1. Introduction

The collection of data on ethnic and racial discrimination at work and in the labour market has been part of the work of the European Monitoring Centre on Racism and Xenophobia (EUMC), since the beginning of its operations in 1998 in Vienna. The EUMC, an independent agency of the European Union, in 2007 had its mandate extended to become the European Agency for Fundamental Rights (FRA), but it still continues with the prime objective of the EUMC, namely “providing the Community and its member states with objective, reliable and comparable data at European level on the phenomena of racism and xenophobia”.¹

The collection of objective and reliable data is necessary for awareness-raising and for sensitising the public and policy makers as to the extent and nature of racism, discrimination, and related injustices. It is often only when data have been assembled which have not been brought together before, or when specific research has been carried out, that public attention is drawn to phenomena which until then have not been easy to see. Data are also necessary for guiding and supporting the implementation and development of policy initiatives to combat inequality, exclusion and social injustice. Furthermore, data are useful for public and private

¹ EN L 53/4 Official Journal of the European Union 22.2.2007
sector organisations to ensure that their own policies are fair, efficient and comply with equal
treatment laws, and for judicial processes in proving or rebutting claims of unfair treatment.

To collect data, the EUMC/FRA created RAXEN, its European Racism and Xenophobia
Network of National Focal Points (NFPs), one in each member state. There are now 27 NFPs,
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.

Data and information are collected by the National Focal Points according to common
guidelines provided by the EUMC, and cover five thematic areas: employment, education,
housing, legal initiatives, and racist violence and crime. A sixth thematic area, that of health
and social care, was added in 2006, with data on this to be collected as from 2007. In each
thematic area the NFPs collect several kinds of data, for example:

- Statistical data from official, semi-official and NGO sources
- Information on racist incidents and court cases
- Information on relevant legal provisions
- Case studies and information on positive initiatives against racism and discrimination
- Descriptive and analytical information, such as from research activities, opinion polls,
etc.

The data in the NFP reports have formed the background material used to compile the EUMC
Annual Reports. The Annual Reports present an overview of events and developments
regarding racism and xenophobia in all the Member States each year, in each of the thematic
areas of employment, education, housing, legal initiatives, and racist violence and crime. The
report also provides a separate section of ‘Opinions’ on polices and measures for combating
racism and xenophobia.

In addition the NFPs produced in 2002-2003 a series of analytical studies covering each of the
thematic areas. Based on these studies the EUMC then published between 2003 and 20062 a

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2 Copies of the European Comparative Studies on employment, education, legislation, housing and racist violence, can be
downloaded from the FRA website: http://www.fra.europa.eu
series of Comparative Studies providing an overview covering all EU Member States. The set out common trends and national differences, and identify gaps in the data, using qualitative explanatory material of national context.

### 1.1. Quality of data

The EUMC’s Regulation specified that the data collected by the Centre 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 ‘every day’ 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 the literature of social science methodology, the concept of ‘reliability’ in research relates to the idea of 'replicability', namely the assumption that, if the research is repeated under the same conditions it will produce similar results. The EUMC reasonably aspired to collecting data which are reliable according to both of these definitions.

Precise and common guidelines are provided to the NFPs to direct them to collect the kinds of data required. The guidelines are extensively discussed during annual meetings, which also include training sessions. The accuracy and quality of the data the NFPs produce is assessed by in-house experts, and additionally by external experts with specialist knowledge, if in-house expertise is not available. Finally, reports are sent to government liaison contacts, one for each Member State, who check the accuracy of the data and information presented in the report relating to their own country.

The term ‘comparable’ poses more problems than the other two terms. The implication within the EUMC Regulation is that the units between which comparisons are to be made are the EU Member States. The 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. An indicator of comparability has to be

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3 Depending on the EU membership status of European countries during data collection
able to allow a reasonable judgement that, for example, a particular manifestation of racism or discrimination is greater or lesser in one Member State than another. There are many reasons why data collected by the EUMC/FRA are rarely comparable in this sense, for reasons described in detail elsewhere. However, 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 EUMC in the drive for comparability in its data output:

**Level 1: Collecting secondary data**
For several years the EUMC has been mapping what data are available in the various Member States, collecting them, identifying the gaps, explaining the reasons why data are not comparable, drawing on descriptive, qualitative material to explain differences of national context and their implications for the current lack of comparability between data on discrimination in Member States. This is one of the functions performed by the five thematic Comparative Studies, and by the Annual Reports.

