Common Measures for Discrimination II
Recommendations for Improving the Measurement of Discrimination
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Recommendations for Improving the Measurement of Discrimination
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The six-year programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The action programme has three main objectives. These are:
1. To improve the understanding of issues related to discrimination.
2. To develop capacity to tackle discrimination effectively.
3. To promote the values underlying the fight against discrimination.

For more information see: http://europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

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Executive summary

This report is the second and final report from the Common Measures for Discrimination Project. Institutions from Norway, Denmark, the Netherlands, the Czech Republic and Portugal participated in this project.

Our basic idea is to improve the measurement of ethnic discrimination by combining different sources of data that provide information on the four components of discrimination: outcome difference, disadvantage, causality, and lack of justification.

The recommendations for improving the measurement of discrimination are targeted at four important groups involved in combating discrimination and promoting equal treatment: policy makers, specialised equality bodies, statistical offices and research institutions.

The measurement of objective and subjective discrimination in specific domains or across domains should be based on definitions of direct and indirect discrimination, harassment and instruction as well as systemic and cumulative discrimination.

The significant improvement of the measurement of discrimination is only possible through combining several data sources and a multi-disciplinary approach. Data sources should be combined both within single projects and at national level. The responsibility to initiate and organise cooperation to combine data from different sources, should be allocated explicitly to a specific organisation in each country.

Every state should describe their ethnic composition, and make this information available for measurement of discrimination in as detailed a form as legislation permits. Describing the ethnic composition involves identifying national minorities and indigenous people as well as immigrants and their descendants. Inherently, it also involves defining the majority as the group of comparison. We recommend that the risk groups are defined at national, and not European level. Comparability can be achieved by collecting information in the same areas of life. Data should be collated within a common set of policy domains (built on the areas listed in the EU Equal Treatment Directive).

Outcome differences between the risk groups and other groups in society should be described by using all available sources. The two main sources of gaining knowledge of outcome differences are living conditions surveys and administrative registers.

Surveys on experienced discrimination are a valuable source of information. Fixed sets of harmonised questions should be created to serve as instruments to produce two standardised indicators applicable to different population groups:
- Prevalence rate of self-experienced discrimination (victims) and
- Prevalence rate on perceived discrimination (witnesses).

Research on attitudes towards risk-populations, using both national definitions and international comparable definitions of risk populations, should be initiated. Such data can reveal several aspects of immigrants’ and risk populations’ position in a society.

Situation testing is a method of uncovering and measuring differential treatment of comparable individuals in a given arena, and can provide a useful means of measuring the prevalence of discriminatory acts. More efforts should put into creating manuals for designing and executing situation testing in different arenas.

Qualitative research generates a new understanding of processes involved in discrimination. More qualitative research, focusing on issues of relevance for discrimination, is needed as a component of measurement efforts.

Data collection on individual complaints of discrimination should cover specific information on the case itself, the circumstances, and the persons involved, as well as provide for information on a
set of common variables. The data should be collected with full respect for the privacy and anonymity of the individuals concerned and their informed consent.

Measuring discrimination within some risk groups is especially difficult when they are invisible in most sources of data. European countries should conduct studies on living conditions and discrimination based on experiences regarding Sámi, Inuit and Roma, where we have reason to believe groups invisible in statistics meet discrimination and exclusion.

**Czech Republic**

Presently, the Czech Republic lacks adequate legal protection against discrimination, as the proposed act did not go through the Senate at the end of January 2006.

The census is the only available source of information on economical activity classified by nationality/ethnicity. Two other important survey tools (Labour Force Survey and Mikrocensus 2002) do not contain information on foreigners and ethnic minorities. Only a few studies and surveys have targeted immigrants in the Czech Republic.

A wide range of registers and databases containing individual data in various policy areas exist. Unfortunately – from the view of data collectors and analysts – registers are not linkable and access to and use of data is limited to each particular institution. The main obstacle in linking data is the legislation for data protection. Although the Czech Statistical Office can use data from the population register for census questionnaire distribution, further use of personal data is strictly prohibited.

There is potential for development within the system. Registers will probably be able to share their data with the Czech Statistical Office, and the first steps in this cooperation have been taken. Surveys oriented towards minorities and target populations are supported by governmental offices and could be analysed to combat discrimination. However, linking and mapping data is difficult due to strict data protection and lack of trust by the general public.

**Portugal**

Portugal has adopted anti-discrimination legislation that prohibits all kinds of discrimination based on sex, race, colour, religion and belief, nationality or ethnic origin. Nevertheless, on the basis of fundamental rights protection under the Portuguese Constitution, no statistics can be drawn up on the basis of race, ethnicity or skin color. Therefore, Portugal lacks statistical indicators regarding ethnic and racial discrimination cases or incidents. Data does exist on incidents of discrimination within areas such as education, health care services, the labour market, housing, and criminal justice. However, data on discrimination is not collected in the official statistical system.

In Portugal, population statistics are based on census information about usual residence, annually updated by the demographic information. Portugal does not have a Personal Identification Number (PIN-Code) that corresponds to the system that exists in other countries in Europe. The official statistic system does not provide the ethnic composition of the population based on self identification, but uses their nationality and their country of birth as a proxy in identifying possible foreign and immigrant populations resident in Portugal.

The national sources of information available for the study of international migration are the Population and Housing Censuses; the Labour Force Survey; and the registers of the Ministry of the Internal Administration. Information about education is available in the Population and Housing Censuses and in educational statistics that are collected by the Ministry of Education annually.
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Part I: Concepts and Measurement

Looking for Common Ground
Introduction

Measuring Discrimination

Most people have experienced one or more situations in which they found themselves excluded, harassed or treated differently from other persons due to their biological, physiological or personal characteristics, their origin or language, their abilities or manifestations of belief, preferences etc. without any justification. As such the phenomenon of discrimination is viewed as something negative and unwanted, and as having a negative impact on the person affected. Also, the perception of discrimination as a negative component of interaction among persons and groups is reflected in a general reluctance to admit to having contributed to discrimination.

Apart from the personal implications, unjustified differential treatment is seen as counter-productive to society. Thus, the preamble of the EU Equal Treatment Directive highlights that «Discrimination based on racial or ethnic origin may undermine the achievement of the objectives of the EC Treaty, in particular the attainment of a high level of employment and of social protection, the raising of the standard of living and quality of life, economic and social cohesion and solidarity. It may also undermine the objective of developing the European Union as an area of freedom, security and justice.»

Preventing and combating discrimination require both an effort and an obligation to unveil the causes, patterns and effects of discrimination and to understand and explain the phenomenon in its different forms. Moreover, it is essential for achieving efficient protection against discrimination, and for identifying proper and effective means to counter it, that we possess knowledge about the level and occurrence of discrimination within Europe. In this respect it is of paramount importance that we have access to tools that enable us to actually measure discrimination both within and across the European countries.

The Common Measures for Discrimination project seeks to contribute to this important task by improving the measurement of discrimination through recommending common grounds for the collection of data and suggesting ways of linking and mapping different data sources.

Purpose of the Report

This report is the second and final report by the Common Measures for Discrimination project. Institutions from Norway, Denmark, the Netherlands, the Czech Republic and Portugal have participated in this project.

Our basic idea is to improve the measurement of ethnic discrimination by linking or mapping different sources of data stemming from statistics on negative outcomes for ethnic minority groups in our countries, from quantitative surveys and qualitative research on perceived discrimination, and from complaints handling judicial or quasi-judicial bodies.

In order to ensure the feasibility of the measuring tool, it has been necessary to supplement the study of data sources with preliminary considerations on how to define the phenomenon we intend to measure. Thus, we have started by identifying a descriptive model of discrimination that allows us to grasp the different aspects of and perspectives on discrimination.

2) See also the European handbook on equality data by European Commission, Luxemburg, 2007.
The model encompasses four essential elements which help us to establish discrimination:
• An individual or group is in comparison, treated or affected differently than the comparator,
• the difference is disadvantageous to the individual or group,
• the difference in treatment or effect is causally linked to a characteristic of the individual or group protected by anti-discrimination legislation, and
• there is no exception or justification permitting the difference in treatment or effect.3

The collection, linking and mapping of data should be based on the concepts used in the model and follow the steps suggested. Accordingly, a first step in the process of measuring discrimination is to prove differential outcome for a risk population. Availability of data and risk population definitions are a precondition for discovering the existence of a differential outcome.

As a next step, it must be proven that the difference is in fact disadvantageous for the risk population involved and not the result of a misconception of e.g. access to services or enjoyment of rights. Also, there must be a causality between outcome differences and affiliation with a risk population, and as a fourth challenge, it must be established that there are no justifications or alternative explanations present for the relevant outcome difference.

As disparate outcomes are related to expected outcomes, a further qualification is necessary for some of these elements; in practice, the search for discrimination is often initiated by an incident of experienced discrimination that has led to submission of a complaint to a complaints-handling body. Such documentation is needed if a claim of discrimination due to disparate outcomes or unjustifiable equal outcomes should lead to establishing discrimination in a legal sense.

Apart from this descriptive model, the common ground suggested by this report covers a multi-disciplinary approach to the conceptualisation of discrimination. The starting point is EU law and human rights standards on non-discrimination, but the aim is combining a legal approach with a social science approach. This combination paves the way for applying theories on the impact of attitudes, behaviours, procedures, structures and cultures on perceptions and patterns of discrimination within the framework given by legal definitions. Moreover, it enables integration of available data and classifications contained in registers and surveys in analyses of discrimination and thus helps to link material of different kinds, thereby making the measurement of discrimination feasible.

In general, it is more convincing to measure the extent of ethnic discrimination through several sources of information. In addition, all four components of discrimination (outcome difference, disadvantage, causality and lack of justification) need to be included. It is clear from our study that several sources of information are usually required to capture the victims’ perception of being discriminated against and the indicators of differential treatment that confirm this perception from a more objective perspective. This task cannot easily be fulfilled sufficiently by applying a single method of measurement. The multi-disciplinary approach offers an innovative and constructive tool for improving the measurement of discrimination irrespective of the level and nature of available data.

The report and its recommendations focus on discrimination based on ethnic background. However, the suggested approach is of a general nature and as such is not limited to any single ground for discrimination. Thus, it is possible to apply it to other grounds for discrimination, such as gender, religion or age, and to extend it to inter-sectional or multi-discrimination studies encompassing more discrimination grounds and more policy areas or sectors.

Our present aim is purely methodological; we wish to explore possible means of collecting and organising data that, in the long term, can be used to develop indicators of the level of discrimination and to recommend feasible ways of measuring them in a future perspective. As such, the project does not aim at presenting any conclusions about the level of discrimination.

**Guiding principles**

In the process of identifying relevant data sources and data on an individual and aggregate level, and formulating recommendations in this respect, there are three guiding principles.

As a *first principle*, data collection and subsequent combination is aimed at improving the measurement of discrimination. Thus, the Common Measures must be used and assessed as part of the drive for efficient protection against discrimination through legislation and effective legal remedies, and other effective responses to the phenomenon of discrimination.

Moreover, it presupposes data collected in a way that documents differences in outcome and incidents of discrimination, highlights opportunities and barriers for equal treatment, and maps or explains the disadvantages for the risk population that may be derived from these factors.

The *second principle* that has guided development of the Common Measures is simple, yet decisive for data collection in democratic states adhering to the rule of law, and particularly to the right to privacy of personal information. It stresses the requirements laid down in the Council of Europe Convention on Data Protection, the EU Data Protection Directive and national legislation implementing the principles and standards found in said legal instruments. A core element in this respect is the guarantee of anonymity or non-identification of persons about whom data on race, ethnicity or ethnic origin/belonging is collected.

Another important element is the inherent obligation to apply due care when collecting and linking data. The risk exists that groups within the risk population are made visible on their negative characteristics and, them being stigmatised or identified as problematic for society. To avoid such negative impact of data collection it is of vital importance that data is collected in full compliance with data protection laws, principles of privacy protection and respect for the dignity of every person.

Moreover, the effective protection of personal data contributes to creating trust in the population vis-à-vis statistical offices and other data collecting entities, including research institutions, and thereby gives necessary legitimacy to the measurement of discrimination.

The *third principle* reflects the aim of achieving cohesion and solidarity in our

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societies via social dialogue and co-operation. When collecting data within or across sectors on ethnicity and affiliation with risk populations, it is important to consider the suppliers of information. A high degree of self-classification involving the person’s own perception and choice of ethnicity and affiliation should be preferred if it provides adequate information. In most cases, such data has to be supplemented by data obtained via other classifications, i.e. data supplied by statistics offices, researchers, employers, education authorities, civil society entities providing legal aid, complaints-handling bodies or other bodies engaged in discrimination-related activities.7

By engaging a number of suppliers in the data collection process and recognizing the persons involved as important data suppliers, we may achieve higher levels of consciousness and knowledge about the personal and societal implications of discrimination. As such, the data collection process should be seen as an added value to the actual increase in adequate and reliable quantitative and qualitative data on discrimination in European societies.

The Structure of This Report
In the first part of the report we will discuss the conceptualisation of discrimination and the relationship between different forms of discrimination, and give recommendations concerning: which policy domains should be given priority; which different types of data could be used for which purposes; how to combine data and more general recommendations.

The recommendations for improving the measurement of discrimination are targeted at four important bodies in the fight against discrimination and the promotion of equal treatment: policy makers, specialised equality bodies, statistical offices and research institutions. To clearly indicate the implications for each recipient of the recommendations, an explanatory note is linked to each recommendation, including a list of issues to be dealt with by relevant bodies.

In the second part of this report we examine the comparability of data in three different areas, covering education, labour and income, and between two countries: The Czech Republic and Portugal. Our first report included similar chapters on the Netherlands, Denmark and Norway.

7) Inspiration found in, amongst others, the UN Durban Declaration against Racism, 2001.
Short Presentation of the Common Measures Project

The participants in this project are from Norway, Denmark, Netherlands, The Czech Republic and Portugal. The model we have been aiming at is to ensure participation from both specialists on discrimination and specialists on statistics in every country. The project is managed by the Equality and Anti-Discrimination Ombud in Norway and supported by The Danish Institute for Human Rights. In alphabetical order, the participants during the second year have been Christoffer Badse, Andrea Barsová, Maria José Carrilho, Daniel Chytil, Maria Cidália Figueiredo, Ella Ghosh, Eero Olli, Annemette Lindhardt Olsen, Birgitte Kofod Olsen, Ko Oudhof, Jessika ter Wal, Kristian Rose Tronstad, and Lars Østby. They are presented more closely in the appendix.

This report reflects analyses and discussions conducted during two years. The project was initiated in November 2004, and has led to the publication of the first report *Towards Common Measures for Discrimination – Exploring possibilities for combining existing data for measuring ethnic discrimination* which was presented at a seminar for experts and stakeholders in Oslo in the autumn of 2005.8 In November 2006, we presented our recommendations in the second report *Common Measures II: Recommendations for Improving the Measurement of Discrimination*. This report will be available in early 2007 at www.ldo.no and at the European Commissions website.

The project was financed by a grant from the European Commission’s Directorate General for Employment, Social Affairs and Equal Opportunities (VS\2004\0464 and VS\2005\0609), and by contributions from the Centre for Combating Ethnic Discrimination and the Danish Institute for Human Rights. In 2006, the Centre for Combating Ethnic Discrimination was closed and replaced by the Equality and Anti-Discrimination Ombud.

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8) The first year’s report can be downloaded from www.ldo.no.
Constructing a set of common measures that represents a suitable tool to draw a picture of racial and ethnic discrimination in Europe requires a multi-disciplinary approach to the concept of discrimination. Such an approach makes it possible not only to see discrimination as a phenomenon with consequences for the risk population, but also outcome differences between the risk population and the majority population. These can be related to subjective experiences of discrimination and the rates of filed and addressed legal complaints on discrimination within the risk population. Moreover, it enables us to reveal the different layers in the processes leading to discrimination and to suggest explanations and solutions to the problems of discrimination.

The legal concepts of discrimination create the framework for the methodological suggestions in this report. Within this framework, however, we have chosen to elaborate on the legal concepts in accordance with suggestions in social science. Hereby it is made possible to draw on data from the national statistics bureaus and to include information stemming from surveys on experienced discrimination by individuals belonging to ethnic minority groups, as well as from objective data found in national registers and censuses on the composition of the risk population, their educational level, participation and placement in the labour market, and income.

The Legal Perspective and its Limitations

From a legal perspective, the key concept of discrimination may be defined on the basis of the EU directives on Race Equality and Employment Equality. Both directives define discrimination in its direct and indirect form and define two more aspects of discrimination covering harassment and instruction to discriminate.

Also, international human rights law contributes to the outlining of the legal definition of discrimination by stipulating in the UN International Convention on Elimination of All Forms of Racial Discrimination, art. 1 that «any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life» should be regarded as discrimination.

It is of major importance that the Convention by this formulation creates the basis for a stronger protection against indirect and systemic discrimination by mentioning and equalizing activities or attitudes which have the purpose of discrimination with such that have discriminatory effect. Accordingly, a requirement for intention is not a valid element of a legal assessment of discrimination in a specific case.

Even though legislation and legal theory is developing towards a broader understanding of the concept of discrimination, a legal approach may not yet fully grasp the core problems of discrimination in the European societies. The reasons for this may be found in the fact that a case on discrimination should be susceptible to legal challenge, i.e. it has to meet the requirements for litigation in courts and, hence, must contain enough material to establish evidence for discrimination. Hereby, a legal approach will often leave us with an assessment of discrimination focussing on criteria that were applied in a specific case, whereas the victim’s perception of discrimination plays a minor if any role.

1) A similar rationale forms the basis of the study Measuring Racial Discrimination, Committee on National Statistics, National Research Council, USA 2004.
A Multi-Disciplinary Approach

In order to better understand and get a clearer picture of perceived discrimination and to unveil the complexity in structures, processes and attitudes leading to discrimination, it is our opinion that we may benefit from integrating other perspectives on and explanations of differential or disparate treatment or impact.

Thus, by drawing on social science approaches it may be possible to explore aspects of discrimination that are encompassed by legal definitions but may not be revealed if only a legal approach is applied.

An example of a form of discrimination that would properly not appear in a legal assessment or analysis of discrimination is found in an American study on measuring racial discrimination:

«… a subtle form of discrimination would be when interviewers of job applicants more frequently adopt behaviours (e.g., interrupting, asking fewer questions, using a hectoring tone) that result in poor communication and consequently poorer performance by disadvantaged minority applicants as compared with other applicants.»

If tried before a court or an administrative complaints agency, it would be difficult if not impossible for the complainant in such a case to lift his or her part of the burden of proof of discriminatory purpose or effect on part of the interviewer.

By using a multi-faceted definition of discrimination, surveys or observations of e.g. interviewing practices and strategies, may be integrated as data documenting attitudes with a discriminatory impact. If combined with data on representation of minority groups in the labour market and analyses of exclusion barriers within the labour market and the minority groups themselves, we are able to give a better description of the occurrence of discrimination in the labour market.

Such an approach may also pave the way for assessments of differential or discriminatory impact of legislation on specific ethnic minority groups. Thus, mapping data at aggregate levels across domains such as education, labour market and income, may help us in revealing patterns of disparate treatment discrimination that would not occur in a legal analysis. To illustrate this, we may construct a case of direct or indirect discrimination in the education system, e.g. stemming from overt discrimination in the class room or denial of access to trainee positions (as part of educational programmes). Such cases may be tried legally and, eventually, contribute to the picture of ethnic discrimination in the education system. What it does not tell us, however, is how behaviour or processes in the education system affect the educational quality of minority pupils and how – in a long run perspective – this has an impact on outcomes among minority groups in their participation and placements in the labour market and their level of income.

To present a multi-faceted picture of discrimination in Europe, it seems necessary to apply an approach enabling us to draw on a variety of data types. Hence, the methodology suggested in this report builds on a conceptualization of discrimination embedded in legal definitions, but elaborated further in order to give substance to the grit that is laid down in discrimination law, including behaviour, practices and processes leading to differences in outcome that are disadvantageous for ethnic minority groups at risk.

Terminology

The terms used in this report are in accordance with the following definitions of different forms of and different approaches to discrimination.

Objective and subjective discrimination

**Objective discrimination** is discrimination that is established based on criteria that are unrelated to subjective experiences. For example, less pay for the same or comparable work is an example of objective discrimination. As such, objective discrimination is about unjustifiable differences in outcomes.

**Subjective discrimination** is the experience of being discriminated. Often subjective and objective discrimination will go hand in hand, but they do not need to: a person might not notice that he or she is subjected to discrimination; or he/she may falsely believe that discrimination occurs or is inherent in a specific situation. Complaints handled by equality and anti discrimination bodies or court cases often start with the victims' subjective experience of discrimination, and the relevant bodies proceed to establish the degree of objective discrimination in legal terms.

Direct ethnic discrimination

Direct discrimination occurs when differential treatment is directly connected with a person's association with one of the protected categories, in this case on grounds of race or ethnicity. It involves the less favourable treatment on prohibited grounds of an individual compared to someone else in comparable circumstances.

**Subjective discrimination** is the experience of being discriminated. Often subjective and objective discrimination will go hand in hand, but they do not need to: a person might not notice that he or she is subjected to discrimination; or he/she may falsely believe that discrimination occurs or is inherent in a specific situation. Complaints handled by equality and anti discrimination bodies or court cases often start with the victims' subjective experience of discrimination, and the relevant bodies proceed to establish the degree of objective discrimination in legal terms.

**Indirect discrimination** occurs when measures, such as a provision, criterion or practice, appear to be neutral, but has a disadvantageous impact on a particular group of people identified e.g. on race or ethnic origin.

An example of indirect discrimination would be to require the applicants to the police academy to be of above average male height of the majority population, if it is not a necessary requirement for performing the job, as this would exclude many minority men and women.

Indirect discrimination may be justified if objective and reasonable reasons are given, the treatment pursues a legitimate aim and meets the requirements as to proportionality.

An example of direct discrimination in the field of education would be the non-acceptance of immigrants in the police academy with reference only to their status as immigrants.

The definitions found in EU-law and in human rights law do not depend on the existence of intent to discriminate. Consequently, the definition of discrimination used in this report covers both direct and indirect discrimination, without attempting to assign intention.

As it is clear from the definitions suggested above, both direct and indirect discrimination requires the fulfilment of two comparable elements: «less favourably than another» and «comparable to others». These elements constitute an important preliminary part of a legal assessment or analysis. In this report, however, it is not our aim to recommend
tools for the measurement of discrimination that would accommodate the needs of a legal analysis and successfully lead to an approval by the courts or other judicial bodies. Instead, we suggest that by linking or mapping register data about risk populations, we may highlight the differential outcomes between these and other groups in society, and hereby provide adequate information about differences that will enable us to reveal and assess patterns of disadvantages for a specific group and, eventually, initiate actions or policies with the aim of combating discrimination.

As such, the tool represents an added value in relation to legal analyses, as the knowledge about differences and disadvantages may become the basis for the assessment of a less favourable situation and of comparability in the legal analyses conducted in individual complaints and especially allegations of indirect discrimination.

The application of statistics as a tool for establishing evidence of indirect discrimination has been pointed at in the Preamble of the Race Directive, which suggests the use of statistical measures as well as other means for establishing discrimination. Moreover, case law developed by the European Court of Justice shows that the court is willing to define as indirect discrimination a treatment «that is intrinsically liable to adversely affect» persons belonging to risk population «in this case migrant workers» compared to other groups and «if there is a consequent risk that it will place the former at a particular disadvantage».

This is of major advantage to the person who is subjected to discrimination, as it may enable her or him to produce sufficient evidence that discrimination may have taken place, and thereby benefit from the principle of shared burden of proof that has been introduced by the EU-directives.

Systemic discrimination

In legal and social science literature, the concept of systemic discrimination encompasses a variety of notions, including structural discrimination, institutional discrimination and more specifically institutional racism.

In this report, the point of departure is taken in the reasoning found in e.g. Anglo-Saxon literature that argues that the two forms of discrimination explained above as direct and indirect discrimination include systemic discrimination or may be reflected as systemic discrimination. Systemic discrimination stems from organisational, administrative or cultural structures. This kind of discrimination may be detected in processes, attitudes or behaviour which amount to discrimination through prejudice, ignorance, thoughtlessness or stereotyping, expressed or manifested in jokes, conversations, attitudes or actions of individuals throughout an organisation or other structure.

