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**24th Session of the Working Group of Experts on People of African Descent**

***Data for Racial Justice*, Geneva, 25-29 March 2019,**

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**Item 6: Thematic Discussion, People of African Descent in Europe**

Mr./Madam Chairperson, Ladies and Gentlemen,

This year’s public session of the Working Group is focused on the availability of data necessary to analize and correctly address the human rights issues of people of African descent. As we already heard and will also be hearing in the coming days, there seems to be a fundamental shortfall of data disaggregated by race and ethnicity. Sometimes it is an outcome of deliberate states’ policy or even a matter of domestic law which may or may not allow for the collection of such data; sometimes the lack of disaggregated data results from inadequate understanding of why exactly such data should be collected, processed and provided.

In this afternoon panel we undertake the issue of availability of data on people of African descent on the European continent. Despite some good examples of state practice as well as well-elaborated and up-to-date data reports prepared by the civil society or the EU Agency for Fundamental Rights, we as the Working Group can attest that there is a serious deficit of data on people of African descent in many European countries. Needless to say, this contributes to their invisibility, enhances risks of racial injustice and discrimination, as well as disadvantages them in access to human rights.

As has been mentioned before, the reasons which drive states’ decisions to collect or – more frequently – not collect data on people of African descent, are manifold. Deliberate policies to refrain from collecting statistical data along race or ethnicity are sometimes an echo of historical events on the European continent, where information gathered by totalitarian or authoritarian regimes was subsequently used for anything but good purposes. Some governments consider collecting data along race or ethnicity lines as an impermissible – or even illegal – intrusion into the right to privacy, enjoyed by every person under their jurisdiction.

Whatever the motivation, the lack of data sometimes seriously obstructs the task of the Working Group and generally – the efficiency of other mechanisms aimed at counter-acting the contemporary forms of racism, racial discrimination, xenophobia, Afrophobia and related intolerance. **In comes as a paradox that states are unwilling or unable to allow people of African descent to self-identify as those in order to protect their rights, whereas the lack of such possibility makes many of them unrecognized and thus absent from the human rights point of view.**

Let me stress that the kind of data on people of African descent that the Working Group has been consistently calling for, are statistics collected on the basis on voluntary self-identification. We never argued for a system which would oblige a person to declare his or her affiliation to a particular ethnicity or race. What we call for is a possibility to be recognized as person of African descent by the official statistical system, if that person self-identifies and wishes to be considered as such.

More often than not, European states collect data on foreigners of African descent living in their jurisdictions, whether on a temporary or permanent basis, sometimes in the context of asylum procedures. This reveals only part of the picture since the Working Group’s task is to pay particular attention to people of African descent constituting an inherent part of a population as its citizens/nationals.

In my presentation I would like to overview the observations made by the Working Group in respect to European states visited since the beginning of the Group’s existence, i.e. since 2002.

**BELGIUM**

The Working Group undertook its first country visit to Belgium in June 2005. It stressed that *disaggregated data is crucial to the understanding of patterns of inequality.* Without such data ***inequality can appear to be purely a function of class-based disadvantage, thus omitting the horizontal dimension of inequality, namely the gaps in***

***well-being between clearly defined groups. It is important for establishing precisely what role colour and ethnicity play in economic and social exclusion, and would significantly help in development planning and resource allocation.***

The Working Group recommended *that national authorities examine alternative ways of identifying the level of discrimination against people of African descent and persons of different ethnic origins and of devising methods to assess the impact and effectiveness of the measures adopted by the* *Government to redress discrimination.*

During its first country visit to Belgium, the Working Group was informed that data collection was based on the criterion of nationality and, as there was no ethnic registration, figures related to Africans in Belgium only apply to those with a foreign nationality. This figure hence did not include those persons of African descent who acquired Belgian nationality.

The Working Group noted that *people of African descent were not identified as such in the country but were lumped together in the general categories of “people of foreign nationality” or as “persons of foreign background/origin”. The experts acknowledged the existing problem faced in collecting statistical data on people of African descent and were informed of the ongoing political dialogue on the issue, with a specific working group created to handle this concern*.

Very recently (in February 2019) the Working Group had the opportunity to undertake a follow-up visit to Belgium. While the official report of this visit is not yet ready, the issue of data collection has been mentioned in preliminary conclusions. The Group observed that:

*Disaggregated data is required for ensuring the recognition of people of African descent and overcoming  historical “social invisibility”. Without such data, it is impossible to ensure that Belgium’s reported commitments to equality are actually realized. Some anti-discrimination bodies have found proxy data (relating to parental origin) that have informed equality and anti-racism analyses; additional data relating to «*regroupement famille» *(and other data) may also extend these analyses to Belgian citizens of African descent.*

**PORTUGAL**

In its report after a country visit to Portugal in May 2011, the Working Group observed that *a comprehensive understanding of the situation of people of African descent and an accurate evaluation of the success of these programmes was hampered, however, by the lack of data disaggregated by racial or ethnic origin. The members were informed by Government officials and others with whom they met that it was Government policy not to collect information disaggregated by race and that, in any event, the collection of data disaggregated by racial or ethnic origin was prohibited by the Constitution*. Therefore, the evaluation that the Working Group could make of the situation of people of African descent in Portugal was characterized as more of an impression than an assertion of fact, the latter requiring the sort of empirical evidence that was simply not available.