**Level 2: Researching primary data**
In order to make up for the lack of comparable statistical data, the EUMC began gradually to design and implement increasingly more ambitious research projects with comparability built into them, as its human and financial resource capacity allowed. These use a common methodology, applied in the various Member States in order to produce data on discrimination of a comparable nature. Examples of these include the Eurobarometer study on majority attitudes towards minorities, the study on the minorities’ experiences of racism and discrimination and the ongoing survey of migrants’ and minorities’ experiences of racist crime and policing.

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Level 3: Encouraging change

The EUMC’s reports have played a part in contributing to the raising of 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. The messages have been regularly disseminated in workshops and conferences across the EU, and conveyed in meetings with Member State government officers, and in parliamentary presentations.

More directly, as part of this process, the EUMC has been cooperating with bodies such as EUROSTAT, and with the Commission’s Working Group on Data Collection to Measure the Extent and Impact of Discrimination. One outcome of the latter has been the production of the European Handbook on Equality Data,\(^6\) which has drawn upon the EUMC’s data collection experiences, and which aims to raise awareness amongst policy makers of the need for better data.

1.2. The comparability of equality data

The difficulties of comparability regarding data on discrimination and equality issues can be illustrated in relation to three main sources of equality data: official statistics, complaints data, and data from research.

1.2.1. 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 suggest the operation of discrimination. For example, in many EU countries immigrants or ethnic minorities have unemployment rates significantly higher than the majority population. If, in large data sets, it is possible to hold constant variables such as education level, qualifications, experience, age, etc. and significant differences still remain, then this is an indirect indicator of discrimination.

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\(^6\) 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, European Commission, Luxembourg 2007.
There is great variety within the EU in the degree to which a Member State’s census or national population register is useful for identifying racial/ethnic inequality, or for operating and judging the effectiveness of anti-discrimination activities. In the UK a question on ethnic background has formed part of the official census since 1991, and Ireland recorded this for the first time in 2006. In some other countries their official population data registers whether the individual’s parents were born abroad, thus making possible the identification of second generation immigrants, but no more than this. In most of the ten Member States which joined the EU in 2004 there is a question on ‘nationality’ which is understood more in ethnic terms than in terms of citizenship, and can be used to identify members of long-standing ethnic or national minorities within a country’s borders (for example, Hungarians in Slovakia or Romania). However, these are incapable of identifying more recent immigrant groups. Most of the remaining countries ask only about citizenship and place of birth. This means that in most EU countries official data are of limited use for the purpose of identifying groups exposed to racial/ethnic discrimination, and evaluating measures against it.

Statistics are of even more limited use for providing comparability between Member States. Whilst most Member States do not record ethnic or national origin in their official statistics, many of them provide statistics from which can be calculated the rates of unemployment of ‘citizens of countries from outside the EU’ compared to those of ‘citizens of Member States’.\footnote{The full data set for such calculations can be found at \url{http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1073,46870091&_dad=portal&_schema=PORTAL&p_product_code=LFSQ_URGAN}} These statistics show that the unemployment rates of citizens of countries outside the EU-25 can vary markedly between countries, with some countries having a rate only slightly above the majority rate, and others with a rate over three times that of the majority population. However, while such figures would seem to provide a basis for comparison of labour market integration between Member States, they will in fact be affected by many distorting factors, one of them being the different requirements for obtaining citizenship between Member States. For example, in a country where citizenship is easier for immigrants to gain, the unemployed ‘non-citizens’ group will contain proportionately more recent arrivals, whilst in a country where it takes much longer to acquire citizenship, the ‘non-citizens’ group will contain more longer-term residents. Thus in a country where the non-citizen group contains a higher proportion of more recent arrivals, the unemployment rate of immigrants is likely to be higher, but this will not necessarily reflect a higher level of discrimination. (It should be noted...
that there is a wide variety between EU Member States regarding the minimum periods of legal residence required to obtain citizenship.)

Some national statistical authorities allow researchers access to national census and register data to carry out more sophisticated analyses relating to migrant or minority populations. 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. However, this evidence remains ‘indirect’, and at an individual national level.

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 plans an ad hoc module for the Labour Force Survey 2008 covering migrants and their descendents, with the aim of showing the degree of their integration in the labour market. It is the first time that such a module will be used, and it is likely to be repeated every three or four years. Although the module will be able to provide some information relevant to those concerned with combating discrimination, it has a limited number of questions and does not directly address experiences of discrimination.

1.2.2. Complaints data

This category of evidence comes from complaints reported to specialised bodies for assisting victims, or to Ombudsmen, the police, the courts or NGOs. They might come from victims themselves, or from “whistleblowers” who complain to an agency about discriminatory practices which they have witnessed.