To exemplify this, systemic discrimination in a workplace may be the result of structures which produce, contribute to or permits unjustifiable differential treatment, unjustifiable disproportionate impact or a hostile or poisonous work environment. Such structures may have two basic antecedents: a disparately negative impact that flows from the structure of systems designed for a homogeneous constituency, or in a disparately negative impact that flows from practices based upon stereotypical characteristics.

In a European context, the protection against systemic discrimination may be seen as covered by the EU-directives, since the notions of direct and indirect discrimination, harassment and instruc-
tion in conjunction seem to cover the discriminatory affect of structures and system irrespective of whether these are intended or not. The EU directives also foresee «positive action», i.e. specific measures to prevent or to compensate for disadvantages linked to racial or ethnic origin or other grounds of discrimination as a tool to achieve full equality in practice. Positive action is often used as a tool to tackle systemic discrimination.

Differential and disparate treatment
In an American context, the notions of disparate treatment or disparate impact discrimination are often used to describe legal aspects of discrimination or a legal approach to the handling of discrimination, whereas differential treatment and differential effect discrimination are notions used by social scientists when addressing issues of discrimination against disadvantaged racial minorities.15

In this report we apply a terminology that seems to be in compliance with the EU-directives. The terms differential treatment and differential impact are therefore used as encompassing discrimination occurring from differences in treatment which is disadvantageous to the person involved and cannot be justified, irrespective of the nature of the treatment, i.e. it may stem from specific treatment, actions, procedures, policies, systems or practices, be intended or not intended, and expressed or manifested by words, attitudes or the like. Our effort is to create room for addressing issues of discrimination from a perspective going beyond a pure legal one, but at the same time respecting the principles laid down in the directives.

Cumulative discrimination
In order to address discrimination in different sectors, it may be valuable to separate strands of analysis in different policy domains to explore cross-domain disadvantage or discrimination. Moreover, it is important for the handling of discrimination that we have access to information on not only the discriminatory incident’s effects on the immediate outcome, but also on future outcomes.

Cumulative effects or cumulative discrimination are interesting terms in this respect. In simple terms, one incident of discrimination may have different effects on an individual than fifty incidents over a lifetime. By adding many incidents of discrimination, we may see that the person involved is adversely affected due to the combined experience with discrimination over time. Cumulative discrimination refers to the effect of multiple cases of discrimination over time and even over generations.

The effects of discrimination may negatively affect a person’s expectations and choices and may influence their children so that they end up avoiding going to certain areas of town, becoming members of certain clubs, joining in sports activities or entering certain professions.

For example, a person with Roma or indigenous background may have lowered expectations in education or employment because of several generations meeting prejudice and discrimination.

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Multiple discrimination
The EU and its Member States have experienced a dynamic development in anti-discrimination legislation and substantial initiatives to raise awareness of discrimination, with the insertion of Article 13 into the EC Treaty in 1999 and the adoption of the two equality directives in 2000 and the Community action programme to combat discrimination. With the addition of the new grounds of discrimination, the EU also recognised that individuals have multiple identities and that they cannot and must not become classified just by their gender or just by their race or ethnic origin. The Employment Equality Directive and the Race Equality Directive, for example, explicitly recognises that women often face situations of multiple discrimination, where they can experience discrimination on the grounds of gender and ethnic origin.

“In implementing the principle of equal treatment, the Community should in accordance with Article 3(2) of the Treaty, aim to eliminate inequalities, and to promote equality between men and women, especially since women are often victims of multiple discrimination.”

The term multiple discrimination has been used in literature to refer to additive or accumulative discrimination on one hand, and as a general term for both additive and intersectional discrimination. In this context we have chosen to perceive “multiple discrimination” as a term describing a situation where an individual is subject to discrimination on more than one ground.

RECOMMENDATION
The measurement of objective and subjective discrimination in specific domains or across domains should be based on definitions of direct and indirect discrimination, harassment and instruction as well as systemic and cumulative discrimination.

EXPLANATORY NOTE
A full picture of discrimination may be obtained only by combining information on differences in outcome between risk populations and other groups with incidents of discrimination that have been proven before an authoritative decision making body as well as examples of personal experiences with discrimination or personally perceived discrimination, and with patterns of discriminatory effects of policies, practices, structures, attitudes and behaviour within public authorities or private companies or other agencies.

IMPLICATIONS
Policy-making bodies should identify risk populations and initiate plan of actions to address and tackle issues of disadvantageous differences and discrimination.

Specialised equality bodies should create awareness of different forms of discrimination, their root causes and effect by disseminating information, conducting courses and providing counselling to victims as well as advising policy makers.

Statistics offices should gather, combine and provide information on differences in outcome among the majority population and risk population in the area of education, labour market and income to contribute to the measurement of discrimination.

Research actors should initiate research and analyses aiming at revealing and explaining patterns of discrimination stemming from direct, indirect and systemic discrimination, and explore the effects of cumulative discrimination.

2. Defining the Risk Population

The aim of this chapter is to discuss how we can define the group of people at risk of being discriminated against within different contexts on the basis of ethnic and racial origin. For the purpose of this project, it is, therefore, important to discuss how risk population definitions can influence the opportunities to assess the level of discrimination. The discussion that follows will hopefully also be valuable for defining the risk population based on other grounds of discrimination.

Defining ethnic and racial origin

The focus on how ethnic discrimination is measured in this report raises an initial question of defining exactly what *ethnic or racial origin* is. There is no consensus on the concept of ethnic or racial origin and this report does not claim to give an in-depth analysis of these concepts. However, so as to be able to analyse the nature and extent of ethnic discrimination, it is important to define risk populations and to use the definitions to facilitate comparability between different European states.

Biological definition

Biological classifications of race were developed in the 18th century by researchers, who studied population groups in relatively isolated areas. The term «race» was used to distinguish populations in different areas on the basis of different physical characteristics, which had developed over time, such as skin colour. Most scientists today deny that meaningful distinctions among contemporary human groups can be derived from a biological notion of race (Blank et al 2005: 26). The European Union rejects theories which attempt to determine the existence of separate human races. The use of the term «racial origin» in the Directive is explicitly said not to accept such theories.¹

Social construction of race and ethnicity

More recent behavioural and social science studies supports the notion that race and ethnicity are social constructs based on observable characteristics (skin colour, dress-code, diet, name) that have acquired social meaning (Banton 1983; Blank et al 2005). The social meaning given to these classifications activates beliefs and assumptions about individuals in a particular category. The categorisation can create a social reality, regardless of a person’s physical characteristics, that can have real consequences. The complex social construct of race and ethnicity is neatly described in a matrix by Harris (2002).

To determine an individual’s ethnicity or race we might use *ancestral, physical or cultural* bases for identification. The classification of ethnicity may also differ according to the perspective of the person making the classification. *Internal* refers to self-identification based on an individual’s beliefs about his or her identity. *Expressed* refers to self-identification based on how a person presents herself to others, by for example choosing not to identify as a member of a minority group to avoid stigmatisation. *External* refers to classification by observers based on their views of an individual’s ethnic or racial origin. The dimensions presented in the matrix are not mutually exclusive. They interact within a social context. An individual may identify as a Kurdish-Norwegian in a private setting, while expressing her dominant Kurdish ethnicity in a public setting, and yet be classified as an immigrant from Iraq by other external observers.

Self-identification and collection of data

Multiple indicators of identification could provide helpful data to analyse ethnic and racial classifications, but this information is seldom available in data sets. To add these classifications would therefore further complicate the measurement of ethnic data. In this report the matrix could be useful when trying to identify how ethnic and racial origin is constructed, and also how different aspects of a person’s identity are emphasised. The internal construct of ethnic origin is important for the individual, but when considering discrimination, how identity is expressed by the person is more important. However, how a person is observed externally is probably the most important. Is the external observation and definition based on criteria like ancestry, or is it based on physical characteristics like visible minority background? Recommendations focus on self-identification as a reasonable method since it allows people to express their identity. In societies where population statistics are based on population censuses (most countries use censuses to keep track of their population) this approach is natural. For countries with other institutions and data collection systems, alternatives are preferred.

The Durban Declaration states that statistical data necessary to assess the situation of individuals or groups who are victims of racism, racial discrimination, xenophobia and related intolerance should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims, and be based on their self-identification.

Another forum, somewhat different in form, proposed a similar recommendation. «The Conference of European Statisticians – Recommendations for 2010 Censuses of Population and Housing» states in Chapter 8: «Ethno-cultural Characteristics», that data should be based on free and open self-declaration, since ethno-cultural characteristics generally have a subjective dimension (p. 79 point 382).

According to these documents, self-identification is the appropriate way to collect ethnic data. It allows individuals to express their own ethnic or racial identity. Others will argue against self-reporting of identity. They believe that if official statistics are used to monitor discrimination and enforce equal treatment, this data should reflect the observers’ report of an individual ethnicity. After all, people are more often discriminated against on the basis of observers’ beliefs – irrespective of their self-definition.

### Table 2.1. A matrix of the social construct of ethnic and racial classification

<table>
<thead>
<tr>
<th></th>
<th>ANCESTRY</th>
<th>PHYSICAL CHARACTERISTICS</th>
<th>CULTURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal</td>
<td>I know that my background is X</td>
<td>I know that</td>
<td>I feel/act X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I look X</td>
<td></td>
</tr>
<tr>
<td>Expressed</td>
<td>My background is X</td>
<td>I look X</td>
<td>I feel/act X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>External</td>
<td>He/she has a X ancestry</td>
<td>He/she looks X</td>
<td>He/she acts X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>He/she thinks he/she is</td>
</tr>
</tbody>
</table>

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National data systems
Apart from what is said about data collection based on self-identification, The Durban Declaration states that such data should be disaggregated in accordance with national legislation and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This point should not be underestimated in a European context. Although the European Union makes directives on minimum legal requirements to member states on different policy areas as promotion of equal treatment and data protection, European countries have very different historical backgrounds concerning minorities as well as traditions of data collection. Some Scandinavian countries have been relatively homogenic for a long time, and have since the 1960s hosted relatively large numbers of labour migrants and refugees. Other countries, like UK and France, have a long colonial history and consequently have a long tradition of multiculturalism. Others, like the Central-European countries, have a relatively large number of national minorities, for example, the Roma.

The political regimes in Europe have also changed dramatically in the last twenty years. The Warsaw-pact was dismantled and the totalitarian regimes in Eastern Europe disappeared. Just 10 years ago, Europe experienced ethnic cleansing in the war following the break-up of Yugoslavia. It is easy to understand that the hostility and fear of misuse of ethnic data, and trust in data collectors differs between regions in Europe.

Comprehensive registers
In Scandinavia (Finland, Sweden, Denmark and Norway) and the Netherlands, population statistics are based on administrative register data. These are comprehensive register-societies. Every person is granted a unique Personal Identification Number (PIN-code). When persons die or emigrate, a PIN-code is never re-assigned, and all relevant information is kept in the historical archives. This means that the PIN-code can be used for linking all the various registers that are based on this system, but only those relevant for each purpose will be linked. The use of the registers has been regulated in the Statistical Acts and in the laws regulating the registration of individual information. These laws give the National statistical offices (NSO) access to all official registers, and the right to use them for statistical and research purposes, given that protection of individual privacy is taken care of properly.

For a more detailed description of register-based population statistics, see the national chapters for Norway, Denmark and the Netherlands in our first report.3

Minorities in both the Scandinavian countries and the Netherlands, and their respective population statistics are identified by country of birth and not by self-declared ethnicity. Keeping in mind the matrix presented earlier in this chapter, ethnic origin is formed externally, by administrative registers and based on ancestry, own or parental country of birth.

Censuses
Censuses are the most used method of collecting vital statistics and other personal data on the populations in countries outside of Scandinavia and the Netherlands. A census allows for defining risk groups via self-declaration, as suggested in the recommendations for 2010 censuses on population and housing.

Using the terminology of the matrix, self-declaration in the census would provide for self-declaration on *internal/expressed* ethnicity by answering questions on ancestry, physical characteristics and cultural background. As mentioned earlier, the categories are not necessarily exclusive. However, risk groups defined via the expressed ancestry are more likely to capture the groups who also feel at risk of being discriminated against than the groups defined by external ancestry.

If there is general mistrust in the state and the measures the state use or have used against the minority groups, people who internally would normally identify themselves as members of these minority groups might not answer as such in the questionnaires (because the censuses represent the state). In some countries censuses will therefore not provide a very true picture of the composition of risk groups. For example, in the latest census in the Czech Republic, only 12,000 declared themselves to be Roma while official estimations claim there are approximately 250,000 Romas living in the country.

**Surveys**

Like censuses, surveys can provide data on people’s *internal/expressed* ethnic identification. Furthermore surveys allow for having questions both on the internal and the expressed ethnicity, if properly explained. Surveys can provide an excellent tool for analysing the discrepancies and consistencies of the risk groups defined by self-declaration and by register data in countries that are legally and technically able to link ancestry data on the register with personal data from the survey.

In countries where minority groups have little trust in the state, institutions conducting surveys on different aspects of discrimination probably have a better standing (i.e. more credibility) in the minority population. In these countries, conducting surveys is possibly the best method for defining the risk groups in the population.

**Complaints**

When someone makes a complaint about ethnic discrimination, the complainant’s self-identification as a member of an ethnic minority is an inherent aspect of the case. As such, internal or expressed ethnic identification would be the obvious method of defining the ethnic composition of the plaintiff. If possible, however, external identification would also offer valuable information on what characterises the plaintiff compared to other risk groups who have not made a complaint, but have – to a greater or lesser extent – unjustifiable outcome gaps in the same areas.

**Other data sources, e.g. situational testing**

Other data sources such as qualitative interviews or situational testing are characterised by having very low representativity but great explanatory value. When using situational testing it is a prerequisite to group people by their external physical and cultural characteristics, since it is an assumption that different groups will be treated differently on the grounds of different external characteristics. Again, it is useful for further analysis if the risk groups involved can be compared to risk groups from the other methods. For example, external identification is necessary when compared with register data, and expressed identification is necessary when compared with censuses or surveys that are based on expressed identification.
Describing the ethnic composition of a population

For comparing levels of discrimination internationally as well as monitoring discrimination within the country, it is our recommendation that states describe the ethnic composition in the population and identify the risk groups among the ethnic/national minorities. We do not believe that it is possible for states to use internationally harmonised categories when defining the risk groups, since availability of data on ethnicity differ. States have different records as to which ethnic groups are at a risk of being discriminated against as well as areas of discrimination. Therefore we do not recommend that nations aim at measuring discrimination amongst the same ethnic groups, but that they measure discrimination in the same areas of life. Nevertheless, it is imperative that within a country the parties involved in measurement of discrimination harmonise their categories so that they can benefit from combining different sources of data.

Describing ethnic composition involves identifying national minorities and indigenous people as well as immigrants and their descendants. As such, it also involves defining the majority as the group of comparison.

In register based societies such as the Nordic countries and the Netherlands, the composition of immigrants and their descendants and their country of origin can be identified via administrative registers. As Scandinavian countries have a shorter historic span of major immigration than most other European countries, the immigrant/descendant groups are likely to correspond with the ethnic minorities in these countries. National minorities and indigenous people as well as ethnic minorities within the country of origin for immigrants and descendants are not possible to identify via the administrative registers. These groups should instead be described on the basis of the available knowledge. This could be from associations for the minorities or from surveys where self-reporting on ethnic background is applied.

In societies which base their vital statistics on censuses the ethnic composition can be identified via the respondents’ self-declaration of ethnic/national background. In some countries, where specific ethnic minorities have a history of repression from the state, people who would internally classify themselves as belonging to a minority would not want to declare this belonging externally, as in the example of the Romas in the Czech Republic. If there are big discrepancies between the ethnic composition identified via censuses and common knowledge about the ethnic composition, other methods should be used for completing the description of the ethnic composition in the country. Knowledge on specific ethnic minorities could be supplied from minority associations or surveys which have better credibility amongst members of ethnic minorities.

In the next chapter, we discuss how information about groups that cannot be identified in the registers is collected.
**RECOMMENDATION**

Every state should describe their ethnic composition, and make this information available for measurement of discrimination in as detailed a form as legislation permits.

**EXPLANATORY NOTE**

Harmonisation of risk population definition within a state is necessary in order to benefit from combining different sources of data. Given that the purpose is to measure discrimination through a study of outcomes it would be an advantage to have individual level information about ethnicity available for the whole population.

**IMPLIEDATIONS**

Policy makers should take steps to compile, analyse, disseminate and publish reliable statistical data on the risk population.

The agencies collecting data, that can be used to measure discrimination, should use a system of classification defined on the national level, to describe the ethnic composition of the population. When possible and relevant, administrative records should contain identification of risk populations, or allow for linking to this information where it is available in registers.

Specialised equality bodies should contribute to the collection of reliable data on the risk population by collecting data on the complainants’ ethnic origin or affiliation with a risk group.

In research, an effort should be made to conduct studies on the ethnic composition of the population and identify the risk population, their characteristics and outcomes.
3. Minorities Invisible in Statistics

Some groups are not visible in national statistics. Therefore it is a challenge to assess their total number at national level, and, when surveys take place or complaints data is collated, to evaluate if they experience a little or much discrimination. The recommendations in the previous chapter are not sufficient to capture such groups. In this chapter we provide supplementary information concerning attempts at national level to deal with these groups that have special measurement problems.

There are at least four such groups that are of interest for the five countries in our project:
- National minorities
- Indigenous people
- Illegal migrants
- Visible minorities who have lived for generations in Europe

In this chapter we will not discuss how to deal with capturing visible minorities or illegal migrants in statistics, however it is possible that some of the arguments below will be relevant for these groups, too.

It is impossible to know exactly how many of each group exists at national level. It is also impossible to know much about their employment or education outcomes. Because reaching these groups is very difficult, and not knowing how representative the group surveyed is in relation to the total group, it is hard to get representative and reliable data on discrimination when a survey takes place.

In the European discourse on measuring discrimination, this knotty issue has recurred time and time again. A justified scepticism to registration (because of a history of transgressions and persecution directed towards national minorities) is an important factor. On the other side of the coin, we have the concerns of agencies fighting discrimination – is it right that authorities don’t address outcome inequality, disadvantage and overt discrimination of groups such as the Roma, Sámi or Inuit populations because we stop short of registering ethnic identity?

Are there some alternatives available for these different groups based on the experience of the countries within our project? One possible strategy is to study groups that are not identified in registers and have high concentrations in particular geographical areas – these areas can be used as the starting point for the research design. This has been done both with Roma and Sámi.

Sámi in Norway

In Norway, two recent surveys have attempted to address the issue of outcomes via a living condition survey, and a discrimination survey. Two separate approaches were used.

The Sámi are an indigenous people who live in Norway, Sweden, Finland and Russia. No one knows exactly how many Sámi there are today. Because there is no overall registration of the Sámi population, it is difficult to generate statistics on the Sámi as a group. The Sámi are scattered throughout Norway, but the most concentrated settlement areas are north of Saltfjellet. Statistics on Sámi, published by Statistics Norway, were drawn up according to the geographical range of the Sámi Development Fund, north of Saltfjellet, also known as the Sámi Development Fund area.

This is an area where a large proportion of Sámí live, where Sámí is spoken by many and taught at school. There are many registered voters to the Sámí parliament. It should be noted however, that the population is a mix of Sámi, ethnic Norwegian, a national minority of Finnish origin and other groups such as persons of Russian origin.
By studying conditions in an area with high concentrations of Sámi, it is possible to get an approximation of the challenges met by them. More information may be found on these statistics in English at Statistics Norway.¹

Another recently published study, discusses self-perceived discrimination amongst Sámi in Norway, written by Eva Josefsen (Norut NIBR rapport 2006:3). This study is based on questionnaires that were sent to persons on the Sámi electoral roll, as well as persons living in 38 municipalities that have a minimum of 1% of the population registered on the Sámi electoral roll.² Out of 2001 questionnaires, 545 responded, i.e. a response rate of 29%.

The above examples illustrate strategies that try to give an overview of outcomes and perception of discrimination, despite all the problems of representativity and reliability. A core issue is that we need to know something of the nature of the problems faced in order to create targeted policy measures to combat discrimination and inequity, and therefore, we may have to carry out forms of measurement that have inherent methodological weaknesses to begin to address these problems.

Roma in the Czech Republic

Given the lack of statistical data on the Roma population, targeted surveys can be a useful method of mapping the nature and scope of the problems, thus helping policymakers to create measures that address inequity and social exclusion. In the Czech Republic, several such projects, some of them commissioned by ministries, have been conducted.

Survey on Intercultural Relations (2002)³ explored the Roma and the majority inhabitants of neighbourhoods in 10 selected towns in the Czech Republic. In each town, 100 Roma respondents and 100 respondents belonging to the majority population were asked to fill in questionnaires that aimed at mapping the social situation of each group (e.g. demographic structure, education, housing and position on the labour market) as well as their inter-ethnic relations. When identifying the respondents in the Roma minority, the snowball method was successfully used. Although the Roma respondents were identified as such by the researchers, only 42% of Roma respondents declared themselves as being of Roma ethnicity (nationality) while 83% of the Roma respondents declared that they have Roma ancestors (father or grandfather). The study indicated that there are important issues regarding the social situation of the Roma minority as well as interethnic relations in various types of towns.

A more recent study – Analysis of the Socially Excluded Roma Localities and Communities and the Absorption Capacity of Subjects Operating in the Field (August 2006)⁴ – aimed at, inter alia, mapping the socially excluded Roma localities and communities and those endangered by social exclusion. The study clarified the use of the term «Roma» in the research project in the following way: «By Roma we imply an individual who considers himself or herself to be a Roma, even if he or she does not claim so in all circumstances (e.g. in a population census), and/or is considered to be a Roma by a significant part of his or her neighbourhood according to real or alleged (anthropological, cultural or social) indicators.»

The study explained that even if this delineation of the term «Roma» may be perceived as politically incorrect, it emphasises the fact that the attributed «Roma identity» is one of the primary causes of political exclusion of many...
localities under the study. The main outputs of the survey are the analytical report with policy recommendations along with an electronic map containing the descriptive information on 310 socially excluded Roma localities in 167 municipalities.

**Inuit in Denmark**

In Denmark, one of the national minorities at risk of discrimination, are the Inuit, who originate in Greenland. Persons born in Greenland have Danish citizenship, therefore it is not possible to identify Inuit living in Denmark in the same way immigrant groups that are from other countries can be identified. In the statistics on groups at risk, Inuit living in Denmark will be grouped together with other persons of Danish origin.

It is possible to group people by place of birth and parent’s place of birth. But defining the Inuit with this register knowledge presupposes that persons born in Greenland are also ethnic Inuit. By 1 January 2006 there were 13,134 persons born in Greenland and living in Denmark. Almost 5,000 of these persons had at least one parent born in Greenland. More than one third have at least one parent born in Denmark, and these parents are most likely «ethnic Danes» who were posted in Greenland at the time the child was born (Togeb 2002, p. 158). Furthermore there is a group of persons born in Greenland without a stated place of birth for one or both parent. It is likely that a larger percentage of these have parents born in Greenland, since many of them were born at a time when there were few ethnic Danes living (and giving birth) in Greenland.

By 1 January 2006 there were 10,719 persons born in Denmark, with at least one parent born in Greenland. As with other risk groups defined by registers, the Greenland Minority do not consist of one homogenous group with the same feeling of ethnic belonging. It has been shown (Togeb 2002, p. 11) that there are persons born in Denmark who have parents that were both born in Greenland, who express their ethnic belonging as Danish. On the other hand, there are persons born in Greenland who have parents that were both born in Denmark, who express their ethnic belonging as Inuit. As the Inuit do not live only in certain areas, they cannot be studied through focusing on specific locations.

In Togeb's survey «Greenlanders in Denmark» (2002), based on interviews with 552 persons born in Greenland with at least one parent born in Greenland, it is shown that the greater social integration in Denmark, the lesser the extent of experienced discrimination that is expressed. Togeb uses variables such as: age of arrival in Denmark; having one or two parents born in Greenland; Danish or Inuit spoken in home; Danish or Inuit spouse; labour market participation; and education as indicators of social integration in Denmark. And contrary to her results on experienced discrimination among immigrant groups in Denmark, the experience of discrimination among Inuit was more often stated among those who had few resources, a weak level of social integration with the Danish society and were receiving some kind of cash benefits.
European countries should conduct studies on living conditions and discrimination where there is reason to believe that groups invisible in statistics are exposed to discrimination and exclusion.