As regards the Constitutional prohibition of the collection of data disaggregated by racial or ethnic origin, the members found no such constitutional prohibition to exist. The article referred to in the Constitution to support the notion of a constitutional impediment to the collection of such data (Article 35.3) in fact contemplated the collection of data disaggregated by race provided that certain safeguards and other conditions are met. The Working Group was informed that the prohibition of collecting data disaggregated by racial or ethnic origin had been discussed by the Commission, which arrived at the conclusion that the prohibition is appropriate and in line with the policy of taking measures to combat any form of discrimination.

**UNITED KINGDOM**

After its official visit to the United Kingdom in 2012 Working Group *welcomed the proactive approach that the Government has taken in the collection of disaggregated data, including by ethnicity.* Despite trends in Europe, the United Kingdom has not abolished the collection of disaggregated data. The United Kingdom Census 1991 was its first to ask a question on ethnicity. The 2011 Census enabled individuals to define their ethnicity themselves, either choosing one of the optionsprovided or writing in their own category. The existence of disaggregated data on ethnicity was to enable private and public organizations to monitor equal opportunities/antidiscrimination policies, and for resource allocation and service provision.

**In view of the above,** the Working Group welcomed the Government’s use of disaggregated data to identify specific needs of different ethnic and racial groups in the country, including African-descended groups, and such data have been used to inform policy and practice. The Group also noted that data on race and key areas of the prison service were collected regularly in each prison and aggregated on a quarterly basis to provide a national picture of the situation.

**NETHERLANDS**

**Also after conducting a visit to the Netherlands, the Working Group *welcomed*** *the proactive approach that the Government has taken in the collection of disaggregated data, including by ethnicity. Knowing that the Dutch Government attached importance to a good information system, the Working Group highlighted the importance of the collection and publication of disaggregated data on the basis of ethnicity by the governmental statistics agency, and recommends data collection based on the principle of self-identification to allow for the monitoring of the situation of people of African descent and identification of the specific needs of people of African descent.*

**Despite positive developments, the Group observed t**here was still a shortfall of ethnically disaggregated data in both the Netherlands and Curaçao which would help reveal patterns of discrimination and inequality against people of African descent.

**SWEDEN**

**In its report after the country visit to Sweden in 2014, the Group took note of the** Government mentioning that one of the problems with the collection of data on ethnicity was that that some of the national minority groups were very much against such compilation of statistics because of historical reasons. However, in discussions with the experts, they recognized that it was important to collect data and information about the living conditions of the population, including different minorities, and said they were considering other tools for this purpose. The Working Group recommended that the government gathered disaggregated data on the basis of self-identification by Afro-Swedes and Africans. Data on racial discrimination in line with the data protection legislation should be gathered as an effective means of identifying, monitoring and reviewing policies and practices to combat racial discrimination and promote non-discrimination and equality.

*In the context of the above let me thank the Swedish authorities for replying to the questionnaire sent by the Working Group in December last year.*

**ITALY**

**After its official visit to Italy in 2015 the Working Group found that** Italy did not collect disaggregated data on the ethnic composition of its population, which makes it difficult to see and analyse the scale of the violations faced by people of African descent and for the Government and other stakeholders to take targeted action to address gaps in the protection of their human rights. The only official information available is on numbers of immigrants or foreign residents from African countries.

The Working Group encouraged the Government to collect disaggregated data on persons who self-identify as either Italians of African descent or as Africans to ensure that all plans, projects and programmes address and protect their rights and are based on a better understanding of gaps.

**GERMANY**

**Following its official visit to Germany in 2017 the Group noted that f**or historical reasons, the Government did not gather data or official statistics based on ethnicity or race; however, people of African descent are calling for equality data to be gathered, on the basis of self-identification, as an important step in addressing the racism they face. Also social science research did include disaggregated data showing racial and ethnic background. The Group observed that *despite the wealth of data relating to socioeconomic indicators, there is a serious lack of race-based data and research that could inform policy to improve the situation of people of African descent.*

**SPAIN**

During its visit to Spain in 2018, the National Statistics Institute informed the Working Group that it did not solicit information based on ethnicity and race, but had information on nationality and country of birth. There being no official data on the population of people of African descent, various estimates reported by civil society were that the population of people of African descent could be anywhere between 1 and 2 million.

The Working Group noted the view of the Government that the availability of statistics on race or ethnicity would result in discrimination. Accordingly, statistics on aliens and immigration refer to nationality, but never to ethnic origin or religion, nor are such statistics compiled on Spanish nationals, although information gathered using research methods is available regarding the Spanish Gypsy population. In some instances, the Working Group was provided with official data disaggregated on different grounds of discrimination (including ethnic, racial or national origin) but it did not find data specific to people of African descent as a distinct group. The Working Groupnoted with concern the absence of disaggregated data based on ethnicity or race, and strongly recommended that the Government collect, compile, analyse, disseminate and publish reliable statistical data, disaggregated along ethnic lines on the basis of voluntary self-identification.

**The brief overview presented above seems to support the view that there is a serious deficiency of data on people of African descent in European countries. The Working Group has been recently exploring arguments and ways which might be helpful in a more successful encouragement of states to collect disaggregated data.**

**One of such ways could consist in engaging into dialogue with the United Nations Statistical Commission and explore if and how the issue of collecting disaggregated data along ethnicity and race could be accommodated within the Commission’s standards. Another way is to show the good examples and practices from around the world. Whatever the method, it is crucial that the Working Group continues to convince European states about the significance of disaggregated data collection to effectively combat racism, racial discrimination, xenophobia, Afrophobia and related discrimination.**

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