Complaints are not a good indicator of levels of discrimination because the levels of under-reporting and non-reporting are high. 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

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8 For example, this varies between three years in Belgium and ten years in Spain, Greece, Austria and Portugal.
complaint. Now, the need to comply with the Equality Directives\(^\text{10}\) is expected to gradually improve this situation, with the obligation for Member States to provide specialised 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. For example, in one year it was thought that only four per cent of people subject to discrimination reported it to the Ombudsman against Ethnic Discrimination in Sweden.\(^\text{11}\) In other words complaints data represent ‘the tip of the iceberg’.

Furthermore, initial evidence supplied to the FRA by its NFPs shows that in reality there has been a tremendous variety in the nature and powers of the specialised bodies created by Member States following the transposition of the Racial Equality Directive. In some Member States there are comparatively severe sanctions, and awards in cases of ethnic discrimination are regularly issued, whilst in others, the sanctions are not at all severe or frequent. In some Member States it is not possible to come to any conclusions about cases because the statistics are not disaggregated by the specialised body according to grounds of discrimination, and in a few Member States there was still no operational specialised body in place at all by the end of 2006. 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 specialised bodies between Member States is not particularly meaningful.

### 1.2.3. **Evidence from research**

As well as providing official statistics and complaints data in their data collection reports, the NFPs also provide evidence from research carried out by others. Research on discrimination can complement official statistics and overcome many of the problems that have been described above. Research projects can be designed so as to include the sensitive categories of ‘race’, or ethnic/national origin, which are often so difficult to find and use in existing statistics. Research can identify the importance of variables which cannot be shown in official


\(^{10}\) Council Directive 2000/43/EC (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin) and Council Directive 2000/78/EC (establishing a general framework for equal treatment in employment and occupation on other grounds)

\(^{11}\) Ombudsman against Ethnic Discrimination Newsletter 2002: 1, available at [http://www.do.se](http://www.do.se)
statistics, and can produce a range of evidence of different types on discrimination, in its various manifestations and locations.

From the FRA’s point of view the most valuable types of research for providing data on discrimination have been:

**Surveys of the majority population**, either by questionnaire surveys or by qualitative research, including focusing on those who act as gatekeepers to employment opportunities. These can provide information on attitudes or practices which can have direct implications for the equal or unequal access of migrants and minorities to opportunities and services.

**Victim surveys**, where people from social groups who are at most risk of suffering discrimination are asked about their subjective experiences of discrimination. The survey might be administered by postal questionnaire, or by direct interview.

**Discrimination testing**, which utilises two or more testers, one belonging to a majority group and the others to minority groups, all of whom apply for the same job (or other opportunity or service). The applications could be in person, by telephone or by letter. The testers are matched for all the criteria that 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 on the basis of ‘race’ or ethnicity.

However, while national level research can provide a valuable insight into discrimination within that country, it is ‘patchy’ in terms of its occurrence and may not be able to provide policy relevant information at a time when it is required. Nor can evidence from such research provide comparability between Member States.

2. **Conducting primary research**

In its first years of operation the EUMC focussed only on collecting and analysing secondary data. However, it soon became apparent that there were reasons also to collect primary data
via research initiated by the EUMC itself. There are several reasons why primary research can be useful. Firstly, it may be necessary to produce information for a specific policy relevant issue when secondary data are not available. Secondly, it can build comparability into the methodology and produce comparable data across Member States. Thirdly, it can pilot and test innovative and cost-effective transnational research methodologies which can be made available for others to use.

It is for these reasons that the EUMC initiated ‘level 2’ activities, namely carrying out research across Member States designed to produce comparable data. The EUMC first commissioned two programmes of research, the *Eurobarometer* studies and the *Migrants’ Experiences of Racism and Discrimination*, both using the principle of a common research methodology applied in different Member States.

### 2.1. Eurobarometer

In 2000 and 2003 the EUMC participated in the *Eurobarometer* surveys, when samples of the majority population in all Member States were asked the same questions relating to their attitudes to minorities. They were asked the extent to which they agreed or disagreed with a series of statements, such as “There is a limit to how many people of other races, religions or cultures a country can accept” or “Legally established immigrants from outside the European Union should be sent back to their country of origin if they are unemployed”. The analysis revealed the level to which the majority population in each Member State support or do not support various dimensions of what has been called ‘ethnic exclusionism’. Because the same questions (sensitively translated to allow for national cultural differences) were employed in the various countries in the same year, and then repeated three years later, the survey produced comparable data both between Member States and over time.