Measuring discrimination in some risk groups is especially difficult, because they are invisible in most sources of data. However, studies on Sámi, Inuit and Roma have already been conducted. At present it seems unlikely that studies of special groups can be easily incorporated into a body of data that can be used to compare levels of discrimination between groups and countries. Nevertheless, these studies are important as they provide information about outcomes concerning the groups that are historically vulnerable to discrimination. This is useful for policy purposes, and for the contextualisation of information concerning other risk group outcomes.

Policy making bodies should initiate living condition studies and continuously promote the principle of equality with regard to vulnerable groups not visible in statistics.

Specialised equality bodies should raise awareness about risk population groups that are not visible in statistics and initiate monitoring of the right to non-discrimination and equal treatment of the persons belonging to such groups.

Statistics offices should provide for adequate data and classification of persons belonging to risk population groups who are not visible in statistics, e.g., by applying the principle of self-classification.

Researchers should initiate studies of risk groups with a high concentration in certain geographical areas or locations, where such risk groups are not visible in statistics.
4. Policy Areas or Domains Relevant for Measuring Discrimination

Before initiating the measurement of discrimination within a state, it is necessary to focus on a set of preliminary considerations. These should encompass the identification of areas where we expect to find discriminatory incidents, and the procedures or practices within which a policy maker or decision making body is responsible for improving the conditions that lead to discrimination. Also, it is important, for the quality of the measurement, that we know that relevant data is available and suitable for comparison.

The identification of areas of discrimination may start with a study of individual incidents of overt discrimination that were submitted as complaints to national specialised bodies combating discrimination. It is possible to subgroup such incidents in social arenas such as working life, neighbourhoods, nightlife, schools etc. Discrimination does, however, occur in many other areas of society that may not be reflected in the flow of complaints.

We may find a variety of indicators of inequality of outcomes or perceived discrimination when the focus is moved to areas where data is available, be it from registers, statistics, quantitative and/or qualitative studies. Often, the categories used to register or obtain information correspond to certain social arenas, which also form part of one or more domains of public policy.

Division into these types of common policy domains with information on outcomes and perceived discrimination is important for several reasons. The systematic collation of information on disadvantage or negative outcomes for ethnic minority groups within a specific policy domain, makes it possible to prepare and carry out measures and actions to redress outcome differences over time within a specific domain of public policy.

Such data also allows us to compare differences in outcomes over time and between individuals affected and not affected by discrimination. Changes found in a specific policy domain may thereby provide us with information that illustrates the possible role of ethnic discrimination.1

If we look at the different parties who deal with documentation regarding discrimination and unequal outcomes for ethnic minorities, it might be advantageous to choose policy areas based on a common list. In the context of ethnic discrimination, such a list should preferably be based on the EU Directive on Ethnic Equal Treatment. Defining a set of policy areas has one important function, namely assuring comparability between complaints, research and areas of national policy actions against discrimination. According to Article 3, the directive shall apply to all persons in the private and public sector in relation to eight areas:


1) a) Employment, self-employment and occupation;
   b) Vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
   c) Employment and working conditions;
   d) Membership of and involvement in an organisation of workers or employers, or any organisation whose members have a particular profession, including the benefits provided for by such organisations;
   e) Social protection, including social security and health care;
   f) Social advantages;
   g) Education;
   h) Goods and services, including housing.
A collation of information on common categories along these lines allows for mapping data across national borders within the EU and facilitates cross-national comparisons. Each category or domain could be addressed in many ways and some have been suggested as part of discrimination review schemes.

This list is not intended to be an exhaustive list of all domains in which discrimination and inequality exist or are likely to be encountered in the countries being covered. It is intended, rather, as a guideline highlighting the most common areas and issues of discrimination falling within the scope of this project.

Though the list below follows the structure of the EU race directive, it also builds on a check list of domains from the Non-Discrimination Review. Not all categories in the list are covered in the directive. Last, but not least, the following list is based on the experiences of specialised bodies regarding areas of discrimination.

## Table 4.1. Relevant Policy Areas

<table>
<thead>
<tr>
<th>EU Directive on Equal Treatment (Article 3 Scope)</th>
<th>Examples of data which might be collected</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Employment, self-employment and occupation;</td>
<td>• Entry into labour market</td>
</tr>
<tr>
<td>b) Vocational guidance, vocational training, advanced vocational training and retraining, including practical work;</td>
<td>• Conditions of work</td>
</tr>
<tr>
<td>c) Employment and working conditions;</td>
<td>• Promotion</td>
</tr>
<tr>
<td>d) Membership of and involvement in an organisation of workers or employers, or any organisation whose members have a particular profession, including the benefits provided for by such organisations;</td>
<td>• Possibility of access to all levels of employment</td>
</tr>
<tr>
<td></td>
<td>• Remuneration for work, i.e. income</td>
</tr>
<tr>
<td></td>
<td>• Conditions of dismissal</td>
</tr>
<tr>
<td></td>
<td>• Harassment</td>
</tr>
<tr>
<td></td>
<td>• Access to vocational training</td>
</tr>
<tr>
<td></td>
<td>• Barriers to membership in particular organisations</td>
</tr>
<tr>
<td></td>
<td>• Access to social welfare, health care (including maternity and childcare), pensions, etc.</td>
</tr>
<tr>
<td></td>
<td>• Access to basic facilities, such as sewage, water and electricity</td>
</tr>
<tr>
<td></td>
<td>• Quality of services and facilities</td>
</tr>
</tbody>
</table>

2) The check list is found in Background information document for the «Non-Discrimination Review» under the Stability Pact for South-Eastern Europe (www.humanrights.coe.int NDR 1 (c) 15 June 2001).
<table>
<thead>
<tr>
<th>EU Directive on Equal Treatment (Article 3 Scope)</th>
<th>Examples of data which might be collected</th>
</tr>
</thead>
</table>
| **f) Social advantages;** | *Equal access to justice:*  
  - Recourse to tribunals and other organs administering justice  
  - Fairness of pre-trial procedures  
  - Fairness of trials and hearings before tribunals and other organs administering justice  
  *Equal treatment by law enforcement officials:*  
  - Freedom from intimidation, harassment and physical violence  
  - Treatment during arrest  
  - Treatment during detention  
  *Equal treatment in prisons:*  
  - Conditions of confinement  
  - Treatment by prison personnel  
  *Equal enjoyment of personal security:*  
  - State protection against violence, harassment, intimidation  
  - Freedom from arbitrary arrest and detention |
| **g) Education;** | *Non-discrimination in educational institutions:*  
  - Entry into the education system  
  - Involvement in all levels of education  
  - Access to mainstream educational institutions  
  - Equal quality of education  
  - Encouragement to continue to higher levels of education  
  - Access to higher levels of education  
  - Possibilities for all forms of training  
  *Non-discrimination in school curriculum:*  
  - Manner of portraying members of minority groups  
  - Curriculum for different subjects, especially history |
| **h) Goods and services, including housing.** | - Possibility of buying housing  
  - Access to rented housing  
  - Access to credit  
  - Housing segregation  
  - Housing quality  
  - Access to public transportation, restaurants, cafes, theatres, parks, shops, swimming pools, etc. |
| **Additional areas that may be considered** | *Equal enjoyment of freedom of opinion and expression:*  
  - Equality in participation in elections  
  - Equality in public affairs  
  - Equal enjoyment of peaceful assembly and association  
  - Equal enjoyment of freedom of thought, conscience and religion  
  *Equality in enjoyment of culture and language:*  
  - Use of own language in public and private  
  - Teaching of own language  
  - Enjoyment of culture in community with others  
  *Non-discrimination/equality in contact with immigration authorities:*  
  - Procedures for acquisition of citizenship  
  - Equal enjoyment of right of return  
  - Obtaining of travel documents, security, housing, employment, access to social services  
  - Family reunification  
  - Equal enjoyment of freedom of movement |
RECOMMENDATIONS
Data should be collated within the listed policy domains in order to provide information on differences in outcomes and/or negative outcomes for ethnic minority groups that allow for analyses on disadvantages for risk population groups compared to other groups in society.

EXPLANATORY NOTE
In order to benefit fully from the suggested list of policy domains, further discussion and elaboration is needed.

IMPLICATIONS
Operationalisation of the list should be given further consideration within the framework of the European Anti-discrimination Programme.

Government and policy makers should take steps to identify policy domains within which the principles of non-discrimination have not been successfully implemented by law and in practice.

Specialised equality bodies should contribute to the identification and prioritising of policy domains on the basis of analyses of the effective implementation of the non-discrimination principle as well as on the basis on their review of individual complaints.

Statistical agencies should provide for data in each policy domain on differences in outcome between risk population and other groups in society.

Research institutions should initiate research in policy domains, which are under-documented at present, in dialogue with stakeholders.
5. Several Sources of Information

As stated in the introduction, our approach requires every one of the following four elements in order to establish discrimination: outcome difference, disadvantage, a causal link to risk-group and lack of justification. Hence, it is apparent that there is a need for several types of information from several sources. We will now focus on the different sources of data that could be utilised in the measurement of discrimination.

STATISTICS ON DIFFERENCES IN OUTCOMES

The study of indirect discrimination is largely dependent on the ability to establish differences in outcomes. However, not all outcome differences are the result of discrimination. In fact, most differences can be explained by other factors. Moreover, sometimes even equal outcomes can be unjustified (like the same salary for two people with very different education). Nevertheless, to show or describe inequalities and differences in outcomes is one important step in the measurement of discrimination. There are two main sources of information that can be used to establish outcome differences: surveys and administrative records.

Surveys to Identify Outcomes

Surveys involve data collection through some type of questionnaire. Therefore, a census1 could be considered as a survey among the total population, whereas usually, surveys are carried out by collecting data on a representative sample. Most surveys target the general population. Sometimes general surveys draw a certain sample to cover small groups or specific regions. The Labour Force Survey, ad hoc module of immigrants and their immediate descendants in 2008, is an example of this. In other cases, specific surveys are conducted to target subgroups that are not sufficiently covered in general surveys, such as ethnic minorities or immigrants. In Norway, a living conditions survey was recently conducted amongst the ten largest non-western immigrant groups. In such surveys, the interviewers get special training and the questionnaires are translated into several different languages. All these measures are implemented to improve the quality and the response rate of the survey. The survey has a specific questionnaire, but many questions are the same as in general living conditions surveys so that comparability is possible between the majority population and minorities. The LFS, EU-SILC, ESS, and Eurobarometer are examples of surveys conducted in several countries but most surveys are conducted only in one country (and are thus not suitable for comparisons across countries). In addition, in order to study changes over time the surveys must be repeated. We would like to give emphasis to the Labour Force Survey and EU-SILC, two large-scale surveys that have the potential for comparison across countries.

Labour Force Survey (LFS) 2008

The Labour Force Survey is conducted both quarterly and yearly in all EU member states.2 The purpose of this survey is to obtain comparable statistical information on the level and pattern of trends in employment and unemployment in the Member States.

An ad hoc module on immigrants and descendants is planned for the LFS 2008. The Labour Force Survey, ad hoc module of immigrants and their immediate descendants in 2008, is an example of this. In other cases, specific surveys are conducted to target subgroups that are not sufficiently covered in general surveys, such as ethnic minorities or immigrants. In Norway, a living conditions survey was recently conducted amongst the ten largest non-western immigrant groups. In such surveys, the interviewers get special training and the questionnaires are translated into several different languages. All these measures are implemented to improve the quality and the response rate of the survey. The survey has a specific questionnaire, but many questions are the same as in general living conditions surveys so that comparability is possible between the majority population and minorities. The LFS, EU-SILC, ESS, and Eurobarometer are examples of surveys conducted in several countries but most surveys are conducted only in one country (and are thus not suitable for comparisons across countries). In addition, in order to study changes over time the surveys must be repeated. We would like to give emphasis to the Labour Force Survey and EU-SILC, two large-scale surveys that have the potential for comparison across countries.

EU-SILC

The Statistics on Income and Living Conditions in the EU is conducted in all EU member states and coordinated by Eurostat. The aim is to establish a
common framework for the systematic production of a statistic that is to become the reference source of comparative statistics on income distribution and social exclusion at the European Union level.»3 The SILC survey includes an ad hoc module, which is renewed every year. This module may be used for questions on self-declared ethnic background and experiences of discrimination. The module should perhaps be repeated every five or ten years. Administra tive Registers – to Identify Differences in Outcome In most societies it is almost impossible to participate in the labour market without leaving any trace in the administrative registers. Unemployment and sick leave is tracked by the social security office. Job decisions are recorded in the employee or employer registers, and pay in tax and pension rights registers. Activities in schools are recorded in registers on educational attainment. The above national registers are established for administrative purposes, e.g. to calculate taxes, pensions rights and unemployment benefits. From the perspective of showing the differences between individuals and groups in society, these registers provide valuable data for constructing life histories and comparing differences between groups of individuals. Administrative registers are designed to serve the need of public institutions, and since no administrative body has a legitimate need for tracking individual histories in full detail, the information is not recorded in one single register. By linking different administrative information sources like a jigsaw puzzle, it is possible to identify a wide range of information about the individual and their families, such as age, gender, education, country of birth, place of residence, employment and income. Outcome differences in small groups Studies on minorities are challenging when using general representative surveys, therefore in comparison, administrative registers have some advantages. One example of this is the Employment Statistics, by Statistics Norway. The main source of information on employment and unemployment in Norway is the labour force survey (LFS). Although the sample in LFS is large, it does not cover regional differences and small groups like immigrants in detail. In addition to the LFS, Statistics Norway produces register based employment statistics,4 based on several different registers. From these registers it is possible to analyse differences in employment between immigrants from different countries, with different permits or reasons to stay, duration of residence, gender and age. The differences in employment between men and women from different immigrant backgrounds are illustrated in the chart above. Administrative registers and surveys One of the main advantages of the many administrative registers is that they cover all permanent residents; hence you do not have to worry about representativity or bias rising from non-response or selective response behaviour.5 The problem with selective non-response rates in sur-

Figure 5.1. Employed by country background, region of birth and sex Q4 2005. Percentage of persons aged 16–74 years
(Source: Labour-market Statistics, Statistics Norway)
veys is important, since drawing a bigger sample does not solve the bias. On the contrary, the bias increases with a larger sample. Administrative registers can be used as a tool to accommodate selective response in surveys, 6 first by comparing the representation of respondents between the different ethnic groups and their demographic characteristics such as age, sex, region; and secondly by looking at the selectivity of socio-economic characteristics within these groups. By comparing the distribution in the population with the sample it is possible to address the problem of selective non-response rates.

**RECOMMENDATIONS**

Outcome differences between the risk groups and other groups in society should be described by using all available sources.

**EXPLANATORY NOTE**

Measurements of outcomes are needed to establish discrimination. Outcome differences are often easier to compare across countries compared to other indicators of discrimination.

There are large bodies of outcome data in many countries that could be utilised for the purpose of measuring discrimination.

**IMPLICATIONS**

Relevant bodies responsible for administrative registers should aim at making data on outcomes available for a broader audience, including policy makers and researchers.

Researchers conducting surveys on small subgroups should adequately address sample size and stratification.

Researchers should use administrative registers for specifying the sampling frame and for analyses of non-response, when possible.

**EXPERIENCES OF DISCRIMINATION**

Statistics on experiencing or witnessing discrimination can only be produced from direct data collection on those experiencing or witnessing subjects. For that reason, we will need a survey as a data collection tool. Subjective discrimination is experienced discrimination or perceived discrimination, depending on who the object of the discrimination is.

The starting question is, «what precisely do you want to know about ethnic or racial discrimination?» The content and design of the survey and its questionnaire depends on specific information needs.

- **Prevalence, incidence or general assessment of discrimination?**
  Prevalence rate is the percentage of persons who experienced at least one discriminatory incident in some specified period. Incidence rate is the number of discrete discriminatory incidents expressed in relation to the size of the risk population. Assessment rate is the percentage of persons confirming the recurrence of discrimination.

- **Experienced or perceived?**
  Prevalence assumes measurement amongst persons referring to their own victimisation experiences, but incidence and assessment might also refer to situations of perceived discrimination when the respondent himself/herself has not been the victim of discrimination.

- **Against which groups?**
  It is recommended that the ethnic or racial characteristics of the respondent are noted, because this information will be vital in measuring self-experienced
discrimination. Also, it will provide important background information in the analysis of the results. When data is collected on perceived discrimination experienced by other persons, one should consider what additional information on the victim should be collected (see the previous chapter on the measurement of ethnic minority background).

- **During which period?**
  The reference period to which the measurement of discrimination refers needs careful consideration. It is particularly relevant to consider the expected frequency of incidents when the respondent reports all incidents in the reference period separately. It might be useful to make special arrangements in the questionnaire for serial discrimination. From the measurement methodology of victimisation of crime, much can be learned on the problems of memory recall errors like forgetting and telescoping. The same holds true for the remedies that have been developed, such as bounded recall and the use of recall aids.

- **What information on the context of reported discrimination?**
  In addition to the main decisions on the type of discrimination estimate, more specification and more detail might be needed, such as:
  - In what type of situations (related to policy domains)?
  - Referring to what type of acts of discrimination?
  - Specific information on the consequences for the victim (emotional, physical or material).
  - Including the follow-up actions of the victim. (Has the victim undertaken any action after and because of the incident?)
  - Including characteristics of victim and/or offender.

Next to the specification of the content of the questionnaire, various design-related choices should be made.

- **What item design will be used in the questionnaire and in what order?**
  Even after considering all these decisions on the aimed content, various decisions on the methodological structure of the items (wordings, answering categories etc.) and their grouping in the questionnaire (ordering, use of scales of items) should be taken. The use of standardised and harmonised items is recommended to ensure comparability.

- **Will ethnic discrimination be the only subject in the survey?**
  Carrying out a survey is generally a rather expensive enterprise. When measurement of ethnic discrimination is embedded in a survey that focuses on various different subjects, the answers on discrimination may be affected in an unexpected and unwanted way. One specific variant might be to embed the data collection on ethnic discrimination within a survey on discrimination on various grounds. This would create the potential to report on multiple discrimination at the same time. Attention should also be given to the introduction of ‘discrimination’ when it is the main subject (thus this concerns the introduction of the survey) as well as when discrimination is only one of several rather different subjects in the survey.

- **What type of survey?**
  The survey data could be collected by face to face interviews, which is one of the most expensive designs. Alternative approaches might be data collection by
phone interview, internet access panels or by mailed questionnaires. In each
design, various combinations of interviewing and written questionnaires are
possible. Depending on information needs and budget, special consideration
should be given to the possibility of longitudinal designs, where repeated
measurement among a panel of respondents takes place.

- **Which population?**
  Amongst which population should the
data be collected? This is a rather
fundamental question. One the one
hand, it can more efficient to collect
data on experiences only within the
risk population. On the other hand,
we must not assume that discrimina-
tion only takes place within the risk
groups, and witnesses of discrimina-
tion can belong to the majority
population as well.

- **Which degree of certainty?**
The size of the sample will be one of
the major factors influencing the
uncertainty of the results. One should
spend time on the sampling design,
particularly when data is collected on
the risk population, because a well-
chosen sampling strategy will affect the
budget significantly.

The above listing of issues that should
receive attention is not exhaustive, and
the order in which the issues were men-
tioned does not indicate their importance.
Because of their possible consequences,
many choices are interrelated. Given the
option of the starting question, feasibility
will be dependent firstly on the size of
the budget and secondly, on the judg-
ment of experts that the survey design
will lead to valid results (which of course
should be the budget holders first
concern).

In this chapter, three examples will be
given of survey results to illustrate how
various combinations of design elements
have been applied. More information
(e.g. on the questionnaire) can be found
by consulting the references.

The first example is a special version
of the Eurobarometer on discrimination,
carried out in all member states of the
EU in 2002. Discrimination was the only
subject of the survey, which was effected
by face to face interviews of persons 15+
years, according to a regionally stratified
sample design. The questions concerned
several grounds of discrimination covered
by the EU-policy in four domains: work,
education, housing and access to services.
The respondents were asked about
their own experiences as well as about
experiences of others that they witnessed.
No data was collected on the respon-
dent’s membership of the risk popula-
tions, like ethnic background or religion
(see Figure 5.2).

The second example is the annual
Houston Area survey (Texas, USA) which
is a general survey on the living condi-
tions of the population in that region.
Questions on discrimination are asked
within the context of many other subjects
concerning the social position as well as
attitudes of the respondents. The survey
is carried out by computer-assisted telephone interviews of persons 18+ years of age. Not only is data collected on the ethnic background of respondents, but questions on these characteristics pertain to the first few questions and are used to achieve oversampling of ethnic minorities in the survey. The questions in the survey refer to own experiences of discrimination as well as assessment of discrimination of various ethnic groups in the Houston area. The availability of information on the background of respondents allows both types of discrimination measures to be broken down to ethnic background (see Figure 5.3).

The third example is a national survey in the Netherlands on discrimination experiences in 2005, among a select sample of the population of 16+ years of age. Extra follow-up interviews have been held among some 20 Moroccan and Turkish respondents that reported discriminatory experiences. In the survey data was collected on the nature and the context of discriminatory acts and also on the way respondents dealt with discrimination experiences, especially whether they reported the incident/s to police or specialised bodies (see Figure 5.4).

![Figure 5.3. Interethnic Differences in Beliefs About Equality of Opportunity in America (1991–2005) ![Figure 5.4. Ethnic Differences in the Relationship Between Perceived Discrimination and Personal Income (1991–2005)](image)

Table 5.1. Reporting actions on incidents of ethnic/racial discrimination

<table>
<thead>
<tr>
<th>Foreign Background Group</th>
<th>No incident reported</th>
<th>Reported to police</th>
<th>Reported to management institution</th>
<th>Reported to specialised discrimination body</th>
<th>Reported to other institution</th>
<th>Total discriminated persons (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morocco</td>
<td>78%</td>
<td>8%</td>
<td>9%</td>
<td>5%</td>
<td>6%</td>
<td>(151) 100%</td>
</tr>
<tr>
<td>Turkey</td>
<td>77%</td>
<td>5%</td>
<td>13%</td>
<td>3%</td>
<td>6%</td>
<td>(127) 100%</td>
</tr>
<tr>
<td>Surinam/Netherlands Antilles</td>
<td>72%</td>
<td>12%</td>
<td>12%</td>
<td>0%</td>
<td>7%</td>
<td>(70) 100%</td>
</tr>
</tbody>
</table>

Sums of row percentages higher than 100% because respondents could mention more than one instance to which they reported. (Source: LBR – Monitor Race Discrimination (on Dutch); unauthorised translation)
**RECOMMENDATIONS**

Fixed sets of harmonised questions should be created to serve as instruments to produce two standardised prevalence rate indicators applicable to different population groups:

- Prevalence rate of self-experienced discrimination (victims) and
- Prevalence rate of perceived discrimination (witnesses).

These standardised indicators should not put constraints on the follow-up questions aimed at collecting more details on the experienced or perceived discrimination.

**EXPLANATORY NOTE**

In order to make available comparable data on experienced and perceived discrimination between risk population groups within a country and across the European countries, harmonisation of measurement instruments in surveys is necessary.

Although an ambition to harmonise complete surveys is not realistic due to the different needs for information among the initiators of surveys, standardisation of a few basic indicators is feasible.

**IMPLICATIONS**

The EU should initiate a research program for the development of survey instruments to measure perceived and experienced discrimination.

National research institutions and others conducting surveys should strive for the development and application of prevalence rate indicators that are comparable to those used in other countries.

**SURVEYS ON ATTITUDES TOWARDS IMMIGRANTS AND ETHNIC MINORITIES**

A democratic and inclusive Europe needs reliable data on how societies and people perceive themselves in relation to others. Negative or positive attitudes towards minorities are not a direct indication of discrimination or lack of discrimination, as there is a difference between behaviour and attitudes. However, such data can illuminate several aspects of the position of immigrants and ethnic minorities in a society. Information on attitudes and values in different societies is also important when we want to compare them. Surveys on attitudes towards immigrants and ethnic minorities could add valuable information about the context in which discrimination occurs. They can help us understand to what extent and in what way attitudes, preferences and prejudices differ over time, between population segments and between countries.

There are some sources of attitudes towards immigrants and ethnic minorities that are available only on a national level, and do not provide a basis for cross-country comparison. However, hopefully the questions used in these surveys will fit well with the national level definitions of the risk-populations and thus provide a good basis for analyses within each country.

There are also a few sources of research that give internationally comparable data. We will discuss one that is available and well suited for our purposes.

