population and housing, where 'ethnicity' could be used as a non-core topic. The guidelines however do not provide a classification to be used.

The ongoing surveys at EU level (LFS, EU-SILC, AES ...) do not include a variable on 'racial' or 'ethnic origin', but information might be obtained from questions on
a) 'nationality' (such as in the LFS ad EU-SILC);
b) 'country of birth' or 'country of birth of parents' (such as scheduled for the LFS ad-hoc module on employment of migrants').

An extra dimension could be given by asking people to declare themselves to which 'ethnic group' they belong to, but on this issue there is still a lot of debate.

2) Scope and Target groups

In the context of population surveys and administrative registers an important issue is the coverage of the concerned population – in particular whether or not people of various ethnic origins are covered by these sources. In addition for surveys, also sample sizes play an important role. A compromise should be reached between sufficient level of detail – such as type of ethnical group - on the one hand and a reasonable sample size on the other hand.

In some countries, special efforts are made to link various sources such as in the ongoing study ‘Common measures for discrimination’ whereby a comparison is made between data gathered through

a) surveys concerning perceived discrimination;
b) administrative registers and register linkage;
c) registration of complaints.

3) Most important variables to be collected

With respect to variables, we could distinguish between:

- The usual general social variables that are collected in every population survey, namely the so-called set of 16 "Core variables" related to demographic, geographic and socio-economic information.

- The specific information which is needed to better analyse discrimination comprising:

  - the different ethnic and racial classifications mentioned before : nationality, country of birth (which both are already part of the "core variables"), country of birth of parents and perhaps self declaration on belonging to an ethnic group…
- but also other important variables like number of years of residence in the country, languages…

- All the **variables of interest** like:

  - self reported measures of discrimination concerning the interviewee of his community of reference…

  - and attitudes and feelings with respect to discrimination. Examples here are the European Social Survey (with questions on 'subjective' attitude with respect to membership of a group that is discriminated and on 'grounds' on which people have felt as being discriminated').

- But also some general questions asked to the whole population concerning their **perceptions and opinion on 'discrimination' in general** – without explicitly referring to their own situation (example: Eurobaromenter).

**4) Data protection and confidentiality**

Collection of personal data and in particular on sensitive issues such as ethnic or racial origin, health and sexual orientation, has raised a lot of discussion, especially in the context of the EU Data Protection Directive, adopted by EP and Council in 1995. However, contrary to a widespread belief, the international, European and national rules on protection of privacy and data do not categorically prohibit the collection of data in relation to discrimination, including on the 'sensitive' grounds above mentioned. Although data on 'racial or ethnic origin' are considered as a 'special category of personal data, the EU Data Protection Directive lays down a presumption according to which statistical surveys, which are by their very nature anonymised, are not prohibited.

With respect to statistics, the legal requirements for Community statistics (such as the Statistical law) as well as the European Code of Practice provide the legal and operational framework with respect to data confidentiality. Special legislation (and procedures) exist concerning access to confidential data for scientific purposes.

But remains however the difficulty to reassure the interviewees of the usefulness of asking specific questions, such as on 'ethnic origin' and the potential of high non-response.
5) Statistical analysis

It is clear that indicators resulting from simple tabulations are not sufficient to establish evidence of discrimination. Let us take an example from the labour market. If we compare directly average wages for foreigners and natives, the difference between the two groups could be explained by differences in occupation, economic sector, seniority…, all factors that are known to influence wage levels. So evidence for indirect discrimination is usually measured by the so called "ethnic residual" resulting from a multivariate analysis comprising all the other factors influencing wage differentials. Even in that case, unexplained differences in wages according to "ethnicity" are not necessarily due to discrimination; some other independent variables like the proficiency in the country language could be missing or the classifications used for the independent variables could be insufficiently detailed… Nevertheless, this approach is a necessary step to better understand the magnitude of possible discrimination.

Moreover, structural differences in occupation or participation in the labour market between foreigners and natives could also result from another level of discrimination in the access to the labour market, which can be analysed in comparing occupations and education level or qualifications of the two groups…

In short, a high level of statistical analysis is often required to better assess indirect discrimination.

Main message to the seminar

Together with its partners in the ESS, Eurostat will actively contribute to establishing and – where possible - implementing a methodology to provide the statistical data needed to measure equality/discrimination in general and 'ethnic and racial discrimination on the labour market' in particular. Statisticians should work together with academics and researchers in order to provide the required coherent sets of data and information required such as for policy preparation, planning and evaluation.

Statistics on discrimination may well require new viewpoints and new data sources to help us in solving major questions such as: What are the employment rates of the main ethnic groups in the EU? What is the impact of multiple discrimination? What are the characteristics – such as education level or languages spoken – that hamper the integration of ethnic minorities in the labour market?

An integrative society without discrimination requires a strategy, which enables equal opportunities for all without discrimination. I hope that this seminar might provide an opportunity to discuss
openly with producers and users of statistical data, with administrators, stakeholders, researchers and politicians about the type and detail of data needed, on methodological issues and on possible actions for statistics at Community level, so as to really assess the situation in Europe with respect to racial and ethnic discrimination on the labour market, with a view to make the objectives of the 2007 European Year – Equal Opportunities for All – a reality.