### 2.2. Pilot project, migrants’ experiences of racism and discrimination

The *Migrants’ Experiences of Racism and Discrimination* pilot project began in 2001 as the first primary research project of the EUMC. The aim of the pilot project was to collect data on migrant and minority groups with regard to their subjective experiences of racism and discrimination in everyday life, and to have this in a comparable format by using, as far as

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12 Majorities’ attitudes towards minorities in EU Member States: results from the standard Eurobarometers 1997-2000-2003. This analysis of the standard Eurobarometer for the EUMC has also included data from the Eurobarometer in the Candidate Countries, as well as data from the European Social Survey. The full reports, as well as a summary report, can be found on
possible, a similar methodology for data collection and data analysis. The methodology was based on research initially conducted in Sweden\textsuperscript{13} using a postal questionnaire sent to samples of immigrant groups asking whether they had experienced discrimination in a number of areas, including regarding their access to employment, harassment at work, promotion and redundancy.

However, it turned out in practice that the data produced by this study were not as ‘comparable’ as was first intended. This is because of practical difficulties encountered by the national researchers in applying the programme, which related to very different circumstances of national context. The model for the “Migrants’ Experiences” programme had been earlier studies carried out in three Nordic countries. Yet Nordic countries have the kind of population registers which enable appropriate samples to be defined and postal questionnaires to be dispatched. In most of the other countries such registers do not exist and so for many of the subsequent studies alternative sampling methods had to be devised, such as quota sampling, finding subjects via immigrant organisations, and administering questionnaires personally. This significantly reduced the comparability value of the findings.

Furthermore, another practical constraint reduced the comparability in these studies, namely \textit{timing}. Since the financial resources of the EUMC were not enough to allow several national studies to be carried out during the same year, only a few countries were covered each year, with the aim to complete the project by the end of 2005. But this meant that a period of several years had passed between the first and last study, which rendered comparisons between Member States even less meaningful.

The comparative study was finally published in 2006.\textsuperscript{14} One of the main lessons of the study was that the way to reduce problems and enhance comparability would have been to launch all national surveys at the same time, and to commission the survey work to one organisation that could employ the same methodology in every country. This lesson has been applied in the next major study on victims’ experiences of racist crime.

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\textsuperscript{13} A. Lange \textit{Immigrants on Discrimination II}, CEIFO, University of Stockholm 1997
\textsuperscript{14} Pilot Study Migrants’ Experiences of Racism and Discrimination in the EU, \url{http://www.fra.europa.eu}
2.3. Pilot victim survey on ‘criminal victimisation and policing’

The need for better data on racist crime was highlighted in the EUMC’s *Comparative Report on Racist Violence in the 15 EU Member States* published in 2005. The report showed that both official and unofficial data collection on racist crime and violence is inadequate in the majority of Member States, and that data, where available, cannot be compared directly between Member States, as ‘incidents’ or ‘crimes’ are defined and recorded differently.

Given this absence of reliable data, one of the key recommendations in the report was to develop surveys on criminal victimisation that can capture vulnerable communities’ experiences of criminal victimisation, including any incidents that are ‘racially’, ethnically or religiously motivated. The advantage of questionnaire-based victim surveys is 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.

Victim surveys, such as the ‘European Crime Survey’ already exist, but their sample covers the general population of Member States, and therefore ‘vulnerable’ groups, such as ethnic minorities, foreigners and/or immigrants, are not captured in sufficient numbers by the survey’s sampling frame. The EUMC’s 2006 pilot victim survey on criminal victimisation, policing and victim support is the first international victimisation survey targeted specifically at ethnic minorities and foreigners/immigrants. The survey pioneers sampling and questionnaire application on selected minority groups and thus constitutes an important step towards reliable and comparable data by the European Union. The survey is being piloted first in Austria, Belgium, Italy, Slovakia, Bulgaria and Romania, thus producing data in countries with a relatively limited experience of such research.

The pilot survey was limited to surveying two or three groups per country. These groups were selected on the basis of:

(a) being the largest ethnic minority or immigrant groups in a country, and

(b) being at risk of criminal victimisation and potentially vulnerable to ‘racially’, ‘ethnically’ or ‘religiously’ motivated criminal incidents
Information from the agency’s RAXEN National Focal Points provided background information about the relative status of different minority groups in the countries with respect to their vulnerability. The number of interviewees in a single country has ranged from 600 to 900.