The European Social Survey (the ESS) is an example of an academically driven, social survey designed to chart and explain the interaction between Europe’s changing institutions and the attitudes,
beliefs and behaviour patterns of its diverse populations. The ESS was conducted in 2002 and 2004, and the fieldwork of round 3 is to be completed in December 2006. One of the core panel of questions in both 2002 and 2004 were regarding subjective well-being, social exclusion, religion, perceived discrimination, and national and ethnic identity.

In 2002 the questionnaire also included topics on immigration issues, attitudes, perceptions, policy preferences and knowledge. Figure 5.5 shows an example of the question being asked about people's agreement or disagreement to a statement on migrants' rights compared to everyone else.

ESS contains questions on three different classifications related to ethnicity that could be utilised for mapping to other sources of data: citizenship, country background, and belonging to an ethnic minority (http://www.europeansocialsurvey.org).

Research on attitudes towards immigrants and ethnic minorities is an important supplement to the measurement of discrimination.

**RECOMMENDATIONS**

Research on attitudes and practices towards risk-populations using both national definitions and international comparable definitions of risk populations should be initiated.

**EXPLANATORY NOTE**

Negative or positive attitudes towards minorities are not evidence of discrimination or lack of discrimination, but such data can reveal the position of immigrants and risk populations in a society, and as such contribute to the picture of discrimination.

**IMPLICATIONS**

Policy makers should allocate funding for research on attitudes and practices towards risk populations.

Research institutions and others should initiate research and plans of action for increasing and improving research on attitudes and practices towards risk populations.
SITUATION TESTING

A young man with a typically Norwegian name and an Oslo accent phoned to enquire about renting a flat in 2003. He mentioned his academic profession when he asked about the location of the flat in relation to his working place. Ten minutes later a young man with a Somali name, also with an Oslo accent and an academic job, called about the same flat. Both young men were treated politely, but the one of Somali origin was asked to pay a higher deposit price.9

In England in 1989, a housing agent told the ethnic minority tester that there was nothing available at £150–180 per week; the cheapest flat was a one bedroom flat for £200 a week. Five minutes later the white tester was given five flats, all between £150–180 a week.10

Four friends in Sweden, all of them of foreign origin, queued outside a night club just after midnight. The doorman refused them access without a VIP-card or a membership card. In the queue behind them a woman with Swedish looks stood with her friends. She told them that she did not have membership or a VIP-card. She was let in with her friends. The four young people sued the club afterwards.

What is Situation Testing?

Situation testing is a method of uncovering and measuring differential treatment of comparable individuals in a given arena.11 Testing or auditing12 provides a comparison of the treatment received by equally qualified customers or applicants, and can catch people in the act of discrimination. Auditors or testers are pairs that match each other on characteristics such as socio-economic background, education, region/dialect or clothing. Testers are trained to act in a similar manner, and are given almost identical documentation (such as CV’s). They are then sent to locations where they both apply for employment, credit, housing or admission within a short period of time. Testing can take place in person, by phone or in writing. In Sweden some testers in night clubs have recorded the responses on tape and on videotape for use in court. Once the tests are completed, the testers relate their experiences, record details on the stated price, the form of rejection or approval given etc. This information is then collated and analysed to find out whether there are significant differences.

In the setting of our project, we focus on ethnic minorities, but situation testing can also be applied to test discrimination on the basis of disability, family status (single mothers) or sexual orientation. The Housing Discrimination Studies13 (US Department of Housing and Urban Development’s national study) in 2000 and in earlier years took into account several grounds of discrimination.

Individuals who belong to ethnic minorities can convey their experiences and their perceptions of discrimination through their responses to interviews or questionnaires. This is not an altogether good measure of actual discrimination because some situations may be perceived as discrimination when they are not. Furthermore, research on discrimination in housing and employment shows that discrimination often does not consist of visible acts of rejection that can be documented, but of many small and invisible actions that favour one group over another.

Statistics and registers can capture disparate outcomes, though it is hard to know exactly what the root causes of such outcomes are. Situation testing may be a way to establish who is discriminated against when the actual discrimination occurs. This is useful since there are
weaknesses in both building on people’s perception of discrimination and in only looking at differences in outcome.

Situation testing has been used in inter alia employment, housing and in discos/night clubs. It can also be used to test who gets credit for housing, how shops or hotels serve different customers, how insurance companies treat individuals belonging to different groups, etc.

Three settings – media, research and legal implementation

Journalists, researchers and anti-discrimination agencies also use situation testing as a tool. The purpose and setting of situation testing is important for any analysis of results and for the ethical implications of using this methodology.

In December 2004, a Norwegian minority publication (Utrop) carried out tests on several night clubs, using a white reporter and persons of Somali, Afghan, Turkish and Pakistani background. The findings were used to raise issues of legal protection against discrimination at a general level and to challenge the night clubs’ management about the specific incidents.

When a journalist takes black and Asian youths out with white youths, brings a camera and records the language used by the night club, the test may not be comparable to a test in a research project, which has stringent requirements for matching test persons and training testers.

Even if journalists employ informal situation testing, this cannot replace a properly designed and rigorously executed situation test used for measurement purposes.

Several European Ombud and specialised bodies are now exploring the possibility of using situation testing as a tool to enforce existing anti-discrimination legislation. In Sweden in the last couple of years, people have raised court cases against clubs and discos using supporting evidence gathered through recordings on tapes of how black and white youths are refused or allowed entry. The Belgian law of 25 February 2003 on combating discrimination, allows situation tests to be conducted, according to a report from a European meeting of specialised bodies who explore methods of proving discrimination.

Major research studies have been carried out in the US and in Europe using situation testing, led by the International Labour Organisation (ILO). These studies provide a description of the methodology used for documenting the occurrence of unlawful discrimination. The European study analyses the findings of four countries that tested this method on their own working populations: Belgium, Germany, the Netherlands and Spain. While shedding light on the nature, extent, and consequences of discrimination against migrant workers, this study also offers essential policy measures which can be taken to combat discrimination. Specifically, it focuses on the important and necessary elements of legislation and anti-discrimination training.

Ethical considerations

Ethical considerations may also vary in different settings. Researchers are obliged simultaneously to uncover and measure discrimination, and to protect the participants through informed consent and confidentiality. Situation testing has to take place under stringent conditions to ensure that the ethical codes governing all research are followed.

In some countries, such as in the US, monitoring bodies conduct tests to see if laws are being followed. It should be noted that the tests carried out by monitoring bodies constitute a very large mass of material sourced throughout the entire country, and this material is used by rese-
archers for further analysis on different forms of discrimination. Finding out about actual breaches of law is a defined part of their tasks, so finding and following up breaches of the law cannot be said to be unethical, even if the persons tested have not given their consent to being tested. Legal implementation bodies have other constraints – evidence of discrimination must be secured in ways that will stand up in a court or tribunal.

The issue of admissibility as evidence in court when using situation testing is subject to strictly defined procedural conditions. Preferably, an individual who is able to provide certain guarantees of independence and credibility, such as a bailiff, could safeguard the conditions in which the evidence is gathered.

"The task of this person responsible for authenticating the situational test may be summarised in two points. First, s/he must ensure that nothing in the situational test process may give rise to a suspicion that the wrongful or negligent behaviour was provoked by those conducting the test. The test must simply be able to confirm or record an action which would have taken place even without this construction of an artificial situation. Secondly s/he must guarantee the methodological integrity of the situational test, in particular the comparability of the people in the «experimental» group who have a suspect characteristic (for example, because they are of a particular ethnic origin or visibly wear a particular religious symbol) with the people of the «control» group."\(^{15}\)

Situation tests must not constitute entrapment or provocation, and they must not result in individual testers suffering reprisals after the tests are completed. The ILO comparative study on Employment led to a debate in research communities in several countries regarding the ethical constraints of situation testing. The setting and the framework of the debate has changed. Bodies working on research ethics should be challenged to evaluate the issue of situation testing in view of the development of anti-discrimination directives and national legislation, new case law and the creation of monitoring bodies to implement anti-discrimination legislation.

**RECOMMENDATION**

More efforts should be invested in creating manuals for designing and executing situation testing in different areas.

**EXPLANATORY NOTE**

Situation testing is a complicated experimental method. Properly designed and executed situation tests can provide a useful means of measuring the prevalence of discriminatory acts, and the differences in behaviour towards different categories of people in a given context. The concept that situation testing for the purpose of collecting evidence has different implications compared to the research objective of measuring prevalence rates should be taken into account.

**IMPLICATIONS**

Governments should fund appropriately designed situation tests for the purpose of measuring discrimination, and ensure participation in on-going cross-national situation testing in employment using standardised tools.

Specialised equality bodies should consider for which purposes and which policy areas they can use situation testing.

Research institutions should engage in research based development of situation testing in new areas, with an evaluation of on-going cross-national situation testing in employment.

QUALITATIVE RESEARCH AND THE MEASUREMENT OF DISCRIMINATION

Qualitative research differs from quantitative research in that the data is seldom reduced to only numbers; instead, the researcher uses text, and perhaps the interviewee’s own words and categories to describe their experiences. Therefore, it might seem misplaced to bring qualitative research into a discussion of measurement of discrimination. However, qualitative studies can be used in several ways for our purpose. In contrast to quantitative research, which aims towards representativity, qualitative research aims at finding those cases that we can most learn from.

Qualitative research has two main uses for the measurement of discrimination, namely identifying where discrimination is perceived to be a problem and confirming the presence of discriminatory processes where statistical material indicates unjustified outcome differences.

Qualitative studies are often explorative, and are used to generate new understanding of processes and new hypotheses that can be further studied through other methods. Obviously, of the different aspects of discrimination, discriminatory experiences are the best subject for a qualitative study. In theory it would be possible to describe and analyse all incidents experienced as discriminatory by a person. Also it would be possible to study the consequences of these discriminatory incidents and structural discrimination as seen by the interviewee. Of particular interest would be the identification of areas of life where discrimination is present, and what kind of strategies people use to overcome this.

Qualitative studies can be used to confirm hypotheses if properly designed for the purpose. Quite often with discrimination, statistical analyses are not able to come to a conclusion. In these cases, a qualitative follow up study could be a way to collect the information needed in order to conclude with sufficient certainty concerning the presence or degree of discrimination.

However, there are examples of studies that do not focus on the experiences of discrimination, but still contribute towards our understanding of processes that can lead to discrimination. An example of this is Rogstad’s study of processes in four firms that could involve discrimination. 16 Part of his approach was to try to understand how the managers in these firms were thinking and reasoning when they recruited new people and conducted their daily business. In order to interpret the results of quantitative studies correctly, an understanding of the processes involved in discrimination is necessary. In addition, without this kind of contextualised understanding of all the involved parties, it is very difficult to create successful policies targeting direct and indirect discrimination.

Qualitative studies also allow for the study of several parties involved in a possible incident of discrimination. This can be helpful in understanding the processes and dynamics involved in such situations, and understanding how the different parties’ perception of the same events differ and resemble each other.

Another situation where qualitative studies would be preferred is when information is needed about a type of an uncommon incident, as a small number of incidents inevitably limits the potential value of a quantitative study.

Qualitative research is usually quite context dependent. However, localised stories can sometimes contain lessons and

convey understanding that has applicability beyond the local context, and even across national borders. Interpretation of quantitative data is always dependent on theories and models that should be checked against local sources of knowledge, rich with detail, to ensure that they have validity. Without good qualitative research it is difficult to know how valid our measurements are.

**RECOMMENDATION**
More qualitative research focusing on issues of relevance for discrimination is needed, as a component of measurement efforts.

**EXPLANATORY NOTE**
Qualitative research generates new understanding of processes involved in discrimination. It facilitates the design of surveys, the interpretation of results from quantitative studies and enables researchers to propose new hypotheses. As such it helps in contextualising an incident of experienced or perceived discrimination, and represents an important contribution to the measurement of discrimination.

**IMPLICATIONS**
Researchers conducting qualitative research on discrimination should aim at providing information concerning ethnicity, affiliation with risk population, policy domains, etc. according to the same harmonized definitions.

**INDIVIDUAL COMPLAINTS AND LEGAL CASES**
It is not possible to estimate levels of discrimination on the basis of individual complaints only. The reason for this is that the number of complaints is dependent on several factors, including: how well known the complaints body is; how difficult it is to submit a complaint compared with the resources available for those being discriminated against; whether the complaints body is empowered with a mandate ensuring efficient protection via e.g. the issuing of legally binding decisions, compensation or free legal aid; and whether the complaints body is perceived as an effective remedy capable of ensuring reparation.

Besides, complaints data can help in establishing discrimination against a particular risk population group within a particular policy domain, but complaints data cannot be used to demonstrate or document non-existence of discrimination. It is, thus, quite possible that a risk group lacks the necessary trust or resources to pursue their case through a complaints handling body. For example, if persons of Roma origin do not hand in any complaints to the complaints office, the records will not provide any information about discrimination against this risk group.

For the measurement of discrimination, it is useful to have an official body that can document cases of discrimination in such a way that it is possible to establish which groups are discriminated against in which domains and by whom. This is an important supplement to information provided by other sources of data. Hence, an analysis of outcomes, which can only establish outcome differences, needs to be supplemented with descriptions of documented
discrimination cases that can be linked to other sources of data.

There are several basic types of information that should be collected for the purposes of measuring discrimination. In particular, information concerning the case, including time, place, circumstances and policy area; the complainant and subject of discrimination, including his/her ethnicity or ethnic origin, affiliation with risk population group; and the counter-part and alleged discriminator, including his/her role in relation to the complainant; and the type of discrimination.

Moreover, it is important that individual complaints data provides some common variables relevant for the measuring of discrimination. A set of common variables could cover e.g. risk population group, social background, age, employment, education, language skills as well as other data that may allow for comparison and combination with other sources of data.

When considering the establishment of an identical framework for data collection on individual complaints, one should bear in mind the necessity for a successful practical implementation of and ease of use in the daily routines of the specialised bodies dealing with individual complaints on discrimination.

It should also be possible to apply the recommendations to many different bodies across Europe, and should therefore not be country specific or too detailed (which would make them difficult to implement). In this regard it is of major importance that complaints handling bodies are able to provide data that is sufficient, reliable, precise, and comparable.

**RECOMMENDATION**

Data collection on individual complaints of discrimination should cover specific information on the case itself, the circumstances and the persons involved, as well as provide for information on a set of common variables. The data should be collected with respect for the privacy and anonymity of the individuals concerned and their informed consent should be given.

**EXPLANATORY NOTE**

Case specific information is needed in order to establish the type of discrimination that has occurred, be it direct, indirect or systemic discrimination, as harassment or via instruction, whereas information on common variables is necessary for the combining of complaints data with other data sources.

**IMPLICATIONS**

Governments should provide complaints bodies with adequate resources for collecting sufficient, reliable and comparable data on complaints. Specialised equality bodies and other complaints handling bodies should register received, and reviewed cases as well as cases finalised by friendly settlement. They should initiate analyses of said data and make it available for research. Courts should register cases related to discrimination and report them to specialised bodies. Statistical offices should consider supporting complaints bodies with expertise on categorisation and construction of systems for data registration.
6. Combining Data Sources

In previous chapters we have seen that there are many sources of data that can be used for the measurement of discrimination. The purpose of this chapter is to establish certain principles on how different sources of data can be combined so that we can learn more about discrimination. These principles for combining are not novel, but they are not well enough known outside research communities. Presently, our guidance and recommendations are primarily focused on the policy makers and those institutions that we are hoping will facilitate collection of ethnic data, rather than those actually performing research.

We are not suggesting a particular research design, or research methodology. The choice of a research design is dependent on the particular research problem and the availability of data.\(^1\)

Different sources of data can be combined in numerous ways. In the first report we used triangulation as a concept to describe the strategy of combining different sources; this is something we abandoned this year. Instead, we have focused on using the term combining sources, because “triangulation” implies that there is only one technique or method used. The details of how the information is embedded, imputed, aggregated, or some other technique is used, are simply too case specific to allow for any general rules to be presented.

In social scientific literature the “mixed methods” research tradition, which has its origin in Campbell and Giske’s seminal article on multitrait/multimethods, addresses many of the questions related to using different types of sources and combines them for analytical purposes.\(^2\) Even if it is possible to use these classifications of research designs, they take the distinction between qualitative and quantitative sources as a starting point and do not account for the use of register data. One of the contributions of the Common Measures project is to emphasise the need to prepare for the use of register data together with other sources.

Administrative registers are more rigid than surveys. Often it is impossible to make the necessary adjustments in the registers, because they are adapted to administrative needs rather than to research purposes. If we want to use the information in these registers, we therefore need to adjust the other sources of data to the registers. For example, in Norway it is possible to identify a person’s nationality with the help of their PIN, but is impossible to identify their ethnicity. Therefore, studies aiming to compare or contrast their results with information from whole populations should use country background as one of the ways to describe a person. If PIN is available, much more detailed analyses on a micro level could be possible.
At the moment, the focus should be on preparing the ground for future analyses. There are many individual studies that can be performed to provide information about attitudes towards ethnic minorities, their experiences of discrimination, or the prevalence of discriminatory behaviour in a given situation. But each one of these will only illuminate one part of discrimination.

In the table below we try to link the types of data to the chain of argument that is required, so as to indicate discrimination. In relation to the measurement of discrimination, dark cells mark strong performance, grey cells mark medium and white cells mark weak performance.

Inequalities and outcomes in registers and censuses offer information on a large group of people, but are better at establishing unequal outcomes than telling us much about why outcomes are negative – are they caused by discrimination, and is there any justification for negative outcomes or disadvantage?

Qualitative research and individual complaints give far more information at the other end of the scale – we get additional information about more/less justified disadvantage from the viewpoint of potential victims of discrimination, but we learn little about how widespread the individual’s experience is.

Both surveys, specifically designed to measure experienced discrimination, and situation testing have the advantage that they do cover four different components of discrimination, and thus have the potential to cover enough ground on their own. None of the other methods have this potential. However, neither surveys nor situation testing provide a complete picture, and they both have their weaknesses.

Situation testing is difficult to conduct with enough stringency and rigour and to remove all doubts about the results. Sceptics can always claim that the selection of pairs to compare does not cover all relevant aspects, and that the differences are at least partly related to something other than discrimination. In addition, situation testing can only be applied to some social situations.

By applying multivariate analysis techniques on survey data, it is possible to eliminate a large number of other explanations, but it is impossible to «prove» discrimination. Commonly, researchers state that there is a difference between groups that cannot be explained, and that can be partially explained by discrimination.

Outcome data from registers does give us a reliable distribution of many outcomes, which allows us to establish outcome differences that are disadvantageous. In order to use this information to study discrimination, it must be combined with information from other sources. If we look at the following table (page 50), we can see that surveys, situation testing and information about complaints and legal actions are promising methods of gathering information.
Table 6.1. Components of Discrimination and Sources of Data

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>COMPONENT OF DISCRIMINATION</th>
<th>COMMONLY RESPONSIBLE INSTITUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outcome difference</td>
<td>Disadvantage</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inequalities and Outcomes in Registers or Censuses</td>
<td>Establish levels and trends for a few outcomes for many</td>
<td>Disparate outcomes or unjustifiable equal outcomes</td>
</tr>
<tr>
<td>Inequalities and Outcomes in Surveys</td>
<td>Several, more specific outcomes</td>
<td>Disparate outcomes or unjustifiable equal outcomes</td>
</tr>
<tr>
<td>Experienced Discrimination in Surveys</td>
<td>Rare</td>
<td>Levels for experiences</td>
</tr>
<tr>
<td>Surveys on Attitudes Towards Minorities</td>
<td>No</td>
<td>No. Prejudice only</td>
</tr>
<tr>
<td>Qualitative Research</td>
<td>For few</td>
<td>Experiences and examples of disadvantage</td>
</tr>
<tr>
<td>Situation Testing</td>
<td>Establish the prevalence rate in a particular situation</td>
<td>In the given arena or situation</td>
</tr>
<tr>
<td>Individual Complaints and Legal Actions</td>
<td>Describe processes</td>
<td>Examples of disadvantage</td>
</tr>
</tbody>
</table>
A few examples of research, based on the combination of sources, will perhaps make it easier to see the benefit of combining different sources. We have chosen the field of employment as an illustration. It seems wise to separate the questions of discrimination during changes of status (hiring, promotion or termination of a working relation) from questions of discrimination at the workplace, which are related but different issues. We have argued that it is necessary to examine each of the four components of discrimination. How can we address them in relation to discrimination in employment?

One could study registers on education and employment to see if the pattern of employment corresponds to what one would expect, given the level and type of education. Indicators of possible discrimination could be an unexpected distribution of outcomes: like a higher proportion of university educated taxi drivers and cleaning personnel in one ethnic group than others, particularly, if this corresponds to a lower proportion than expected in prestigious occupations. Although we can establish a disadvantageous outcome difference, this is not enough to establish discrimination. We still need information about causality and lack of justification. As long as it is possible to find alternative explanations for the outcome differences, one should be careful to claim that these are the result of discrimination.

One might be tempted to combine the outcome data with surveys on experienced discrimination, which, if properly designed could show that the ethnic group in question does indeed experience discrimination. This would strengthen the argument by falsifying some of the alternative explanations. However, data on the experience of discrimination does not add much to the outcome data beyond establishing that the outcome difference really is a disadvantage i.e. the university educated taxi drivers would rather be teaching, if they could. If the survey is well designed, levels for several groups can be compared while controlling for relevant factors, like education. This can help to show that the disadvantage is connected to ethnicity, which is a requisite for establishing ethnic discrimination. Sometimes it is possible to do this based on information in registers, but mostly, the information on risk-group membership is not sufficiently detailed, or available at all.

Even armed with disadvantageous outcome differences and experiences of discrimination connected to ethnicity, some sceptics might claim that this is not really proof of discrimination. This is because it is possible that some other process may result in the same outcome, and the experiences of discrimination by the ethnic group are because of their own misconceptions. For example, if everybody has a hard time finding a job, the minority group might perceive discrimination even if no discrimination takes place.

Since the measurement of levels does not directly address discrimination, would there be any other sources that can show that discrimination is taking place, without any information about the levels? The easiest source would be to look at individual complaints or legal actions. If a court or complaints office has stated that there are one or several cases of discrimination against members of a particular ethnic group in a particular situation, the value of the previous analyses connecting the outcome differences to ethnicity increases. Courts and complaints offices will look more closely and evaluate alternative explanations in each case. However, it is pertinent that the ethnicity of the com-
plainant is reported together with relevant background information, so that this connection can be made.

One possible avenue for establishing discrimination is the use of situation testing. With the help of situation testing, one could establish that members of group A will have to apply for six times as many jobs as members of group B before they get a job. Situation testing gives us data within a particular context, for example in hiring, which provides a strong case for discrimination in a narrow field. It is possible that the situation is quite different in a different branch of the economy. However, as it is designed for a particular purpose, it does give direct answers regarding the prevalence rates for acts of discrimination.

This information is very useful but we need supplementary information to get the whole picture. Qualitative research focusing on the hiring and selection process, will give information about what is going on inside companies, which is necessary for planning good measures against discrimination. Sample surveys targeting the gatekeepers in such processes can be used to improve the estimates for the level and prevalence of discriminatory attitudes and behaviour.

Obviously, the best possible situation would be to have every piece of information available, but this is seldom an option. The pieces of information complement each other by providing different aspects of the four components of discrimination. If we look at Table 6.1 and pick combinations of rows that provide us with strong information (dark cells) in a total of four different columns, we can see that there are several possible combinations that will provide at least some information upon all four aspects. The following are examples of minimum combinations:

- Registers or surveys on outcomes together with complaints.
- Registers or surveys on outcomes together with surveys on experiences.
- Situation testing supplemented with information about outcomes to provide a sound base for generalisations.
- Situation testing supplemented with information about complaints.

This is, of course, just a schematic presentation, and every research design aiming towards measuring the prevalence and level of discrimination should address the four components of discrimination. When considering which sources of information to include, one should also take into account the different strengths and weaknesses of the sources.

**Combining data – some examples from Scandinavia**

Sometimes, it is possible to combine outcomes from registers with information about experienced discrimination and living conditions through a link on an individual level, like in the Norwegian Living Conditions Survey on the general population and on the minority population (results still unpublished for the immigrant sample). In this survey, a large number of Norwegians and persons with ethnic minority origin (from ten countries) are interviewed in depth regarding a wide range of subjects – economic status, housing, employment and quality of life. Besides these questions, the minority groups are questioned about their experience of discrimination. Since Statistics Norway has access to relevant administrative registers through the PIN, it is possible to link information garnered in the interviews to the facts about their income, employment status etc that are available in administrative registers.
Part I: 6. Combining Data Sources

This allows for very powerful analyses of discrimination and provides an opportunity to find out if a group’s perception of discrimination and the outcomes in various social arenas are in keeping with each other. If it were possible to combine this data with information on the presence of discrimination against a particular risk-group in a policy domain, the chain of evidence to indicate discrimination would be almost complete. The registration of cases by complaints bodies could provide this kind of information.

