

Valide Daten - rationale Entscheidungen - akzeptierte Steuerung?

13. bis zum 15. September 2023 an der Otto-von-Guericke-Universität Magdeburg

The role of equality data for policy making and monitoring

Abstract

Dr. Rossalina Latcheva

EU Agency for Fundamental Rights (FRA)

Equality and non-discrimination are founding values of the European Union, enshrined in its Treaties, in the [Charter of Fundamental Rights of the European Union](#) and an integral part of the [European Pillar of Social Rights](#). The European Union has in place an advanced legal framework with which to promote equality and non-discrimination. All 27 EU Member States have transposed this legal framework into national laws, often going beyond the minimum standards included in the Racial Equality Directive and the Employment Equality Directive.

Despite this, data collected by the European Union Agency of Fundamental Rights (FRA) show that significant proportions of people in the European Union continue to experience discrimination, bias-motivated harassment or crime, inequality, and social exclusion. This can be based on disability, sex, age, racial or ethnic origin, skin colour, religion or belief, sexual orientation, gender identity or gender expression, sex characteristics or a combination of these, as evidence consistently shows. Recent research shows that the Covid-19 pandemic might fuel discrimination and inequality for ethnic minorities and racialised groups, as well as for women and specific age groups, and impacted negatively on their equal opportunities.

Equality data are essential for assessing the situation of ethnic minorities and other racialised or minoritized groups and to effectively tackle racism and structural inequalities.¹ Data makes the nature and extent of discrimination and inequality visible and provides the substance for evidenced based policy making. When collected regularly and systematically, equality statistics enable Member States to assess the proper application of anti-discrimination legislation, monitor compliance with human rights obligations, and track progress in achieving goals towards equality – as set by EU economic governance instruments such as the European Semester or by global agendas such as the UN 2030 Agenda for Sustainable Development.

Nonetheless, there is still a lack of comparable and regular data collection on equality and non-discrimination, which limits effective monitoring of the application of the core legal EU frameworks in this area. The absence of robust and systematically collected equality data, combined with the very small number of discrimination cases brought to the attention of

¹ The Council Recommendation on Roma equality, inclusion and participation defines systemic or structural discrimination “as being evident in the inequalities that result from legislation, policy and practice, not by intent but resulting from a range of institutional factors in the elaboration, implementation and review of legislation, policy and practice” (p.20).

relevant authorities, competent bodies and courts, paints an incomplete picture of the reality of discrimination in the EU.²

To date, few countries operate comprehensive systems or have a coordinated approach to collecting and using equality data that would uncover inequalities based on racial or ethnic origin. If available, such data are often not up to date or lack comparability across time and geographical regions; frequently they are of limited scope as well as are not transparently available in the public domain.

Acknowledging this, in 2018 the EU High Level Group on Non-Discrimination, Equality and Diversity (HLG) set up a Subgroup on Equality Data (Subgroup) to support Member States in their efforts to improve the collection and use of equality data. It tasked the EU Agency for Fundamental Rights (FRA) to facilitate the work of the Subgroup, in line with the Agency's mandate to develop methods and standards to improve the comparability, objectivity and reliability of equality data at European level.³

Developing appropriate indicators and benchmarks is an integral part of national efforts to monitor the implementation of the rights enshrined in human rights treaties or national equality legislation and to measure progress towards the realisation of states' commitments.

Indicators are not simply a set of benchmarks. They are instrumental in translating globally agreed standards into specific legal, policymaking, and practical steps towards realising fundamental rights, so long as they are properly designed and used. In essence, indicators break down legal standards into measurable elements and clearly defined questions or lines of enquiry, into which quantifiable data and information are fed. Indicators also support evidence-based policymaking grounded in human rights. They do so by enabling the identification of gaps and tracking of progress over time.

The keynote is going to look at challenges of collecting and using equality data from different sources for monitoring purposes. It will also provide examples of FRA work with regards to what and how to monitor by looking at necessary elements of effective monitoring systems, including human-rights-based indicators and benchmarks. The keynote is therefore going to stress the human rights-based approach to indicators developed by the OHCHR, which suggests capturing not only the results or outcomes of laws and policies on the fundamental rights situation of individuals, but states' commitments (in terms of law and policy) and efforts (policy implementation) regarding the implementation of their obligations.

² Ibid., p.19.

³ [Council Regulation \(EC\) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, OJ L 53, 22.2.2007.](#)