The results of the pilot survey exercise are expected in June 2007, and will inform the development of a full-scale survey in the EU27. The content and format of the survey questionnaire for the full-scale survey will be adjusted in the light of the pilot results. Also, it is intended that the full survey will cover a series of questions on other areas of discrimination and victimisation that it currently does not, such as discrimination in employment.

3. The emphasis of future research

In the light of the experiences of the EUMC in collecting and analysing data and conducting research, it is pertinent to consider the emphasis of future research within a European Agency covering fundamental rights. One issue here is the question of the balance between quantitative and qualitative research.

3.1. Quantitative and qualitative research

Quantitative research can produce objective, reliable and comparable data. 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 over time, such surveys can also show trends, which is important when studying people’s experiences, their perception of events, or their attitudes to social values.

Surveys usually target the general population, but they can also be designed, using sophisticated sampling techniques, to focus on specific population groups that are difficult to sample. The FRA’s survey on ‘criminal victimisation and policing’, mentioned above, is an example of such a survey targeting migrants and ethnic minorities, with the aim of capturing their experiences of racist crime, victim support and policing.

See http://eumc.eu.int/eumc/material/pub/comparativestudy/CS-RV-main.pdf
Whilst it is important to continue to give high priority to producing statistical data, there is also a good argument for adding dimensions of qualitative research. Without denying the political significance of producing quantitative data, there are several reasons why qualitative work is important in the field of discrimination. Firstly, it 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, it in order to properly design and target anti-discrimination measures, it is often necessary to draw on the evidence of qualitative research.

3.1.1. Methodological dilemmas

The inherent weakness with qualitative research is that the number of cases that can be studied is far fewer than with quantitative methods. Consequently, it is more difficult to compare between countries and to draw generally valid conclusions. However, in qualitative research, the researcher gets personally closer to the particular phenomenon of discrimination under study, and thus gains more understanding of the validity and meaning of the data. The researcher can often observe or experience at first hand the particular phenomenon of discrimination that he or she is researching.

For example, a questionnaire survey on the attitudes or practices of the majority population can produce statistical patterns of responses, which are reliable and comparable, in the sense that this survey could be replicated in another Member State. But 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.16

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

16 See, for example, R.T.LaPiere “Attitudes vs. Actions” Social Forces 1934, 13, 230 – 237
discrimination really measures discrimination and nothing else. 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 two recent EUMC programmes described above, which employed the principle of a common methodology applied in all Member States, so that (in theory) this would produce comparable data across different European countries.

The Eurobarometer surveys produce data on expressed attitudes in their thousands which are statistically significant, and allow comparability between Member States. However, in reality what is being compared may be relatively superficial – there may be relatively little ‘meaning’ in the replies. For example, if in one country the degree of the majority population’s expressed agreement with statements such as “there are too many immigrants in our country” is relatively low, this might simply reflect a greater degree of ‘political correctness’ in that country, where people are more aware of the sorts of things that are not socially acceptable to say on the streets to a researcher.

Similarly, the kind of material collected in questionnaires for the comparative pilot project Migrants’ Experiences of Racism and Racial Discrimination has intrinsic limitations. 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 in recruitment – 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.

Qualitative research can identify processes of discrimination and the motives of discriminators, which will allow anti-discrimination practice to be targeted more effectively. For example, if employers are found to be 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, all of which have very different implications for the kinds of anti-discrimination measures needed.

17 European Handbook on Equality Data, European Commission, Luxembourg 2007, p. 27
In conclusion, there are arguments for both quantitative and qualitative methods to be employed in the future work of the FRA.

3.2. Discrimination testing

One social science method of researching discrimination which is able to sidestep some of the problems of both quantitative and qualitative research is discrimination testing (sometimes known as situation testing or matched pair experiments). Such research has 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 first in Belgium, Germany, the Netherlands and Spain. In 2003 the ILO re-started the testing programme with Italy, and in 2006 included France and Sweden. The method has also been carried out independently of the ILO, but guided by its methodology, in Denmark and Switzerland.

This is a classic method for investigating discrimination. 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. 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, for example, a job is gone, and then a little later the majority applicant is informed that the job 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. This is an example of a method capable of producing statistical data on discrimination which, compared to other methods, allows a greater degree of scientific comparability between different countries – i.e. a comparison of net discrimination rates. The FRA will examine the possibility of carrying out such testing in the future.