Another example of how registers and surveys can be used together can be seen in Støren’s research in Norway. She concludes that educated non-western migrants who recently completed their higher education, have twice the risk of being unemployed as their Norwegian counterparts. Her main source of data is a survey administered one year after completion of their education, and the conclusions are confirmed by a study of the registers.3

In Sweden the Swedish Integration Board manages a whole array of research and relies on a multi-method approach. They analysed government labour market statistics (2003, 2005); used situation testing (in progress); executed several surveys on the majority population (Integrasjonsbarometer) and minority populations (Discrimination Survey 2006); and performed a national employer survey (2005). Together, these studies cover different aspects of discrimination in the labour market. Using many forms of study in the same time period allows a more comprehensive form of analysis, since different methods supplement each other and provide a better picture than the individual studies seen in isolation.

Each of the data sources does have its own weaknesses and strengths that are not only related to measurement of discrimination but to the manner in which information is collected and registered.

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<table>
<thead>
<tr>
<th>Data Source</th>
<th>WEAKNESS</th>
<th>STRENGTH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inequalities and outcomes in registers or census.</td>
<td>Rigid, difficult to access.</td>
<td>Often covers everybody, and often offers changes over time. Harmonised categories give comparability across countries.</td>
</tr>
<tr>
<td>Inequalities and outcomes in surveys.</td>
<td>Must target risk groups specifically.</td>
<td>Can be collected more frequently than a census. Can be tailored for a specific purpose. International design can give comparability across countries.</td>
</tr>
<tr>
<td>Experienced discrimination in surveys.</td>
<td>Must target risk groups specifically. Expensive, needs to be repeated regularly.</td>
<td>Can be tailored for a specific purpose. International design can give comparability across countries.</td>
</tr>
<tr>
<td>Attitudes towards minorities in surveys.</td>
<td>Does not tell much about discrimination. Mainly contextual information.</td>
<td>Easy to add a few questions to general population surveys.</td>
</tr>
<tr>
<td>Qualitative Research.</td>
<td>Difficult to generalise. Does not give simple answers.</td>
<td>Can provide detail and information about processes that are needed to interpret data from other sources. Good for exploring.</td>
</tr>
<tr>
<td>Situation testing.</td>
<td>Can only be used in repeat situations and have short-term outcomes. Difficult to get it so right that the results will not be disputed.</td>
<td>Covers all four aspects of discrimination. Can give comparability across countries.</td>
</tr>
</tbody>
</table>
Some of the different sources of information can, to some extent, also be seen for analytical purposes as a chain of events. It is possible to view them as a sequence and study any of the levels (boxes in the diagram), or the relationships between the levels (arrows between the boxes) in Figure 6.1.

The further down the chain we get, the more distant the discriminatory acts and the distribution of outcomes. Thus the number of complaints and judicial decisions is dependent on a long chain of events, and perhaps their number tells us more about the system created for dealing with complaints than about the extent of discrimination.

It is important to be aware of where in this chain we are. For international comparisons, the further we proceed down the chain, the more uncertain the comparisons will be, because the comparisons will have to take into account the differences in the whole chain in each country. This is one of the reasons why looking at outcome distribution can be a good starting point for measuring discrimination.

It seems obvious that the different sources should be utilised with awareness of their relation to each other, and the different institutions should cooperate to create conditions that make combining different sources feasible and efficient.

**What is necessary for combining different sources?**

In order to maximise utility, several characteristics should be similar in the data sources (in order to establish sufficient invariance). These include at least:

- time or time period (or knowledge of how they differ).
- geographical area (or knowledge of how they differ).
- population (or knowledge of how they differ).

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It seems obvious that the different sources should be utilised with awareness of their relation to each other, and the different institutions should cooperate to create conditions that make combining different sources feasible and efficient.
Combining different data sources can be a more or less successful venture:

- The weakest and easiest way to combine sources is simply to use the results from separate analyses.
- The strongest form is to link sources on an individual level through the use of a unique ID for each individual. Of course, the resulting data, where individuals are the unit must carefully be made anonymous.
- For medium strength results, data sources can be combined without knowing any individual’s identity, for example, by combining many sources of information about a risk population. One could create a body of data where the units are migrant groups defined by their country background (combined with consistent breakdowns by some relevant characteristics such as municipality).

Different data on different levels
Data can be on different levels. These levels are partly related to how the information is collected, and partly to how the information is processed and organised afterwards. Our intention here is purely to give an idea of how these different levels are related to the different sources of data.

Individual level data is perhaps the easiest to understand. This is information that is organised and stored for each individual separately: PIN, age, income, gender, ethnicity and so forth. This information can be collected in many different ways, and several sources can be combined without losing the individual as a unit in the data.

Information can also be organised and stored on group levels or in other units. An example could be information about risk populations: name of risk group, number of people, average income, average unemployment, and so forth. Another example could be municipalities: name of municipality, number of people with permanent residence, average income, average unemployment, number of schools and so forth. Some of this information is collected on an individual level and aggregated to a higher level (for example average income) whereas other information, like number of schools, is collected on this level.

These levels are important for measuring discrimination, because when one changes levels, the conclusions that can be drawn from the data will also change. Correlations on aggregate levels do not need to be valid on an individual level too. A classical example is that states with a high level of immigrants often have also a high level of literacy.
However, this does not mean that immigrants have a higher rate of literacy than the rest of the population. Actually, the opposite is the case. The pattern in the data is created by immigrants choosing to settle in areas that have a high rate of literacy.\(^5\) Having information on the individual level allows for the use of much more powerful analytical techniques than information about groups alone.

This example also illustrates how combining information on several levels is necessary. Our purpose here is not to give detailed instructions on how to combine several sources of data, but rather to point out how, unless combining data is planned and prepared for, these three sources on events, outputs and experiences will stay separate and can be used only in very limited ways to describe discrimination as a phenomenon.

Mapping (i.e. combining sources above individual level) could be applied on various sources and each type of application might serve different purposes.

- Mapping could be used to combine information from different sources referring to the same (or similar) phenomena or configurations concerning the same observation units. When the information refers to income data in registers as well as surveys, the mapping, by using background variables of persons or households, might be used to assess the validity or the reliability of the sources. In such applications one might also use the same statistical indicators in both sources.

- One might enlarge the dissimilarity between the data sources and thus narrow the basis for triangulation based interpretations, e.g. when sources refer to different configurations, unequal points in time or time intervals or different contexts. Each step that brings more dissimilarity to the data to be combined in the interpretation weakens the power of the mapping to support the interpretation.

Thus one should try to minimise the variations in the source characteristics and observation units to maximise the force of the mapping procedure.

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\(^5\) This is known as an example of ecological fallacy.
RECOMMENDATIONS

Significant improvement of measuring discrimination is only possible through a multi-disciplinary approach combining several data sources.

Data sources should be combined both within single projects and at national level.

The responsibility to initiate and organise cooperation to combine data from different sources, should be allocated explicitly to a specific organisation in each country.

EXPLANATORY NOTE

In the long term perspective measurement of discrimination can be improved by combining several sources of information in a way that covers the different components of discrimination.

IMPLICATIONS

Governments should ensure that there is one institution with the responsibility to initiate and coordinate the combining of data, and ensure that it has sufficient resources and powers for the task.

Specialised equality bodies should engage in the processes that involve collection and availability of data, and make their data available for others to analyse.

Research institutions should apply research designs that combine several sources of information and engage in the processes involving data collection and harmonisation.

Statistical offices should assist other institutions in understanding the possibilities for combining existing sources, both inside and outside the statistical offices, and should engage in constructive dialogue involving data collection and harmonisation.
7. Harmonisation of Variables and Classifications

In order to be able to combine different data sources, some common key variables must be used, as the data sources can only be combined (or at least compared) at these key variables. Considering our objective, to measure discrimination in a manner comparable across countries by using different sources of data, at least three sets of definitions for classifications should be harmonised.

- Experiences, incidents and outcomes can generally be classified by the protected policy domain they are related to (See chapter 4).
- The victims of discrimination can generally be classified according to membership in one or several risk groups. (See chapter 2).
- Other general characteristics that can be used to describe persons, institutional units or incidents.

Although all three groups might be considered as rather obvious, the categories, attributes or labels that should be used in the actual classification when measuring or registering are not self-evident. Without clear-cut objectives to ensure that specific classifications are applied in research tools or registers, it is to be expected that many different classifications that cannot be compared with each other will be used. Inconsistency of classifications in use will thereby be an impediment to the fruitful use of mapping.

It is important to look for possibilities to harmonise characteristics across data types and thus across sources, and this is the main reason to recommend harmonisation. In previous chapters we have already dealt with standardisation of protected policy domains and risk-groups. Therefore in this chapter we will look closer at the general characteristics and the process of harmonisation.

Harmonisation is much easier to recommend than to implement in practice. Generally, slow and long term processes are needed to achieve harmonisation with all the advantages that follow. Unfortunately, sometimes, using new classifications implies an abrupt discontinuity in time-series data. The advantage gained in comparability across data sets, arenas and across geographical boundaries can be offset by the disadvantage of problems of comparison with earlier data sets. Much patience and many discussions are often needed to convince the participants in the process of the net advantages and to persuade them to continue the revision of the current classifications. For that reason the harmonisation process generally consists of many small steps in which large scale revisions are generally avoided. Harmonisation on an international scale might be too ambitious if no international standards are available and even more important if no complementary harmonisation of policy use is in view. Then harmonisation on a national scale might be preferred, even if it is only for the time being.

General classifications

The last set of classifications consists of information by which persons, institutional units or incidents might be characterised in a rather general way. For policy purpose, more information is needed than just which groups are being discriminated against.

These general classifications will seldom meet many objections from the involved parties (like minorities or the agencies responsible for registering, which makes them easier to apply than some of the other classifications (like risk-groups). The relevance of these characteristics in relation to discrimination grounds might vary. Discrimination related classifications referring to a protected ground (e.g. sex, age or minority group) can serve
as general classification in relation to other grounds.

Examples of relevant characteristics which are not directly related to discrimination but which could be considered as needing some standard classification are occupation, educational attainment, status in employment, income, and region. Sometimes standard classifications are not available, but often they are available while their existence is not known to all parties. Suggestions to some harmonised core variables are briefly presented in an appendix.

Our recommendation is that the use of standard classifications should be encouraged and even promoted as much as possible.1 If well applicable international classifications are available, these should be used. When the application of (inter)national classifications is too burdensome, one should try to develop some easier or lighter variants which can be qualified as more or less consistent with them.

The general view on the use of harmonised variables in data sources like surveys and registers is very similar to our recommendations: "…does not mean that each and every survey has to include all variables, but when they are included, it is recommended that they follow the guidelines for harmonisation…"2 Not all harmonised variables are equally relevant for the description of discrimination issues.

Some classifications used in the data collection or production of statistics by statistical offices have very detailed and burdensome measurement or processing methods. When using the classifications in e.g. the institutions, which register discrimination complaints it would of course be unnecessary to follow these instructions exactly. The classifications could nevertheless be used as general reference in the registration procedures.

**RECOMMENDATIONS**

National data collecting institutions should apply harmonised variables and categories. Risk population classifications should be harmonized on the national level. A set of core variables with standard classifications should be used when possible.

**EXPLANATORY NOTE**

Countries differ in regard to their history, and this influences which groups are at risk and how they are categorised (country background, self-categorization by race, old national minorities).

Priority should be given to harmonisation on the national level. However, the use of international classifications of background variables is especially recommendable because of the availability of harmonised and standardised categories. For the same pragmatic reasons it is advisable to use internationally defined indicators for various policy domains or to develop such standards where they do not exist.

**IMPLICATIONS**

The national agency responsible for the measurement of discrimination should cooperate with other agencies in order to increase and improve the collection of relevant data, to harmonise the categories used, and to make sure that there are sufficient grounds for using these data sources together with other sources.

If a non-standardised classification is used, it must be clearly reported, and its relation to some standardised classification should be explicitly described to ensure possibilities for combining sources.

All data collection agencies, including specialised bodies, should explicitly make known when they use non-standard classifications, and how these relate to standardised classifications. This will ensure possibilities for comparison and combining sources.
Part II: Country Reports

The Czech Republic and Portugal

During this project a total of five country reports have been written. The first three, on Norway, Denmark and Netherlands, are published in the first report by the Common Measures for Discrimination project (2005). This report contains the country reports on the Czech Republic and Portugal.

We started the project with three countries that have extensive possibilities for the use of individual level data from registers, even though the organisation of the data collection and storage is quite different in each. We were able to identify common variables and classifications that allowed for international comparisons between these three countries. How many of these experiences can be used in countries with a different statistical system?

We have included Portugal and The Czech Republic as examples of two countries where information is collected with the help of censuses, instead of registers. In addition, these two countries have a very different history, which is likely to influence the possibilities for the measurement of discrimination.

Discrimination happens in many areas of life, and measurements should focus on these selected areas. In the sections on each country we focused on education, labour force participation and income. This is because these three areas are essential for an individual’s well-being, there is data available, and these domains may be compared across countries.

The country reports are organised in the following manner. The Introduction describes the largest minority groups, and how they have traditionally been defined; some of the main sources of data; and the national status of measuring discrimination. Education is the first domain of life that is described. This section attempts to answer the question of how we can describe what the education of a member of the target population brings to the labour market. What are the sources of information available? Labour force participation and placement is the second and Income is the third domain that is described in the country chapters. This can be useful for studying what consequences education and labour-market participation have on income on individual and household levels. Each country chapter ends with a short discussion of national level problems and possibilities for measuring discrimination.
1. Measuring Discrimination in the Czech Republic

By Daniel Chytíl, Czech Statistical Office (CZSO)

Introduction
This chapter attempts to present the situation of measuring discrimination in the Czech Republic, the availability and accessibility of data sources, as well as the limitations on using and keying various data sources.

Anti-discrimination legislation has made positive progress through the years, nevertheless effective bodies and ways of tackling and monitoring discrimination have yet to be established.

Discrimination is an important topic in public debates and media, but instead of effective policies and campaigns, only fragmented pieces of a mosaic come together at irregular intervals. However, we still have hope for the future, because legislative changes are being transposed to everyday life, and the accessibility and availability of relevant data will enable us to start to measuring discrimination to a certain extent.

ECRI in its recommendation to the Czech Republic acknowledges that the collection of data on ethnic origin is prohibited by the law for data protection and privacy and the absence of reliable information about minority groups in the country makes measuring and combating discrimination difficult (Krizsan at al. 2001). Legislation for data protection (Act No. 101/2000 Coll.) and its body (The Office for Personal Data Protection) prohibits the storage of data on nationality and ethnic origin in informational systems and penalises such practices.

In December 2004, the Government approved an anti-discrimination bill, which among other things implements EU directives on equal treatment and protection against discrimination. The bill contains a prohibition on discrimination not only on the grounds stated in the EU directives (2000/43/EC, 2000/78/EC) but also on the grounds contained in the Charter of Fundamental Rights and Freedoms and international conventions. The Act was approved by parliament in December 2005, but did not get through the Senate at the end of January 2006. The Act would have harmonised legislation, which covers protection against discrimination, and removed shortcomings in Czech law from the point of view of the EU directives. Apart from the Act, only the Labour Code and the Employment Act define what discrimination is, what forms it takes and how an individual is protected. The anti-discrimination bill specifies the Ombudsman as a subject that will systematically concern itself with the issue of equal treatment and provide assistance to victims of discrimination (Government Commissioner for Human Rights in the Czech Republic 2005).

«The Ombudsman should provide independent help to victims of discrimination. This help covers assistance, e.g. in preparing petitions to the courts, preparing motions for the appointment of a representative by the court, or complaints to various administrative inspection bodies (e.g. Labour offices, Czech Trade Inspection), and information, e.g. on the possibilities of legal aid, either through a lawyer or non-governmental organisation. The Ombudsman can not therefore represent victims of discrimination in judicial proceedings, but can only offer them advice on which means they should employ and to whom they should have recourse. One form of specific assistance that the Ombudsman can offer victims is mediation (CERD 2005).»

Like the Labour Code, which strictly
prohibits direct and indirect discrimination, the new Employment Act (Act No. 435/2004 Coll.) also contains more detailed provisions concerning discrimination, covers access to employment and establishes certain positive measures for members of national and ethnic minorities. A violation of the prohibition on discrimination is an offence or administrative delict for which a fine can be imposed of up to CZK 1 000 000.


Defining target populations
Target groups can be basically defined on a) national/ethnic origin, b) resident status/citizenship. For the use of Common Measures approach, citizenship and nationality are sufficient variables for identifying target groups among national minorities (especially Roma population) and labour migrants.

Ad a) Framework Convention for the Protection of National Minorities states that «Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.»

According to international standards for minority protection every person has a right to self-identification with national origin and self-declaration of that choice. Consequently, she/he can in the census choose which nationality to declare. Of course, this brings significant limits on the validity of data on minorities.

Ad b) Data collection on foreigners and citizenship is more reliable than data on nationality/ethnicity not only in the Czech Republic. The Czech Statistical Office (CZSO) obtains data on the number of foreigners from various sources: the Alien and Border police provides data on permitted residences and visas over 90 days; data on asylum seekers are provided by the Asylum and Migration Policies Department of the Ministry of the Interior of the CR; data on Czech citizenship granted come from the General Administration Department of the Ministry of the Interior (Foreigners… 2005).

The largest minority groups
Traditional minorities3 long-term resident in the CR (total number of inhabitants 10 230 060) are according to the Census 2001: Slovaks (193 190), Poles (51 968), Germans (39 106), Ukrainians (22 112), Hungarians (14 672), Russians (12 369), Roma (11 746), Bulgarians (4 363), Greeks (3 219), Serbs (1 801), Croatians (1 585), Ruthenians (1 106) and these minorities also have representatives on the Government Council for National Minorities, the permanent advisory and initiative-taking body for questions concerning national minorities and their members. All minorities mentioned above have been settling for decades, some of them for centuries, in the area of contemporary Czech Republic. All data on minorities in the census are based on self-declaration.

3) Both question on nationality (national/ethnic origin) and citizenship are included in the Census. Figures presented here concern nationality based on self declaration.
Roma population
In the last Census (2001), which considers personal declaration about nationality as undisputable, only 11,718 people declared themselves as Roma (23,211 people selected Romany as mother tongue and another 13,000 selected Romany in combination with Czech), although estimates vary between 160–300 thousands (Minority Rights Group estimates 275,000), demographical projections based on data from municipality registers from 1980’s and expected birth rate (Langhamrova 2002) estimate 200,000–250,000.

Another definition of «a Roma minority member» (Koncepce… 2005) is «an active desire to be regarded as a minority member and to develop language and culture in community». This is a subjective definition. On the opposite end of the scale, «a Roma community member» is defined as «de facto everyone who is identified by the majority as a member of this socially and ethnically defined group».

According to the Conception of Roma Integration (Koncepce… 2005), discrimination takes place in economic and social rights. Both government documents and NGO experiences show that people of Roma origin face discrimination when applying for a job, housing and services, especially when accompanied by another negative factor like uncompleted education and poverty.

Discrimination practices accelerate the fall of Roma families into the social and poverty trap, and deepen the fatalistic attitudes of individuals, who lose hope for improving their situation by their own effort. Around 20 cases of discrimination of Roma in housing, employment and services were brought to courts in past years with the assistance of NGOs (Koncepce… 2005).

Foreigners
Until the year 2000 the law distinguished between permanent, long-term (over 180 days) and short-term (up to 180 days) residence. Since the beginning of 2000 the term long-term residence has ceased to exist in law and has been replaced by visa for over 90 days. The last substantial change took place in 2004, legislative changes were related mainly to the accession of the CR to the EU. It was necessary to define two categories of foreigners with different conditions of residence in relation to the EU law concerning the free movement of people. The categories of foreigners residing in the CR are (Foreigners… 2005):

(A) Citizens of member states of the EU, Norway, Switzerland, Iceland and Liechtenstein and their dependants: citizens of EU member states not having temporary or permanent residence permit and their dependants; citizens of EU member states and their dependants having temporary or permanent residence permit. If a citizen of another EU member state resides in the CR for more than three months, e.g. for reasons of employment, study, business or other activity, he/she is entitled (not obliged) to request a permit for temporary residence under the Act on the Residence of Foreigners (No. 326/1999 Coll.)

(B) Citizens of non EU countries (citizens of third countries): citizens of third countries staying in the CR for a short time without visa or on short-term visas up to 90 days or on visa over 90 days; citizens of third countries having long-term residence permit or residence permit; foreigners with current asylum.

(C) Registered asylum seekers; foreigners staying in the CR within temporary protection; foreigners staying in the CR illegally.

The number of foreigners in the CR residing over 90 days, long-term or
permanently (according to the Alien and Border Police) exceeded 250,000 in 2004. About 40% of these foreigners have permanent residence in the CR (50% of them are women, among others woman make only 34%). The largest group of foreigners is the Ukraine citizens (almost 1/3), followed by citizens of Slovakia (18.6%), Vietnam (13.4%), Poland (6.4%) and the Russian Federation (5.8%). More than half of permanent residencies are among citizens of Poland (71%) and Vietnam (60.5%).

Foreigners with permanent and long-term residence and people with asylum granted are included in the population of the CR. Foreigners in the CR have a substantially different age structure from the general population. The share of persons in junior productive age (20 – 39 years) is 62%, which is high compared to 30% in the total population. On the other hand, very small proportions, in comparison with the structure of the population of CR, are children and people in the post-productive age (Foreigners... 2005). More up-to-date information (CERD 2005) reports that the total number of foreigners living legally in the CR was 252,316 as of 31 May 2005, of which 41% were women (102,843). Of the total number, 102,391 people had been granted permanent residence (of which 49% were women), and 149,925 foreigners were people with one form or another of temporary residence exceeding 90 days (of which women formed 35%). In comparison with 2004 this represented a fall of 1,978 in the number of foreigners, which is an opposite trend to that of the previous three years (from 2001 there had been a regular increase in the number of foreigners in the CR – in 2002 by approximately 20,000, in 2003 and 2004 by around 10,000).

Gabal – Analysis & Consulting produced an Analysis of the Status of Foreigners Living Long-Term in the CR. According to the analysis, the Aliens Act has a restrictive character and places foreigners in an uncertain legal position. Access to work permits is administratively

### Figure 8.1. Foreigners holding permanent residence permits and temporary stays over 90 days by citizenship, top 15 (31.12.04)

<table>
<thead>
<tr>
<th>Citizenship</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukraine</td>
<td>28,839</td>
</tr>
<tr>
<td>Russia</td>
<td>14,743</td>
</tr>
<tr>
<td>Poland</td>
<td>16,265</td>
</tr>
<tr>
<td>Slovakia</td>
<td>34,179</td>
</tr>
<tr>
<td>Vietnam</td>
<td>47,352</td>
</tr>
<tr>
<td>Germany</td>
<td>5,772</td>
</tr>
<tr>
<td>Austria</td>
<td>2,080</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>2,162</td>
</tr>
<tr>
<td>Romania</td>
<td>2,588</td>
</tr>
<tr>
<td>Belarus</td>
<td>2,912</td>
</tr>
<tr>
<td>China</td>
<td>3,421</td>
</tr>
<tr>
<td>SMC</td>
<td>3,436</td>
</tr>
<tr>
<td>USA</td>
<td>3,750</td>
</tr>
<tr>
<td>Moldova</td>
<td>4,085</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>4,447</td>
</tr>
<tr>
<td>Other</td>
<td>28,839</td>
</tr>
</tbody>
</table>

Gabal – Analysis & Consulting produced an Analysis of the Status of Foreigners Living Long-Term in the CR. According to the analysis, the Aliens Act has a restrictive character and places foreigners in an uncertain legal position. Access to work permits is administratively
demanding, whereas access to trading certificates (and residence based thereon) is relatively easy. Foreigners are also deterred from legitimate participation in the labour market by high social insurance with minimal social benefits for the payer. The law does not provide suitable conditions for establishing a family – it takes a long time to obtain permanent residence, children cannot enjoy the benefits of public health insurance. The path to receiving citizenship is also long, there is no real possibility of gaining Czech citizenship as second citizenship or the accelerated naturalisation of second and third-generation immigrants (Gabal 2005).

Availability of register/census data

The Census is the only source of data on nationality. As noticed above, there is a lack of reliability concerning Roma population, data on other nations are generally accepted. Data from the census are classifiable up to the lowest territorial units (ZSO) and contain the following information relevant for our purposes:

- Citizenship, nationality, mother tongue, number of children, mother’s residence at the time of person’s birth, religion, completed education, economic activity, occupation, position in employment, branch of economic activity and a lot of data on housing.

A basic outline of national composition of the CR from the Census 2001:

- 807 456 (7.9%) people declared other than Czech nationality. Foreigners with long-term residence were included among the total population according to international recommendation. They are composed of 68% Vietnamese residents, 53.7% Ukrainian and 51.1% Russian residents and they usually live in towns with more than 10 000 inhabitants.

Only a low proportion of citizens from traditional minorities have other citizenship than Czech.

People who declared Roma nationality have a different age structure; higher proportion of children under 14 years, the highest fertility rate and the greatest proportion of single people (due to the age structure and cohabiting couples). Minorities living in the Czech republic for generations (German, Slovak, Polish, Hungarian) have a higher proportion of people over 65 years of age than the total population.

The highest proportion of women is in the Russian population (167 women to 100 men) and women also prevail in Ukrainian and Polish populations.

Registers are not completely nonexistent, but are not accessible and not keyed with other data containers. Data protection law (Act No. 101, 2000 Coll.) allows the processing of personal data only in concordance with the purpose of their collection.

According to the self-evaluation paper of the CZSO (EFMQ 2005), administrative data as an alternative to statistical surveys have not been used by the CZSO to a great extent, usually due to the legislation, which prohibits the sharing of data. In order to use administration data, strategic activities of the CZSO are developed in cooperation with state agencies, particularly with the Ministry of Finance, the Czech National Bank and the Czech Social Security Administration. Only the Business Register is maintained by the CZSO. This register is regularly updated; quarterly information on the number of registered businesses according to selected basic classification criteria is available. Data are usually obtained from ministries.

The Ministry of Interior maintains the ISEO (Information System of Population), which contains: name, surname,
date of birth, sex, country of birth, personal identification number, citizenship, address, former address, marital status and date of marriage. ISEO includes data on foreigners with both permanent and long-term residence. Unfortunately availability of these data is limited and personal data from other state agencies are available only in aggregated form, if at all. Therefore individual data from the register of unemployment or social security register, which would be a great contribution to the Common Measures project intentions, are out of reach for the CZSO.

The personal identification number (every inhabitant of the CR including foreigners with permanent residence has a unique 9–10 digit number) has a potential to link data from various sources, nevertheless, due to the non-linkability of databases, serves only as an identification code for particular databases.

Availability of Survey Data

Labour Force Sample Survey and EU-SILC (European Union – Statistics on Income and Living Conditions) are conveyed by the CZSO, but their samples do not include members of minorities to an adequate extent.

Several surveys and analyses have targeted the Roma population and migration:

• Migration climate and tendency analysis in Roma communities in selected towns of the CR. Experience with migration among Roma was surveyed in selected locations. Significant emigrant flows are not expected, but those who returned from emigration, plan further departure. Romany emigrants come from various social backgrounds as both elites and underclass depart. The decision to leave is described as a rational choice. They collect information about the country of immigration, do not sell their property in the CR and some do not inform the authorities about their departure in order to keep social benefits (Gabal 2000).

• The survey Monitoring of Roma locations in the CR with regard to migration trends from Slovakia with respect to the enlargement of European Union surveyed specific locations where Romany immigration from Slovakia was expected. The field survey targeted locations with a high risk of social exclusion (The Ministry... 2004).

• The survey on interethnic relations (2002) explored Roma and a majority of neighbourhoods in selected towns. The following could be presented as interesting conclusions: the worst interethnic relations were found in Prague, Ústí nad Labem and Ostrava. Households with four or more children expressed higher levels of deprivation, while the strength of social relations depends on the spatial distance between communities (Vyzkum interetnickych... 2002).

• UNDP – The Human Development Challenge of Roma Integration Research (2002). This empirical inquiry mapped the situation of the Roma community in the Czech Republic and covered a total of 1006 respondents. Demographic characteristics, living conditions, identity and relations of Roma with the majority were described.

• Survey on attitudes towards discrimination (STEM 2005). Discrimination in the labour market was explored by the opinion research agency STEM in April 2005 (n = 1668). Three quarters of the respondents agreed with the statement that there is discrimination in the labour market. This number is lower compared to the survey from
04/2004, when 79% of respondents agreed with the same statement. Women and low income groups perceived the presence of discrimination more often, although opinions about unequal status of vulnerable groups were expressed by all socio-demographic groups. Age (88% of respondents) was seen as the most discriminating factor, followed by maternity and pregnancy (76%), health condition and invalidity (73%), ethnic origin (61%), sex (57%), marriage status (56%) and nationality and citizenship (34%). Other grounds were perceived by less than 20% of respondents. Women tend to agree more often with the presence of discrimination on the grounds of maternity and gender. Older respondents more often considered age as a ground of discrimination.

Availability of Complaints, Decisions and/or Law Cases
The first case of a successful action for protection of personal rights, where the court confirmed that racial discrimination had occurred, was in 2002. The Roma plaintiff was not allowed into a discotheque on the grounds that entrance was forbidden to Roma. As a result of the action for protection of personal rights the Roma received an apology from the relevant company and financial compensation for non-material loss (CERD 2005).

The Czech Trade Inspection is responsible for combating discrimination in the field of the sale of products and goods and the provision of services. The Czech Trade Inspection's powers are supervisory, which means that it cannot investigate complaints of discrimination that have already happened. A person who has suffered discrimination may, however, contact the inspection with a request that it inspect the business where discrimination occurred.

The Czech Trade Inspection has received 29 cases of complaints of racial discrimination of which five are assessed as justified in the period from 2002 to end of May 2005 (CERD 2005).

The European Centre for Roma Rights contacted the Ombudsman with the suspicion that in the 1990’s Roma women had been forcibly sterilised in the CR. The women alleged that the operations were conducted without their informed consent, or that this consent had been requested and granted in a situation in which they could not fully judge its consequences (CERD 2005). The Ombudsman7 (Verejny ochránc…2005) presented at the end of 2005 its report on investigations into allegations of the coercive sterilisation of 87 Romany
womenn in the Czech Republic, who brought complaints. The report concludes that «The Ombudsman is convinced that in the Czech Republic, the problem of sexual sterilization, carried out either with unacceptable motivation or illegally, exists, and that Czech society stands before the task of coming to grips with this reality.» The Ombudsman recommended changing the principle of informed consent in Czech law and its use in the medical community. A simplified procedure for victim compensation was proposed.

**Education**

The new Education Act (No. 561/2004 Coll.) came into effect on the 1st of January 2005. The general introductory provisions state that every Czech citizen shall have equal access to education without any form of discrimination on grounds of race, skin colour, sex, language, faith or religion, nationality, ethnic or social origin, property, family and state of health or other status, and also state the principle taking into account the educational needs of individuals. The equal access, as stated in the definition, is thus conditional on the individual’s having Czech citizenship. People who are not citizens of the CR have access to education under the same conditions as Czech citizens if they are either citizens of another EU member state, or if they can prove that they are justified to be resident in the CR.

In municipalities that have set up a committee for national minorities the Education Act provides for education in the language of the national minorities in nursery, elementary and middle schools. This opportunity has been used by the Polish national minority (CERD 2005).

We can divide data on education into two: data on completed education and data on proceeding education. The former data are accessible from the census and many other surveys, but the highest level of completed education is not verified, it is based only on the declaration of the respondent.

Other sources are more reliable and verify the highest education, but they cover only specific population (e.g. unemployed, graduates) or are not accessible (registers of employees).

The latter data come directly from the educational system and are collected by the IEE (Institute for Information on Education), but contain only data on students and graduates, whose career is not further followed.

**Collected information on completed education:**

Educational differences by nationality groups (Census 1991 and 2001): the largest proportion of people with only completed primary education is among Roma (65.4%) compared to 22.7% of the total population, the highest education was declared by Russians (40.8% university degrees, compared to 8.9% of the total population). Nationalities with prevailing people in older categories of age have an unfavourable educational structure. ISCED is compatible.

According to the Labour Force Survey (using ISCED 97 classification) the following numbers are for the highest completed education in the survey sample (4th quarter of 2005): none or only primary education 19.4%, secondary education without GCSE 37.6%, secondary education with GSCE 32.2%, university education 10.6%.

The Ministry of Labour and Social Affairs administers data on the highest completed education of employed foreigners but official results are not yet available.
Information on the situation of proceeding education is provided by The Database of Institute for Information on Education (IEE), which focuses mainly on carrying out statistical surveys and on providing statistical data to decision-making authorities, professionals and the general public. The division for statistical information and analysis administrates and develops the overall database, i.e. regular data collection from sector statistics, information system and other data sources are available on the on-line database. CBBE (Classification of Basic Branches of Education) is used.

Foreigners in the Czech Republic enjoy the same rights and duties as Czech citizens do. Free education is provided at basic and higher professional schools, including education at reform and correctional school facilities, during the period of compulsory school attendance to foreigners (i) holding permanent residence permit in the CR, (ii) residing in the CR temporarily, (iii) who were granted asylum in the CR or are participants of asylum procedures, (iv) holding stay sufferance visas or temporary protection visas. Free education is also provided at secondary schools to foreigners classified in the same categories.

The education of foreign students is given under the same conditions as for Czech students. However, foreigners must pay a fee for study under bachelor’s, master’s or doctoral programmes, if the university runs a study programme in a foreign language (Foreigners in the Czech Republic 2005).

There were 1.8% foreigners among the total number of pupils and students (2 156 055). Foreigners account for 1.3% of pupils at basic schools in the CR, mostly citizens of Vietnam (29.4%), citizens of the Ukraine (22.4%) and citizens of Slovakia (14.1%). Only 0.76% of secondary school students are not Czech citizens.

Foreign students make up 6.2% of all university students, 8.3% of new entrants and 2.9% of all graduates (IIE, data for school year 2004/05).

Table 8.1. Educational structure of selected national groups aged over 15 years in Census 1991, 2001

<table>
<thead>
<tr>
<th>Nationality</th>
<th>No or primary Education</th>
<th>Secondary without GCSE</th>
<th>Secondary with GCSE</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech</td>
<td>32.0  22.7</td>
<td>35.9  38.5</td>
<td>23.5  28.8</td>
<td>7.3  8.8</td>
</tr>
<tr>
<td>Moravian</td>
<td>32.4  21.6</td>
<td>36.3  39.8</td>
<td>23.4  29.0</td>
<td>7.2  9.2</td>
</tr>
<tr>
<td>Silesian</td>
<td>33.5  19.4</td>
<td>36.0  37.3</td>
<td>23.1  30.7</td>
<td>6.6  11.8</td>
</tr>
<tr>
<td>Slovak</td>
<td>51.0  35.9</td>
<td>26.9  31.4</td>
<td>13.6  20.5</td>
<td>5.8  9.4</td>
</tr>
<tr>
<td>Polish</td>
<td>41.8  29.0</td>
<td>29.5  34.7</td>
<td>20.6  25.7</td>
<td>6.3  9.3</td>
</tr>
<tr>
<td>German</td>
<td>54.6  37.6</td>
<td>29.5  38.2</td>
<td>11.5  16.7</td>
<td>2.5  5.7</td>
</tr>
<tr>
<td>Romani</td>
<td>78.4  65.4</td>
<td>10.0  17.3</td>
<td>0.9  5.0</td>
<td>0.3  1.6</td>
</tr>
<tr>
<td>Hungarian</td>
<td>58.3  41.8</td>
<td>24.7  31.3</td>
<td>10.2  16.2</td>
<td>4.4  7.9</td>
</tr>
<tr>
<td>Ukrainian</td>
<td>48.8  20.0</td>
<td>20.3  27.2</td>
<td>18.8  35.4</td>
<td>9.0  12.4</td>
</tr>
<tr>
<td>Russian</td>
<td>30.5  13.0</td>
<td>15.4  8.8</td>
<td>24.4  33.7</td>
<td>26.9  40.8</td>
</tr>
<tr>
<td>Vietnam</td>
<td>29.2  31.5</td>
<td>33.3  21.7</td>
<td>22.1  32.2</td>
<td>7.1  6.5</td>
</tr>
<tr>
<td>Total population</td>
<td>33.1  23</td>
<td>35.4  38.0</td>
<td>22.9  28.4</td>
<td>7.2  8.9</td>
</tr>
</tbody>
</table>
In the educational system, nationality/ethnicity was monitored until 2001, hence data on nationality of pupils and students are not available.

Education of the Roma population
Children from socio-culturally disadvantaged environments can be assigned a pedagogical assistant by the school head teacher. The pedagogical assistant helps pupils to adapt to the school environment, teachers at school and other educational activities. They can also help to provide communication with pupils or the community from which the pupil comes and co-operate with the legal representatives.

Public administrative bodies (municipalities, municipal associations or regions) can establish preparatory classes for socially disadvantaged children in the last year before the beginning of compulsory education, if this is expected to be appropriate for their development. The minimum number of children in a preparatory class is seven and the maximum fifteen. The project Monitoring the Effectiveness of Preparatory Classes showed that preparatory years markedly improve Roma children's relations with school.

The Ministry of Education provides grants to assist the Programme for the Support of Education in Language National Minorities and Multicultural Education, and the Programme to Support the Integration of the Roma Community.

The approach of members of the Roma community to education and learning is, according to the CERD report (CERD 2005), different to that of the majority population. Even today, many Roma, particularly those who live in excluded communities and with a host of social and other problems, have little regard for education and do not support their children in regular school attendance. The experience of many parents of today's pupils comes from having completed special schools. Research conducted in 2003 found that of 51,691 adult members of Roma communities whose education and qualifications were assessed, about 60% had completed special schools (or not completed elementary schools in the final year), 29% had completed elementary school, 9.3% had skilled training, while 1.3% had completed middle or higher schooling.

The new Education Act (No. 561/2004 Coll.) does not distinguish between elementary and special schools (original special schools have been renamed elementary schools), although within elementary education it creates conditions to ensure that pupils receive the education and support corresponding to their specific education needs.

Elementary schools, where pupils from different socio-cultural backgrounds prevail, have emerged. The state does not intend to support these schools, because segregational tendencies could be present there, nonetheless where these schools emerged, all day programmes, leisure time activities and social counselling are promoted (Koncepe… 2005).

Labour market participation
The census is the only available source of information on economical activity classified by nationality/ethnicity. People who declared Vietnamese and Ukrainian nationality have the highest rate of economical activity, other national minorities show less than 50% working people. Only one fifth of Roma are economically active and more than half of them are unemployed. The lowest unemployment rate is among people declaring Vietnamese nationality (2%).
Ukrainian and Vietnamese women work quite often, compared to women with Roma, Hungarian and German origin. Vietnamese dominate in the self-employment rate (79%) and Russians dominate as employers (9%). Four-fifths of people with German nationality are pensioners.

The Labour Force Sample Survey is conducted by the CZSO and based on a sample of 26,000 households (one-fifth of the sample is changed quarterly, and it does not include accommodation facilities, where significant number of foreign workers are accommodated). The survey collects information on the labour market and analyses it from economical, social and demographical aspects. A significant disadvantage is the impossibility of linking data with the census due to the absence of respondent’s PIN and loss of information about small territorial entities – up to NUTS 3 (Úvodní projekt…2005).

Mikrocenzus 2002 was a survey conducted by the CZSO, based on a representative household sample, which focuses on information on income related to age, educational and social structure of population. It adds data on income and standard of living in general, which are not produced by the census. Information on the income of foreigners and minorities is not collected, households are classified only by demographic characteristics.

Foreigners in the labour market
Citizens of the EU, EEA and Switzerland and their dependants are no longer (from the point of view of Act No. 435/2004 Coll. on Employment) considered as foreigners and have free access to the labour market in the Czech Republic. Similarly permanent residence holders, foreigners who were granted asylum and dependants of members of diplomatic missions, are not required to have work permits.

Foreigners who apply for a work permit must be up to 90 days or long-term visa holders. A work permit can be granted to a foreigner by an labour office for a job vacancy, which cannot be filled by registered job applicants. The employer must also have permission to attract employees from abroad, and for seasonal employees beyond six month periods. Local labour offices grant the work permit and the administrative charge is CZK 2000. An application form to employ a foreigner costs CZK 500. The work permit is issued for one year. The trade licence for foreign natural people comes into force on its entry in the Commercial Register (Foreigners…2005).

Employment and residence permits of foreigners (data source: Foreigners 2005):
255 917 residing foreigners (101 090 permanent residence permits, 90+ days residence visas holders 154 827), 173 203 working foreigners, 107 984 employees (31 035 females), 65 219 (18 078 females) valid trade licence holders (which enables them to run their own business).

Table 8.2. Relative indicators of employment (Census 2001)

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Economical activity rate</th>
<th>Unemployment rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech</td>
<td>61.7</td>
<td>9.1</td>
</tr>
<tr>
<td>Moravian</td>
<td>62.5</td>
<td>8.8</td>
</tr>
<tr>
<td>Silesian</td>
<td>61.7</td>
<td>10.7</td>
</tr>
<tr>
<td>Slovak</td>
<td>56.2</td>
<td>14.2</td>
</tr>
<tr>
<td>Polish</td>
<td>57.2</td>
<td>10.0</td>
</tr>
<tr>
<td>German</td>
<td>44.1</td>
<td>9.1</td>
</tr>
<tr>
<td>Romany</td>
<td>65.7</td>
<td>57.3</td>
</tr>
<tr>
<td>Hungarian</td>
<td>55.8</td>
<td>17.9</td>
</tr>
<tr>
<td>Ukrainian</td>
<td>74.0</td>
<td>7.5</td>
</tr>
<tr>
<td>Russian</td>
<td>64.8</td>
<td>10.3</td>
</tr>
<tr>
<td>Vietnam</td>
<td>87.5</td>
<td>1.9</td>
</tr>
</tbody>
</table>

Part II: 1. Measuring Discrimination in the Czech Republic
Proportion of EU to foreigners – employees 67.4%, trade licence holders 20.1%. Out of 107,984 employed foreigners, 49,931 are in the age group 25 – 39 years. Out of 65,219 foreigners holding a valid trade licence, 34,180 are in the age group 25 – 39. 33% of foreigners work in Prague.

Labour offices process precise statistics of unemployed people, including foreign job applicants from EU/EEA. Only applicants from Slovakia (2239) and Poland (792) are significantly represented, applicants from other countries do not exceed 100.

Only few studies and surveys have targeted immigrants in the Czech Republic. Studies concerning foreigners from the Ukraine and Russia can be introduced as an exception (Drbohlav 1999). Migrants from the Ukraine are the second biggest group of foreigners in the labour market and are supposed to be the biggest group of illegal immigrants. A questionnaire survey was conducted in Prague in 1999; the migration of Ukrainians is a typical labour migration with cyclic returns to homeland and following return to the Czech Republic. Young males prevail among migrants and are usually employed in low skilled jobs (61% work in construction) although their educational level is quite high. Even though certain indications of permanent settlement have appeared, the cyclic character of residence prevails and hinders integration, hand in hand with their high spatial mobility in the CR and quite common illegal residence status (31% respondents presented their residence as illegal). Also, low social and cultural life in communities of migrants from the Ukraine is typical, except among immigrants settled for decades.

Immigrants from Russia differ from Ukrainian migrants. They are described (Drbohlav 1999) as a relatively enclosed community, where employers usually employ their compatriots. Economical reasons are not the main push factor, immigrants from Russia are usually well-off. They leave their homeland due to the political instability and concerns for their security.

The majority of them have long-term residence, 72% of respondents are in the CR with their families and are concentrated in Prague and Karlovy Vary.
Roma in the labour market

According to a report from UNDP «Human Development Challenges and Opportunities» (UNDP 2002), the high level of unemployment is one of the most important problems concerning the Roma community. Among the main causes of this phenomenon are the following: lower or no qualifications, lower capability to adapt to the demands of the labour market, different understanding of work ethics, de-motivating system of social benefits and employer's attitudes towards Roma workers. The Roma unemployment rate is estimated at between 40–50% and three quarters of these are long-term unemployed. One third of them feel discriminated against on the labour market (Vyzkum 2002).

When Roma respondents were asked to identify three main reasons for their difficulties with finding a job, the most common answers were «My ethnic affiliation» (79.9%) and «insufficient qualifications» (65.1%). Problems that most seriously (subjectively) affect their households were: unemployment (57.3%) and discrimination in access to employment (57.5%).

Non-governmental organisations also monitor discrimination in access to employment (in a similar way to consumer discrimination) by testing. The results of testing led to three actions being brought for protection of personal rights in which the defendant of Roma origin sued for moral redress and financial compensation for non-material loss (CERD 2005).

Discrimination – complaints and surveys

The Counselling Centre for Citizenship, Civic and Human Rights monitored job advertisements (from the offer of vacant positions on the web pages of Labour Offices, and employment supplements in printed periodicals) to determine whether they contained discriminatory elements in the period from 1st of February to 31st of March 2005 (CERD 2005). Special emphasis was placed on assessing the purpose of the requirements placed by employers on candidates for the positions offered. The requirement of a «clean statement of criminal records» may be considered as grounds for discrimination and in breach of the principal of equal treatment for all people irrespective of their racial or ethnic origin (even if only indirectly). In employment office advertisements the requirement for a clean criminal record was the common ground for discrimination (93% of advertisements). This requirement was judged to be discriminatory only in cases where it was found to be inappropriate (clearly unjustified) in respect of the job offered.

The Counselling Centre for Citizenship, Civic and Human Rights (Poradna…2004) also conducted a survey on discrimination in the labour market, which took place in spring 2003. Questionnaires were sent to employment offices, trade unions and employment agencies. The extremely low response rate makes the results hardly representative (response rate of 40% from labour offices, 14.7% from trade unions and 5.2% from employment agencies). Thus, only data from labour offices was analysed; 62% of respondents agreed with the statement, that discrimination topics have enough attention and 31% required more attention, 3.4% agreed
with the statement that discrimination is not present. Latent discrimination tendencies were pointed out, i.e. gender preferences for certain jobs despite job character, unwillingness to employ women with small children, mistrust of Roma people (expected low motivation to work and customers do not want Roma people to provide services) and age discrimination. A need for positive arrangements in order to motivate employers was expressed. Gender discrimination was reported as most common in employer’s requirements (58.6%), followed by age (42.8%), health status (10.3%) and race (6.8%). 62% of respondents claimed that they do not know in which branches discrimination takes place more often. Discrimination experienced during interview was indicated as hard to prove, because of the absence of witnesses and documentation. Salary discrimination was reported in regions with a high unemployment rate, in the view of the fact that employees are likely to accept underpaid jobs. Discrimination based on religion or sexual orientation was not reported.

12 out of 29 questioned labour offices fined employees for discriminatory behaviour. The highest fine for particular discriminatory behaviour was CZK 10 000. Labour offices usually monitor discriminatory behaviour and advertisements themselves, or they receive complaints from job applicants. More common are complaints from employees who are leaving their job and make a complaint because they are not afraid of losing their job. Labour offices report that discrimination is hard to prove because of the lack of evidence and the smart excuses from employers.

**Income**

There is no register on income or data covering the whole population in the Czech Republic.

The CZSO conducted the Mikrocen 2002 sample survey on the earnings of employees – income structure of households, social, and the geographical and demographical structure of incomes. However, the data on the income of foreigners or national minorities are not collected separately.

LFSS provides wage statistics based on survey samples. The wages are, for example, categorised into main occupational groups and regions. (See Table 8.6.)

Structural wage statistics (Structure of Earnings Survey and Information System on Pay) provide data for occupations (CZ-ISCO classification) from the Average Earnings Information System, which regularly detects the staff’s wage level. It monitors data on the wages and working hours of individual workers in selected companies quarterly and enters these data into the statistics of the Czech Statistical Office. Selection is made up of more than 3500 economic subjects employing approximately 1.3 million workers. (See Table 8.7.)

Data on income could be broken down by citizenship, nonetheless the proportion of foreigners in the sample is lower than in the active labour force. Figure 8.2 is based on results from the sample and shows that the main groups of foreign employees have lower average wages compared to the average of total employees in the labour market.