4. Encouraging change: the long term impact

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19 http://www.ilo.org/global/About_the_ILO/News/lang--fr/wcms_082200  
21 Hjarno, J. and Jensen, T. (1997) "Diskrimineringen af unge med invandrergang ved jobsoegning" Migration papers No. 21 South Jutland University Press, Esbjerg  
22 R. Fabbi, B. Kaya and E Piguet Le Passeport ou le Diplôme? Swiss Forum for Migration and Population Studies, Neuchâtel 2003
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 and weaknesses, and secondly by initiating research to produce comparable data and to test comparative methodologies. Both these activities have contributed actively 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 particular issue, regularly covered in EUMC reports, is that of ‘ethnic data collection’. In order to have reliable and comparable data on discrimination it is necessary 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, and data reliability would be enhanced, 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.23

This issue is central to questions such as: what are adequate indicators of discrimination, what is the best way to get data that will influence policies, what are the most effective anti-discrimination policies, and how do you measure the impact of anti-discrimination legislation? In general the message of EUMC reports has been to encourage the collection of relevant and more useful data. Particularly significant in this respect has been the coverage of racist violence and crime, as set out in two recent Annual Reports and the Comparative Report on Racist Violence in 15 EU Member States. Here, figures and tables categorise Member States according to the quality of their official criminal justice data collection mechanisms on racist crime and violence, showing clear distinctions between those with comprehensive, good, limited and non-existent data.24

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23 See 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, European Commission, Luxembourg 2007

24 See, for example, EUMC Annual Report 2006 pages 96-97
4.1. The arguments for better data

The messages of the Annual Reports and other comparative reports and studies of the EUMC on the need for improved data have been found with increasing regularity in references in the mainstream media, as well as in other international and EU reports and European Parliament documents. An analysis in December 2006 of the media coverage of the launch of the Annual Report 2006 shows that many of the media picked up specifically on this point.

This issue is more relevant today than a few years ago. The concept of indirect discrimination and changes in the burden of proof introduced by the Equality Directives indicate that there is likely to be more pressure on employers themselves to record this type of data, perhaps for ‘self defence’ purposes. There is also a growing awareness in Europe of ‘diversity management’. As stated in the European Commission’s European Handbook on Equality Data, diversity monitoring is likely to be the most effective measure an organisation can take to ensure that it is in compliance with equality laws. An organisation may collect data on the make-up of its workforce in terms of ethnic origin, religion, age, etc. in order to identify and remedy imbalances, which may be problematic. There is also growing interest in ‘positive action’ as a type of anti-discrimination activity, and effective positive action generally requires ethnic monitoring.

According to a recent EUMC/FRA overview of ‘Trends and Developments’ since 1997 there has been evidence in recent years that more Member States are moving in the direction of including ethnic origin as a variable in data. Ireland decided to include a question on ethnic origin in its 2006 census for the first time. In Belgium there has been a recent shift in the attitude towards collecting ethnic data in the Flemish region and at the national level, so as better to target labour market equality policies. In France, certain INSEE (Institut National de la Statistique et des Études Économiques – French National Institute for Statistics and Economic Studies) general surveys have included variables which allow for the identification of the children of immigrants, enabling further analysis of the situation of ‘second generation’ immigrants in the job market. And in the Netherlands in 2004 a new division was introduced in statistics on complaints made to anti-discrimination agencies allowing figures on cases of employment discrimination to be broken down by ‘race’ or ethnic origin.

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5. Conclusions

Since it began data collection, the EUMC/FRA has highlighted the weaknesses of data in its field, and the ways in which data has not been reliable or comparable. The Annual Reports and other comparative reports and studies 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 added to public policy debates on better data. This has been particularly so in the area of statistics on racist crime and violence, and on the issue of ‘ethnic data collection’. 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 EUMC/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 objective, reliable and comparable data to be collected and analysed by the FRA. There is a need for continuing research activity, both quantitative and qualitative, by the FRA. In addition to the existing major surveys across Member States, there should also be discrimination testing experiments. In comparison with most other sources of data, these act as a highly reliable indicator of the operation of discrimination. There is also a need for the more qualitative kinds of research, such as on victims of discrimination and amongst members of groups which suffer racism and discrimination, but also on gatekeepers to employment. This allows a greater understanding of all the various ways that discrimination occurs, the processes and relationships involved, and the range of motives, pressures and structures that underlie it.

With better statistics and the expansion of research in Member States across the range of different methods, a more sophisticated insight into processes of discrimination will be provided, and this will enable more appropriate and targeted anti-discrimination policies to be
developed. Comparative studies of such anti-discrimination policies in the various Member States will be a further valuable