There is no way to estimate income broken down by nationality/ethnicity. One of the few sources of information about the subjective living standards of Roma stems comes from the UNDP Survey (UNDP 2002). (See Table 8.8.)
Future possibilities
Cooperation – registers and data resources
The 2011 Census is designed (Úvodní projekt… 2005) to reduce the amount of data collected in the field and to remove the burden of filling extensive forms from respondents. The route leading to this goal is not straightforward; long-term preparatory work and register filling has to be done. Administrative resources will provide data on individuals, housing, economical features of the population and possibly education with a high level of reliability. The effective use and linking of data between state agencies is desirable, of course with regard to data protection directives.

Beside administrative resources, survey samples are planned to be used in the next census. The census content should take into account:
• International demands and recommendations (Eurostat, UN ECE).
• A compatibility of time series with the past census.
• The requirements of data users.

The following international standards will be applied in accordance with international recommendations:
• NUTS – The Nomenclature of Territorial Units for Statistics.

Table 8.6. Average salary (CZK) in regions of the CR

<table>
<thead>
<tr>
<th>Region</th>
<th>No of employees</th>
<th>Avg. salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prague</td>
<td>884 676</td>
<td>23 930</td>
</tr>
<tr>
<td>Middle Bohemia</td>
<td>269 070</td>
<td>18 656</td>
</tr>
<tr>
<td>South – West</td>
<td>310 425</td>
<td>17 111</td>
</tr>
<tr>
<td>North – West</td>
<td>248 903</td>
<td>16 732</td>
</tr>
<tr>
<td>North – East</td>
<td>373 109</td>
<td>16 596</td>
</tr>
<tr>
<td>South – East</td>
<td>432 718</td>
<td>16 799</td>
</tr>
<tr>
<td>Middle Moravia</td>
<td>291 871</td>
<td>16 294</td>
</tr>
<tr>
<td>Moravia – Silesia</td>
<td>306 418</td>
<td>17 397</td>
</tr>
<tr>
<td>Total CR</td>
<td>3 117 189</td>
<td>18 996</td>
</tr>
</tbody>
</table>

(Source: LFSS 2005)

Table 8.7. Median and average gross wage in CZK (1–2 quarter of 2005)

<table>
<thead>
<tr>
<th></th>
<th>Median gross wage</th>
<th>Average gross wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrepreneurial sphere</td>
<td>17 132</td>
<td>20 904</td>
</tr>
<tr>
<td>Non – entrepreneurial sphere</td>
<td>19 439</td>
<td>20 448</td>
</tr>
</tbody>
</table>

Table 8.8. Answers to the question «How do you consider your family’s economic status?»

<table>
<thead>
<tr>
<th>Economic status</th>
<th>Count</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rich</td>
<td>18</td>
<td>1.8%</td>
</tr>
<tr>
<td>Doing relatively well</td>
<td>484</td>
<td>48.1%</td>
</tr>
<tr>
<td>Poor</td>
<td>402</td>
<td>40.0%</td>
</tr>
<tr>
<td>Living in misery</td>
<td>30</td>
<td>3.0%</td>
</tr>
<tr>
<td>N/r</td>
<td>72</td>
<td>7.2%</td>
</tr>
<tr>
<td>Total</td>
<td>1006</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Part II: 1. Measuring Discrimination in the Czech Republic

Figure 8.2. Year’s average salary of employees by citizenship

Table 8.8. Answers to the question «How do you consider your family’s economic status?»

<table>
<thead>
<tr>
<th>Economic status</th>
<th>Count</th>
<th>%</th>
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<tr>
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<tr>
<td>Living in misery</td>
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<tr>
<td>N/r</td>
<td>72</td>
<td>7.2%</td>
</tr>
<tr>
<td>Total</td>
<td>1006</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

The following currently applicable registers were selected:
• ISEO (Ministry of Interior) – presently the only useable register contains: name, surname, date of birth, sex, country of birth, personal identification number, citizenship, address, former address, marital status, date of marriage, possibly spouse’s identification number, child’s identification number. The following data on foreigners can be collected: citizenship, type of residence and arrival in the Czech Republic.

Using data from administrative sources calls for legislative security, linking data from the census with data from administrative resources (linking individuals by personal identification or other keys), «unpaired data» testing, methodological procedures when discrepancies among data found and hardware and software equipment and parameters. Selected data on individuals will be linked with data collected from census forms. It is important that CZSO is also given access to the ISEO is in the amendment of Statistical Act.

Another potential source of data is the register of policy holders provided by the Czech Social Security Administration. It contains both identification number of a policy holder and of an employer, which could be linked with the Business Register and industrial classifications.

Some of LFSS’ output could be used as supplementary information for the census because of the common areas of data collection.

Surveys in progress
The purpose of EU-SILC (European Union – Statistics on Income and Living Conditions) is to obtain long-term comparable data on the social situation in all EU member countries, including information on education, labour market participation and income. Data was collected in April and May 2005, from 6658 households at a 64% response rate (first results published in August 2006).

In surveys on disabled people – data on employment, social security and health – are available in aggregated form. However, information on type of disability is not available. The working group was established by the CZSO because existing data on disabled people from registers (IHIS, IEE, Ministry of Labour and Social Affairs) is not suffi cient. The working group developed a questionnaire addressed to a sample of 8 000 general practitioners, who are asked to provide information on their patients. The survey will take place over a 3-year period and will collect data on a particular disability and its cause, sex, age, education, economic activity, state of self suffi ciency and place of residence (home or hospital) of the respondents.

Projects concerning Roma
Many reports claim that Roma people face prejudice and intolerance not only in the labour market and education but also in everyday encounters. Various projects target the elimination of prejudices and xenophobia. The CERD report (2005) presents following the programmes and policies focused on the Roma population:

Programme for the prevention of crime at a local level – Partnership has been implemented by the Republic Committee for the Prevention of Crime. Its aim is to improve inter-ethnic relations, to overcome prejudices, limit
xenophobia and eliminate the social exclusion of Roma communities. The programme seeks to reduce the social handicaps of Roma and to support their full integration with special focus on children whose habits are most amenable to positive change. The project is implemented usually by non-profit organisations, schools, self-administrative municipalities and Church organisations.

The Ministry of Labour and Social Affairs intends to introduce employment programmes at a local level for job seekers from a different cultural environment, particularly members of Roma communities, asylum seekers and foreigners with permanent residence in the CR.

The Ministry of Labour and Social Affairs called for projects to be submitted on the basis of a supra-regional grant programme for the measure Integration of specific population groups threatened by social exclusion. In cooperation with the office of the Government Council for Roma Community Affairs prepared the project Analysis of Socially Excluded Roma Communities and the Absorption Capacity of Subjects Working in this Field. Its chief goal is to obtain relevant and up-to-date information so as to be able to stipulate the appropriate instruments to resolve the given problem via European Structural Funds between 2007 and 2013, and to earmark the right types of areas to be supported. The Czech Statistical Office participates in this project with data analysis and subsidy evaluation. Again, restrictions concerning individual data make it difficult to identify and study particular communities.

Examples of public attitudes towards registers and immigrants

The amendment of the Educational Act assumes the establishment of register collecting data from primary, secondary and higher professional schools containing birth identification numbers, contact list of statutory agents, the pupil’s health status and disability or social disadvantage. Thus, a complete register of pupils and students with reliable input of data can be created. As an illustrative example of the public attitude to registers results are presented on news web site www.aktualne.cz:

What do you think of the student register?
a) The register is necessary for the better management of government funds – 3% (93).
b) I am not against the register if its confidentiality is safeguarded – 8% (239).
c) I am worried about it. I do not think schools or the government have the right to collect sensitive data on children – 89% (2796).

The low trust in data security and the generally sceptical attitude to data collection seems to have a permanent character in the Czech Republic. Census 2001 was accompanied by negative campaigns in media and every topic relating to personal data is under media and public surveillance. The government administration is suspected of sharing its data with police and other institutions.

Attitudes to immigrants and foreigners are not hostile or driven by hatred. The violence is present only in exceptional cases related to extremist groups. Still, according to the survey on attitudes to immigrants (Rabusic, Burjanek, 2003), a foreigner is acceptable only when he/she puts aside his/her
difference, habits, specificities, in other words, when he/she assimilates (78% of respondents agreed with the statement that «foreigners have to learn Czech and adapt to our habits and rules»). For Czech people «immigration is associated with negative connotations» and «there are already too many foreigners in the Czech Republic». Immigration is perceived as bringing about mainly costs (economic, social and cultural) and minimum revenues (the most negative attitudes are related to illegal immigrants; 81% of respondents support the deportation of foreigners without residence permits).

**Discussion**

Discrimination is a quite popular and widely used term in Czech media and human rights discourse. Although EC directives and the Czech legal system offer definitions of direct and indirect discrimination, Czech public discourse uses this term as a vague description of injustice concerning inequalities related mainly to Roma or gender issues. There is no doubt that foreign workers face discrimination at least in certain fields of the labour market but the low awareness of their rights and existence of complaint bodies or a somehow problematic status of residence or work permit keep discriminatory practices hidden and tolerated.

Aggregated data on foreigners are sufficiently structured, both for areas of the labour market and ongoing education. Nationality (in the sense of ethnic origin) as a «soft» category is hard to handle, especially in the case of the Roma population, which is probably the most vulnerable target group in central and southeast European countries.

A wide range of registers and databases containing individual data on various spheres of human life exist. Unfortunately – from the view of data collectors and analysts – registers are unlinkable and access to and the use of data is limited to particular institutions. The census is based on self-declaratory responses and thus does not provide reliable information on target groups on grounds prone to discrimination, moreover individual data are deleted when the census is complete.

Several surveys were conducted on discrimination in the labour market but the methodology and samples employed limit their results only to informative rather than comparative use. Surveys of attitude towards discrimination are conducted by commercial agencies, funded usually by media and based on small samples. The results cannot really be used for research or policy purposes. Situation testing as a method is used by complaint bodies and media, and while the results usually attract public attention, this single source of information cannot alone measure the level of discrimination in the country.

People who have experienced discrimination can seek advice or legal help from various complaint bodies and NGOs, nonetheless evidence of complaints for statistical use is not available. Complaints data will be accessible for statistical use once the Ombudsman is established as a complaint body, but the Ombudsman’s scope of authority concerning legal aid will be marginal. The constitutional court stated in its resolution of 1999 that it is competent to give a ruling when only particular circumstances are judged, not social or cultural contexts. Hence statistical, social and culture aspects cannot be decisive in judging individual cases.
Combining data sources

The future does not seem to be totally hopeless. Registers will probably be able to share their data with the Czech Statistical Office, and the first steps in this cooperation have already been taken. Surveys oriented towards minorities and target populations are supported by governmental offices and could be analysed to combat discrimination. However, linking and mapping data is difficult due to strict data protection and the general public, who do not seem to trust the security of their personal and sensitive data.

Basically, the main obstacle to linking data is the legislation for data protection, which prohibits handling with individual and sensitive data. Although the Czech Statistical Office can use data from the population register for census questionnaire distribution, further handling with personal data is strictly prohibited. Because of these restrictions it is impossible to follow individual careers and progression from education to labour market. Also, individual data from the census are not accessible; therefore results between censuses are not comparable on the individual level. In addition, linking data with other databases is impossible to imagine yet, despite the fact that every citizen has an ID number combining birth date and unique number.

Several surveys targeted at risk populations (Roma, foreigners) were conducted by academic institutions, usually funded by international organisations. The size of samples is limited, based on knowledge of local municipalities, and does not allow us to combine results with different data sources. These results then serve as a faint description of risk populations or as a source of data for academic analysis and estimations, but cannot be used as representative information for policymaking.

Another way to obtain data on risk populations is to target surveys conducted by the CZSO on subpopulations. The surveys available are LFSS or SILC, but special samples from risk populations are needed. This is hard to achieve because of the absence of an available sampling frame based on a register or census.

Furthermore, people who declared national/ethnic minority membership in the census, cannot, due to data protection, be linked as a target group to different data sources or be used as sampling frame for surveys.

It is evident that the current limitations on handling data prevent risk groups being identified in data sources and combined with other groups.

As we mentioned earlier, the main limitation to combining data is legislation, which makes it difficult to combine data even on the group level. The first step to allow data sources to be linked and combined is to amend the laws, in order to remove strict data protection from statistical and governmental bodies.
2. Measuring Discrimination in Portugal

Prepared by Maria José Carrilho and Maria Cidália Mesquita Figueiredo

Introduction
Purpose of this Report
This paper is a provisional report from the Common Measures for Discrimination in Portugal. It is difficult, both to measure discrimination so that it covers the perception of the victims, and to select a set of indicators that reflects the level of discrimination. This report intends to combine different sources of information to measure the phenomena and to discuss the main findings. Our first aim is to explore available data, to suggest additional methods for collecting information, and to suggest indicators for use in the near future.

Legislative Framework
Portugal has adopted anti-discrimination legislation that prohibits all kinds of discrimination based on sex, race, colour, religion and beliefs, nationality, or ethnic origin in the exercise of one’s rights. This is in accordance with international law, relevant EU directives and the Constitution of the Portuguese Republic. This legislation aims at preventing and banning racial discrimination in all its forms and punishing any acts that violate fundamental human rights; and the refusal or restriction of any socio-economic or cultural rights of any person, as a result of their belonging to a certain race, colour, nationality or ethnic group.

The Portuguese Constitution and specific laws protect the rights of foreigners, both stateless persons and European citizens.

On the basis of fundamental rights protection under the Portuguese Constitution, no statistics can be drawn up on the basis of race, ethnicity or skin colour. However, under certain conditions, special authorisation may be given by the National Association of Personal Data Protection. Such exceptions must be well-grounded. These legal limitations are based on fundamental human rights protection, but the protection of these rights must be balanced by a contemporary view of social, economic and cultural needs.

Although data collection is at the top of politicians’ agenda, the necessary changes to legislation have not yet been made. Therefore there are proper statistical indicators for ethnic and racial discrimination cases or incidents. We have measures and numbers quantifying discriminatory incidents in the different areas of education, health care services, the labour market, housing, and criminal justice, but not data on discrimination collected in an official statistical system.

But in spite of the lack of these statistical elements, Portugal, especially since 1996, has implemented a very effective anti-racism policy in terms of legislation and specific actions. It has put in force a legal framework that protects potential victims of discrimination. In particular, ongoing specific activities were undertaken by the High Commissariat for Immigration and Ethnic Minorities (ACIME); the Commission for Equality and Against Racial Discrimination (CICDR); the Advisory Council for Immigration Affairs (COCAI); and the Ombudsman.

Specialised Bodies
Body for Promotion of Equal Treatment
In 1996 the High Commission for Immigration and Ethnic Minorities (ACIME, Alto Comissariado para as Minorias Étnicas) was created. The ACIME is a government body charged to protect the fundamental rights of immigrants and minorities and to support their social integration into Portuguese territory.
The High Commission for Immigration and Ethnic Minorities is constituted by the Commission for Equality and Against Racial Discrimination (CICDR), the Advisory Council for Immigration Affairs (COCAI).

To deal with the governance of migration and to integrate the new arrivals into the Portuguese economy and civil society successfully, the post of the High Commissioner for Immigration and Ethnic Minorities (hereafter ACIME) was also created.

The High Commissioner deals with the various issues relating to the integration of immigrants or ethnic minorities, in co-operation with employers associations and trade unions, social welfare institutions, and other public or private bodies. The duties are to improve the living conditions for immigrants in Portugal, propose legislative measures to integrate the immigrants and their families into the host community, and combat all forms of racism, xenophobia and exclusion.

The High Commissioner works jointly with the government authorities responsible for the entry, residence and departure of foreign nationals in Portugal, and plays a very important role in assisting the victims of racism and discriminatory offences. However, the ACIME cannot represent them in Court, but instead can enforce the law, and impose administrative fines to offenders, who can then appeal to the Courts.

Before imposing administrative fines, the High Commissioner must consult the Permanent Committee of the Commission for Equality and Against Racial Discrimination (CICDR). This Commission also proposes laws and regulations that prevent discrimination and encourage studies and surveys on these issues.

CICDR is made up of members of the Portuguese Parliament, government representatives, representatives for immigrant groups, trade unions, employers associations and human rights organisations. This arrangement guarantees the independence of the Commission.

The Ombudsman is an independent appointee of Parliament, set up to defend and promote rights and freedoms, and safeguard the lawful interests of citizens.

Body for fighting racism

The Commission for Equality and Against Racial Discrimination (CICDR – Comissão para a Igualdade e contra a Discriminação Racial), was established by Law nº 134/99, 28th August. This Law seeks to prevent and prohibit racial discrimination in any form whatsoever, and sanction the practice of any acts which may lead to the violation of any fundamental rights, or the refusal or restriction of the exercise of any economic, social or cultural rights, by any person, due to their race, colour, nationality or ethnic origin.

Following the coming into force of DL 251/2002, on 22nd November (art. 3 c), CICDR was incorporated into the structure of the High Commission for Immigration and Ethnic Minorities (ACIME) as its main body, and the High Commissioner was authorised to coordinate its actions. CICDR is a specialised body, which is independent from the Government in its fight against discrimination, in line with other equivalent European organisations.
The particular duties of CICDR are the following:

- to collect all necessary information regarding the practice of discriminatory acts and the application of their respective sanctions;
- to recommend the adoption of legislative measures it considers suitable for preventing the practice of discrimination based on race, colour, nationality, or ethnic origin at regulatory and administrative levels; to promote research work and studies concerning the issue of racial discrimination;
- to produce and publish an annual report about the situation regarding equality and racial discrimination in Portugal.

Co-operation with Non-governmental Organisations

In 2004 a protocol was signed between ACIME and the Portuguese Association for Support of the Victim (Associação Portuguesa de Apoio à Vitima – APAV). The protocol was to last for one year (2005) and included financial support to the value of 38,000 euros. The aim of creating this Support Unit is to be found in the spirit of the Community «Race» Directive, where it states that Member States should provide concrete assistance to the victims of discrimination based on racial or ethnic origin. This protocol has now been renewed for another year of action.

Immigrants Complaints

According the Activity Report of The High Commission for Immigration and Ethnic Minorities (2002/2005) a total number of 45 complaints relating to discrimination on the basis of race, nationality or ethnicity was registered by 31st December 2004. The number increased to 52 in 2005 and to 59 by the middle of 2006. The tendency for an increasing number of complaints shows that immigrants have a better knowledge of their rights. However, the data must be analysed carefully due to inherent weaknesses in the information and because the number of complaints can be underestimated. Indeed, there are other bodies who also receive complaints about discrimination: the non-governmental organisations and in particular, the immigrants associations.

According to ACIME many of complaints are connected with the labour market (especially regarding access to work), access to the housing market (both rent and buy markets), and also access to bank credit. It is difficult to disaggregate the number of complaints by category. Complaints related to discriminatory attitudes in the work place are identified by a different governmental body – the General Inspection of Work in the Ministry of Labour.

It is therefore strongly recommended that the process of collecting information about immigrants’ complaints becomes centralised in order to provide more consistent data that is easily available, and disaggregated by category. ACIME is working in this field and a group of experts is preparing a paper that aims to propose a set of changes to the existing law in order to bring more efficacy to the process and to increase the protection of the victims of discrimination. This proposal must be presented to the Portuguese government. This paper suggests that ACIME would be the only body charged with analysing complaints, starting administrative proceedings and issuing fines.
Risk Population

In Portugal, population statistics are based on census information about usual residence annually updated with demographic information. Also, we do not have a unique Personal Identification Number (PIN-Code) that supports statistical data production, as is usual in some North and Western countries in Europe.

The official Statistic System does not provide for the ethnic composition of the population based on self identification, because the Constitutional Law forbids it (law 67/98 of 26 October, article 7). By using nationality and country of birth as a proxy, we are able to identify the foreigners that are resident in Portugal as well as the immigrant population. In this paper, these categories of population will be adopted as the populations in risk of discrimination, or target groups. This is a shortcoming, since it is not possible to know the exact number of black and Roma persons.

Nowadays, Portugal is a multicultural society. In this paper, the ninety largest groups of foreign population that are resident in Portugal make up the target population.

Sources of Information

The available information is summarised and derived from three different sources. One source is the decennial censuses of population, carried out by the National Statistical Institute (INE). The Portuguese Censuses provide information on the resident foreign population, disaggregated by nationality and its demographic and socio-economic aspects. The information is also based on retrospective questions on usual residence one and five years before the enumeration. The main advantages of the census are that it covers the whole population and allows for the definition of multiple variables and a better measurement of the amount.

The Labour Force Survey, conducted by INE and harmonised with European surveys, collected data on immigrants based on nationality and place of birth, amongst other relevant information concerning the labour market.

The records of the Immigration and Border Department (SEF) of the Ministry of Internal Administration are the third source (MAI/SEF). This body is responsible for controlling the entry and residence of foreigners in Portugal. It also maintains a database for statistical purposes, containing information on the amount of foreigners legally resident in the country (by way of residence permits). The statistics made available by the SEF provide data on foreign populations with a residence permit and disaggregation by nationality, sex, age and geographical residence (districts) on an annual basis. In this database SEF also records three different events related to resident permits: applications, grants and withdrawals. However, this source presents certain limitations. By definition it does not record foreigners with long term visas (the Ministry of Foreign Affairs is responsible for issuing all visas to third world countries’ citizens in Portuguese consulates), or immigrants in an irregular situation. Thus socio-economic characteristics, such as unemployment, level of education and economic activity (active and non active population, occupation and professional status) have only been collected since 1999 and are only available for foreigners who actually apply for a residence permit.

Consequently, SEF also provides flow information on the arrival and departure of foreigners. When counting arrivals, it uses information gained through applications for residence permits, although the date of the inflow is based on year of application and not on year of actual entry into the country. The annual
figures are also updated with deaths, acquisitions of citizenship, compulsory returns and voluntary departures.

Concepts

Nationality is defined in the Official Statistics as «legal citizenship of the individual at the moment of observation, with nationality being that stated on the passport, residence permit or certificate of nationality» (INE, Demographic Statistics). The concept of foreign nationality refers to those of non-Portuguese nationality. In the census, the principal criterion is de facto residence and not legal status. However, SEF Statistics record those foreigners who have established lawful residence in Portugal, that is «individuals of non-Portuguese nationality to whom a residence permit has been granted by the competent official authority». That means that the census counts illegal immigrants whereas the SEF excludes immigrants that are living in the country in an irregular situation.

The statistical concepts of immigration also vary with each source used. In the Demographic Statistics of INE, an immigrant is defined as an «individual who enters Portuguese territory in order to settle there, having resided abroad for a continuous period of more than one year or over»: This definition matches the one used by United Nations. However, the available data refers exclusively to individuals of non-Portuguese nationality who requested a residence permit from the authorities for a period of one year for the first time. So, the year of immigration is presumed to be from the time that legalisation was first requested.

Using current sources, it is therefore difficult to distinguish between the foreigner population and immigrants. The census does distinguish immigrant foreigners from those who were born in the country (country of birth). Hence, it is possible to identify the second generation immigrants.

During the processing of the final results of the 2001 census, analysis of data quality and the statistics provided by countries receiving Portuguese emigrants enabled recent migration movements to be quantified more accurately. Migration plays a very important part in population growth in Portugal, traditionally a country with population reducing emigration. In the 90’s the migration flow changed direction and the country is now faced with a migration surplus.

Foreign Population resident in Portugal

The resident foreign population is substantially increasing in Portugal. According to the Ministry of the Interior, Department for Foreigners and Frontiers, provisional data of 2005 shows a legal population of 275,906 individuals i.e. 2.6% of the total population. The sex ratio is 132 men to 100 women.
As we can see in Figure 8.2, the highest proportion of foreigners comes from Africa (45.6% in 2005), but this tendency is decreasing. The number of immigrants from Cape Verde has decreased to 20.5% and also, the proportion of people coming from Angola and Guinea-Bissau has also diminished to 10.0% and to 7.7% respectively. The proportion of European residents in Portugal continued to increase to 32.1%. Most European immigrants come from United Kingdom (6.9%), Spain (5.9%) and Germany (4.9%). The proportion of Brazilian residents was about 11.4% in 2005. In the 90’s, immigration from Eastern Europe rose, especially from the Ukraine, Moldova, Russia and Romania, and by 2005, represented 2.3% of the total foreigners resident in Portugal.

Two schemes to regulate the situation of illegal immigrants have been carried out by the Immigration and Border Department (SEF) of the Ministry of the Interior, one in 1992/93 and the other in 1996. An exceptional arrangement for Brazilian persons was carried out in 2003.

The foreign population resident in Portugal has increased annually by 6% between the two population censuses. As we can see in Table 9.1 this rise is more significant among males (7%), particularly those of active age (15–64 years). In 1991, females outnumbered males in this age-group, but the 2001 results show the opposite trend. In 2001, immigrants from Cape Verde, Angola, Brazil and Guinea-Bissau account for more than half of the total.

Table 9.1. Foreign Population Resident in Portugal, by sex and age

<table>
<thead>
<tr>
<th>Censuses Age Group</th>
<th>Total</th>
<th>Males</th>
<th>Females</th>
<th>Ratio Males/Females</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Census 1991</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>127 376</td>
<td>62 362</td>
<td>65 014</td>
<td>95,9</td>
</tr>
<tr>
<td>0–14</td>
<td>35 506</td>
<td>18 135</td>
<td>17 371</td>
<td>104,4</td>
</tr>
<tr>
<td>15–64</td>
<td>81 498</td>
<td>49 418</td>
<td>41 080</td>
<td>98,4</td>
</tr>
<tr>
<td>65 +</td>
<td>10 372</td>
<td>3 809</td>
<td>6 563</td>
<td>58,0</td>
</tr>
<tr>
<td><strong>Census 2001</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>232 695</td>
<td>126 123</td>
<td>106 572</td>
<td>118,3</td>
</tr>
<tr>
<td>0–14</td>
<td>33 465</td>
<td>16 811</td>
<td>16 654</td>
<td>100,9</td>
</tr>
<tr>
<td>15–64</td>
<td>187 990</td>
<td>104 619</td>
<td>83 371</td>
<td>125,5</td>
</tr>
<tr>
<td>65 +</td>
<td>11 240</td>
<td>4 693</td>
<td>6 547</td>
<td>71,7</td>
</tr>
<tr>
<td><strong>Annual Growth Rate (%)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>6,0</td>
<td>7,0</td>
<td>4,9</td>
<td></td>
</tr>
<tr>
<td>0–14</td>
<td>-0,6</td>
<td>-0,8</td>
<td>-0,4</td>
<td></td>
</tr>
<tr>
<td>15–64</td>
<td>8,4</td>
<td>9,5</td>
<td>7,1</td>
<td></td>
</tr>
<tr>
<td>65 +</td>
<td>0,8</td>
<td>2,1</td>
<td>0,0</td>
<td></td>
</tr>
</tbody>
</table>

(Source: INE, Censuses 1991 and 2001)
Education

In Portugal every citizen shall have equal access to education without any form of discrimination based on skin colour, sex, language, faith or religion, ethnic or social origin, state of health, economic situation or other status. It is compulsory for children to start formal education when they reach the age of six. Every child in the country, irrespective of the legal or illegal situation of their parents, is compelled to attend school regularly and has the same rights as any other child in a legal situation (Law nº 34/ 2003, 25 February).

Information about education is available in the Population and Housing Censuses and in Educational Statistics, annually collected by the Ministry of Education as the delegate body of INE.

In the last decade Portugal has experienced a rise in educational levels, in particular amongst females. We can observe the same phenomena in the country’s resident foreign population. The share of migrants with university level education is doubled from 1991 (5.3%) to 2001(10.5%). Eastern European populations have the highest levels of education (Russia: 30.6%). It is also

Table 9.2. Level of Education, Foreign Population age 15–64 years (ISCED), by Nationality, 1991–2001 (%)

<table>
<thead>
<tr>
<th>Country/Nationality</th>
<th>No or Primary Education</th>
<th>Secondary 1</th>
<th>Secondary 2</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>54.7</td>
<td>39.1</td>
<td>32.7</td>
<td>45.6</td>
</tr>
<tr>
<td>France</td>
<td>55.8</td>
<td>33.6</td>
<td>35.9</td>
<td>51.1</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>11.7</td>
<td>16.9</td>
<td>49.7</td>
<td>43.0</td>
</tr>
<tr>
<td>Germany</td>
<td>28.6</td>
<td>17.2</td>
<td>45.0</td>
<td>51.5</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>16.3</td>
<td>13.0</td>
<td>52.9</td>
<td>50.4</td>
</tr>
<tr>
<td>Spain</td>
<td>50.4</td>
<td>26.0</td>
<td>32.0</td>
<td>34.0</td>
</tr>
<tr>
<td>Switzerland</td>
<td>16.1</td>
<td>21.8</td>
<td>46.2</td>
<td>50.8</td>
</tr>
<tr>
<td>Romania</td>
<td>0.0</td>
<td>20.3</td>
<td>36.4</td>
<td>62.9</td>
</tr>
<tr>
<td>Ukraine</td>
<td>23.6</td>
<td>48.8</td>
<td>8.2</td>
<td>19.4</td>
</tr>
<tr>
<td>Moldova</td>
<td>19.4</td>
<td>52.0</td>
<td>7.7</td>
<td>20.8</td>
</tr>
<tr>
<td>Russia*</td>
<td>9.0</td>
<td>16.6</td>
<td>33.3</td>
<td>44.0</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>90.8</td>
<td>74.4</td>
<td>8.3</td>
<td>23.8</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>57.4</td>
<td>49.9</td>
<td>38.3</td>
<td>44.1</td>
</tr>
<tr>
<td>São Tomé e Príncipe</td>
<td>71.1</td>
<td>49.2</td>
<td>25.2</td>
<td>44.8</td>
</tr>
<tr>
<td>Angola</td>
<td>67.0</td>
<td>42.8</td>
<td>29.7</td>
<td>52.1</td>
</tr>
<tr>
<td>Mozambique</td>
<td>62.7</td>
<td>39.8</td>
<td>33.9</td>
<td>52.9</td>
</tr>
<tr>
<td>United States</td>
<td>34.4</td>
<td>20.1</td>
<td>43.7</td>
<td>50.3</td>
</tr>
<tr>
<td>Venezuela</td>
<td>46.6</td>
<td>32.9</td>
<td>48.2</td>
<td>57.4</td>
</tr>
<tr>
<td>Brazil</td>
<td>28.8</td>
<td>30.5</td>
<td>44.3</td>
<td>52.9</td>
</tr>
<tr>
<td>China</td>
<td>48.6</td>
<td>48.2</td>
<td>36.8</td>
<td>46.0</td>
</tr>
</tbody>
</table>

* 1991 – USSR

Correspondence to ISCED 1997 Classification: No or Primary Education levels 0 and 1. Secondary 1 levels 2 and 3. Secondary 2 categories levels 4 and 5B. University levels 5A, 6A and 6B.

(Source: INE, Censuses 1991 and 2001)
important to note the high educational levels of the Spanish. In contrast, the immigrants from countries that are former Portuguese colonies have the lowest level of Education. In 2001, 74.4% of adults from Cape Verde and about 50% from Guinea-Bissau and Sao Tome and Principe had no or only primary level education.

There is an additional source of data concerning the Roma pupils. Due to the mobility of the Romany population group, the Ministry of Education keeps records on Roma pupils to guarantee that they can change schools as the need arises.

Employment and Unemployment

In Portugal we have the Labour Force Survey (LFS), carried out by INE and harmonised with the European survey. It is possible to collect information about the labour market according the nationality of the workers. However, the sample design is not prepared for such detailed information and there are high coefficients of variation in data disaggregated by nationality.

As we can see in Table 9.3 there are large differences in the different groups’ participation in the labour market. As many of the migrants are labour migrants, in many of the nationality groups the activity rate is very high.

Another source for data is the administrative register of unemployment kept by the Ministry for Labour and Social Solidarity. Figure 8.3 shows how unemployment levels vary between different migrant groups.

Level of Educational and Occupation

The level of education and occupation are usually closely intertwined. Nevertheless, for some groups, like the Ukraine, their pattern of occupation does not correspond well to their level of education.
In Table 9.4 we can see, based on the results of Census 2001, how the level of education for those working in construction varies between the nationality groups. The proportion of people from the Ukraine with university level education working as non-skilled construction workers is much higher than among other migrants groups or the Portuguese nationals. Among non-skilled construction workers, 51.6% of Ukrainian immigrants have secondary level education, whilst only 16.1% from Cape Verde have a secondary level education. Similar analyses can be performed for many occupations. We find important disparities when we compare these ratios for Spanish and Eastern European populations. Among the first group, their occupation normally corresponds to their educational levels, while the second group are concentrated in jobs requiring fewer qualifications.

### Conclusions and Recommendations

Our aim is to show how different sources can provide either different or similar kinds of information. Population and Housing Censuses (INE), the Labour Force Survey (INE) and the registers of the Ministry of the Internal Administration (MAI/SEF) are national sources of information available for the study of international migration. This report focuses on the combination of the three different types of data.

The first findings that compare different sources of information show some disparities between people with different country of origin, but we can draw no conclusions regarding ethnic discrimination. Sometimes we can see discrimination within social and cultural frameworks or inequality of opportunities. Official statistics present the profile of the foreign population resident in

### Table 9.4. Portuguese and Foreign Population aged 15–64 years old, by Occupation and Educational Level, 2001

<table>
<thead>
<tr>
<th>Country/Nationality</th>
<th>Not Skilled Workers in Civil Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td>PORTUGAL</td>
<td></td>
</tr>
<tr>
<td>No+ Basic Education</td>
<td>76.2</td>
</tr>
<tr>
<td>Secondary 1</td>
<td>23.5</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>0.1</td>
</tr>
<tr>
<td>University</td>
<td>0.2</td>
</tr>
<tr>
<td>SPAIN</td>
<td></td>
</tr>
<tr>
<td>No+ Basic Education</td>
<td>35.9</td>
</tr>
<tr>
<td>Secondary 1</td>
<td>22.4</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>3.6</td>
</tr>
<tr>
<td>University</td>
<td>1.6</td>
</tr>
<tr>
<td>UKRAINA</td>
<td></td>
</tr>
<tr>
<td>No+ Basic Education</td>
<td>25.3</td>
</tr>
<tr>
<td>Secondary 1</td>
<td>51.6</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>6.9</td>
</tr>
<tr>
<td>University</td>
<td>16.2</td>
</tr>
<tr>
<td>CAPE VERDE</td>
<td></td>
</tr>
<tr>
<td>No+ Basic Education</td>
<td>83.6</td>
</tr>
<tr>
<td>Secondary 1</td>
<td>16.1</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>0.2</td>
</tr>
<tr>
<td>University</td>
<td>0.2</td>
</tr>
<tr>
<td>ANGOLA</td>
<td></td>
</tr>
<tr>
<td>No+ Basic Education</td>
<td>47.4</td>
</tr>
<tr>
<td>Secondary 1</td>
<td>49.8</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>0.9</td>
</tr>
<tr>
<td>University</td>
<td>1.9</td>
</tr>
<tr>
<td>BRASIL</td>
<td></td>
</tr>
<tr>
<td>No+ Basic Education</td>
<td>54.1</td>
</tr>
<tr>
<td>Secondary 1</td>
<td>52.1</td>
</tr>
<tr>
<td>Secondary 2</td>
<td>1.3</td>
</tr>
<tr>
<td>University</td>
<td>1.5</td>
</tr>
</tbody>
</table>

(Source: INE, Census 2001)
Portugal but reveal some limitations. As we can see, based on the Labour Force and the Registers of MAI/SEF, the number of foreigners who have moved to Portugal in the last few years has increased. The two sources present the same trends and the figures don’t differ much.

The Labour Force Survey can provide useful information to identify the risk population, but it can’t provide reliable estimates of subpopulations due to the fact that the sample is not prepared to such phenomena as nationality. To avoid the effect of associated errors, we analysed the aggregated data based on averages for 1998–2001 and 2002–2005. The weakness of this source is the impossibility of disaggregating specific nationalities. However, the data is similar to information on immigration levels from MAI/SEF.

The Population Census and the registers of MAI/SEF are the sources available that can provide more detailed information.

To integrate immigrants, it is necessary to quantify them, and so to collect adequate information that is also desegregated by sex.

To measure discrimination we need to collect information, perhaps based on self opinion, carried out by specific surveys and studies. In addition, complaints and courts cases can be observed in specific situations to provide information about the process of discrimination.

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**SUGGESTIONS AND RECOMMENDATIONS**

To collect a set of quantitative and qualitative indicators:

- Enhancement of all the indicators referred to in the generic profile of the Institute of National Statistic (INE), by sex, nationality, demography, education, health, conciliation of professional and family activities, the workforce, violence and housing conditions.
- Establishment of common information sharing channels between the varied member states who are looking to attain comparable data for the study of different cultural communities and the various dimensions of human development.
- Analyses of the nature and the basis of the complaints concerning direct and indirect discrimination, presented not only to national entities responsible for the extra-judicial resolution of these cases, but also to the courts.
- Introduction of advanced study of human rights in the educational and professional training systems of member states.
- Awareness raising and professional training in the areas of multiculturalism, human rights, gender equality and international migrations, as skills essential for those professional practices directly or indirectly linked to the integration of migrants.
- Existence of an integrated approach, territorial proximity, and a general awareness of these themes and for the prevention and treatment of complaints regarding the subject. Also, existence of adequate support for victims of discrimination, particularly keeping gender and cultural perspectives in mind.
Appendices
Presentation of the main contributors to this report

Norway
• Ella Ghosh is a senior adviser at the Norwegian Equality and Anti-discrimination Ombud. She has worked with documentation of ethnic discrimination and pro-active work to combat discrimination and promote ethnic equality. Her background is in political science.
• Eero Olli works as an advisor at the Norwegian Equality and Anti-discrimination Ombud, focusing on the documentation of cases and statistics. His background is in comparative politics and teaching quantitative research methods.
• Kristian Rose Tronstad works as a coordinator of immigration statistics at Statistics Norway. His background is in political science.
• Lars Østby works as a senior researcher at Statistics Norway. He has many years' experience in the demographic analysis of register data and harmonisation of data collection.

Denmark
• Birgitte Kofod Olsen is Director of the National Department at the Danish Institute for Human Rights, with responsibility for activities in Denmark concerning the protection and promotion of human rights and equal treatment. She holds a Ph.D. degree in Law.
• Christoffer Badse is a project manager and legal officer at the Danish Institute for Human Rights; he works with monitoring assignments to the Council of Europe, UN and EU on issues of human rights protection in Denmark.
• Annemette Lindhardt Olsen is Head of Section in the Division for Population at Statistics Denmark, and works on issues concerning immigrants and their descendants in Denmark. Her background is in international development studies.

The Netherlands
• Ko Oudhof is senior statistician at Statistics Netherlands. He is working on several topics in the area of social statistics such as gender, crime, minorities and discrimination.
• Jessika ter Wal is research fellow at the European Research Centre on Migration and Ethnic Relations (ERCOMER) at Utrecht University. Her research background is in the area of media, discourse and discrimination. She holds a Ph.D. degree in Social and Political Sciences.

The Czech Republic
• Andrea Barsová is Deputy Director of the Human Rights Unit in the Office of the Government of the Czech Republic. Her background is in history and law.
• Daniel Chytil works in the Specific Population Statistics Department in the Czech Statistical Office with topics related to gender, minorities and discrimination. His background is in sociology.

Portugal
• Maria Cidália Mesquita Figueiredo is a lawyer, and holds a Ph.D. degree in Conflicts Mediation. She is a member of the Portuguese Bar Association, member of the Board of Amnesty International Portuguese Section, and advisor at ACIME’s CICDR – Commission for Equality and Against Racial Discrimination.
• Maria José Carriço works as a senior statistician at the National Statistical Institute (INE). Her work has mainly focused on demographic analysis and studies, including the population census. Currently, she is also involved in the area of equality and gender. Her background is in economics.
Suggested Classification Variables for Descriptions of Persons (the Complainant)

The most important harmonised core variables will be discussed below in brief. For international comparison and for facilitating the combination of sources, common categories with common definitions will be most useful.

This list does not include any classifications of risk-populations as they should be harmonised on a national level. Therefore important variables, like self-declared ethnic identity, religious affiliation, being an visible minority or member of a national minority group are missing.

Some classifications that are in use in data collection or production of statistics by statistical offices have very detailed and burdensome measurement or processing methods. When using classifications, for example in the institutions that register discrimination complaints, it would, of course, be unnecessary to follow the same instructions. The following classifications could nevertheless be used as general reference in the registration procedures.

Some of the most easily available stocks of internationally harmonised variables are provided by international statistical organisations like the statistical offices of UN-organisations or the EU-statistical office Eurostat. Here we will consider/discuss, as special examples of harmonised variables, the EU-list of core variables in social statistics. The document containing recommendations on 21 statistical units and variables was the result of common efforts of Eurostat and the National statistical offices of the member states in the second half of the 1990’s. Some of the variables in the list correspond to census variables recommended by the UN, but have less degrees of freedom compared to UN-recommendations. Recently, the meeting of directors of social statistics has decided to resume and continue harmonisation efforts of relevant social and statistical variables. Regarding the use of such variables in mapping procedures, it is interesting that next to expansion of the list to include other variables, the aim is to consider the development of abbreviated versions of existing harmonised classifications.

The source for these suggested classifications and variables are two Eurostat documents discussing the harmonisation of variables, where more detailed definitions are also presented (Doc. Eurostat/E0/00/DSS/2/6/EN and the more resent Doc. TF CV/definition of Core Social Variables/3_2).
Sex
1. Male
2. Female

No discussion will be necessary on the usefulness of the variable and its classification, also because it is generally one of the discrimination grounds.

Age
It is recommended to collect information on date of birth. Collecting information on the date of birth has the advantage of permitting the presentation of data in two ways – by year of birth and by completed years of age. Problems in discussions on age classifications are often caused by the fact that age is used as a condition in legal regulations.

In the EU-harmonisation classification by single years of age is recommended. These can be grouped according to needs for statistical analysis.

In the applications we are discussing, such as mapping, this will mean too much detail. Two alternatives are presented in international discussions on aggregated versions of this classification:

a) Classes of 5-years (0–4, 5–9, 10–14 etc.) or 10 years (0–9, 10–19 etc.), which are still rather detailed classifications.

b) Some rather crude classifications have the advantage of fewer classes but the disadvantage of less detail. The classification that is used rather often is:

<table>
<thead>
<tr>
<th>Age Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–14 years</td>
</tr>
<tr>
<td>15–24 years</td>
</tr>
<tr>
<td>25–44 years</td>
</tr>
<tr>
<td>45–64 years</td>
</tr>
<tr>
<td>65 years and above</td>
</tr>
</tbody>
</table>

Main activity status
The next few variables are especially relevant for labour market related issues. Yet, these variables are mainly developed on behalf of Labour Force Surveys and used in surveys on paid labour. The most general classification distinguishes groups according to main activity status, based on the respondent’s self-perception:

1. Employed. Carries out a job or a profession, including unpaid work for a family business or holding, including an apprenticeship or paid traineeship, etc.
2. Unemployed
3. Pupil, student, further training, unpaid work experience
4. In retirement or early retirement or has given up business.
5. Permanently disabled
6. In compulsory military service
7. Fulfilling domestic tasks
8. Other inactive person
9. Not applicable (child less than 15 years)
Labour status
This classification might be considered as a specific aggregation of the main activity status. But in the actual statistics as produced by the National statistical offices, labour status and main activity status differ very much in their measurement method, because the international definitions on labour status are worked out in detail (according to the 1982 ILO definition) and followed very closely.

Employed persons comprise: all persons above a specified age who during a specified brief period ... were at work, i.e., who performed some work for wage or salary, ... for profit or family gain ... or had a job ... or an enterprise but were not at work. Unemployed persons comprise: all persons above a specified age who during the reference period were (i) without work, (ii) currently available for work and (iii) seeking work, i.e. had taken specific steps to seek paid employment or self-employment.

The two-level classification of labour status is the following:
1. In labour force
   1.1. Employed persons
   1.2. Unemployed persons
2. Not in labour force

Status in employment
The classification by status in employment is related to the main job held by the person. The classification consists of two categories:
1. Employee
2. Self-employed

Contributing family workers are grouped as self-employed. For many purposes, it is of interest to identify the family workers separately. In aggregations, they will be included among the self-employed.

Educational attainment (ISCED 1997)
Educational attainment of a person is the highest level of an educational programme the person has successfully completed and the study field of this programme.

The ISCED 1997 is the standard classification on educational attainment at the EU level.

No education completed = ISCED-97 level 0
Primary or lower secondary education = ISCED-97 level 1 and 2
Upper secondary or post-secondary education = ISCED-97, level 3 and 4
Tertiary education = ISCED-97, level 5 and 6
Appendices: Suggested Classification Variables for Descriptions of Persons (the Complainant)

**Occupation (ISCO 88(COM))**
100: Legislators, senior officials and managers
200: Professionals
300: Technicians and associate professionals
400: Clerks
500: Service workers and shop and market sales workers
600: Skilled agricultural and fishery workers
700: Craft and related trades workers
800: Plant and machine operators and assemblers
900: Elementary occupations
000: Armed forces

**Activity (NACE rev. 1)**
Can be used to describe the economic activity and the kind of products or services supplied by the firm where (s)he works:
1: Agriculture, hunting and forestry; fishing
2: Industry, including energy
3: Construction
4: Wholesale and retail trade; and repairs, hotels and restaurants, transport, storage and communication
5: Financial, real-estate, renting and business activities
6: Other service activities

**Place of usual residence**
This would contain information about a locality, for example, in the form of a postal code, which can be transformed to NUTS (see below).

**Region (NUTS)**
This is a harmonised list of regions in Europe.

**Country/(Place) of birth**
Most statistical offices do have registered information about country of birth, which allows for many interesting analyses.

**Country of citizenship**
Citizenship does make a difference in relation to many rights.
Standard classification of households

The definition and classification of households belong to the most discussed topics of harmonisation, especially because of its central position in censuses. The conclusion in the EU-document is that it is still too early to present a final suggestion for household and family typologies. We will discuss the defining specifications in detail (see ref. UN/ECE), but we will only present as an example, one of the candidates for harmonised classification. The chances are rather high that it will be used in the UN and EU census tabulations.

Institutional Household
Private Household

1. Non-family household
   11 one-person household
   12 multi-person household

2. One-family household
   21 couple with no children
      (living in the household)
      211 married or registered partners
      212 cohabitants
   22 couple with children
      (living in the household)
      221 married
      222 cohabitants
   23 lone parent
      231 lone mother
      232 lone father

3. Two or more families household
   31 with children in the household
   32 without children in the household

In institutional households, the members are not taking care of the daily maintenance themselves, because they are not capable or not allowed to (like in mental hospitals or prisons). In private households members are taking care of the daily maintenance themselves (like housing and food) together as a unit.

The classification provides three levels: the first level is indicated by only one digit. The second level, indicated by two digits, will probably be the most attractive one.

In multi-person families, no families including partner or parent-child relations exist. For example, private households that consist of brothers and sisters without any parent in the household are multi-person households.

Besides the typology of households, it is possible to use household relationships as a classification in itself, to characterise the position of persons in the household. This characterisation will probably be less relevant for the discrimination topic.
Living arrangement and legal marital status

Two variables are rather directly related to information on the household composition. It will not always be relevant to register this information, but sometimes it will be, especially for some groups or some grounds of discrimination. One example might be in relation to discrimination by sexual orientation.

The first classification is the most general one, the living arrangement, defined as: the 'marital status' of each individual in terms of his or her actual living arrangements. The following classification is proposed:

1. Living with a legal spouse or registered partner
2. Living with a consensual partner
3. Not living with a partner (legal or consensual)

Countries with register-based family statistics will normally only have information on legal marital status, and not on living arrangements directly available from the administrative registers. This is a fundamental shortcoming of the registers. These countries might develop systems for imputing actual living arrangements based on information on persons sharing a dwelling. The results from such imputations should be compared on the micro-level, with information on living arrangements obtained from direct questions in surveys.

The second classification under this heading might be considered as a specification of living arrangement. It is generally referred to as the legal marital status and defined as the conjugal status of each individual in relation to the marriage laws of the country (i.e. de jure status).

The classification recommended of legal marital status is the following:

1. Single (i.e. never married)
2. Married
3. Separated (and legally married)
4. Widowed (and not remarried)
5. Divorced (and not remarried)

One of the complications which might make use of both variables in a survey or register less attractive, could be that complex, but not self-evident combinations are possible between the positions of persons in a living arrangement and those in legal marital status (e.g. two widowed persons living as consensual partners).

Tenure status of household

This concept refers to the arrangement under which a private household occupies their housing unit.

1. Households of which a member of the household is the owner of the housing unit.
2. Households of which a member is a tenant of the housing unit.
3. Households occupying all or part of a housing unit under some other form of tenure.

Eurostat recommends that members of different types of housing co-operatives should be classified in 1.
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