Data Collection on Equality, Discrimination and Antigypsyism

Anja Reuss and Jonathan Mack, Central Council of German Sinti and Roma

This article takes a critical approach to the collection of ethnic data in relation to social inequality and discrimination. It examines which tools and methods are suitable for data collection in qualitative and quantitative research to measure antigypsyism, discrimination and inequality, and what basic guidelines must be followed. Against the background of an international debate on equality data, the Central Council of German Sinti and Roma would like to initiate a critical discussion on possibilities as well as limitations of data collection and the potential dangers associated with the recording of sensitive personal data. At the same time, this article offers perspectives on how other forms of data collection on antigypsyism may contribute to combating this particular form of racism.

The Historical Experience with Data Collection as a Starting Point

A well-informed discussion on data collection in Germany and Europe cannot take place without including and acknowledging the historical experiences of minorities, especially Sinti and Roma, with data collection. As early as 1899, German police authorities systematically collected data on Sinti and Roma as well as those they classified as "Gypsies". The information and data collected were compiled by the authorities at the "Gypsy intelligence service" in the Munich police department. Thus, early on, the police had already classified this minority according a certain interpretation and gathered in-depth data on the minority group. Later, systematic and racist apprehension of the minority group by the National Socialists formed the basis for the persecution and annihilation of 500,000

In 1905, Alfred Dillmann, head of the authority, published a "Gypsy book" with individual details on 3,350 persons. The book contains personal descriptions, some with photos, and 7,000 copies were made available to the police services. See also: Hehemann, Rainer. 1987. Die "Bekämpfung des Zigeunerunwesens" im wilhelminischen Deutschland und in der Weinarer Republik 1871-1933. Frankfurt a. M.

Sinti and Roma during the Holocaust. Nazi ideologues and racial researchers decided who was selected for the "Gypsies" category. Even after 1945, this ethnic identification was used for decades in the Federal Republic of Germany to persecute or discriminate members of the minority group, such as in dealing with compensation claims of surviving Sinti and Roma. The Nazi race reports and the data of the police authorities also played a central role in this respect. The Bavarian "Traveller centre" - the cover name for the "Gypsy intelligence service" after 1945 – continued its work virtually uninterrupted. Although it was officially disbanded in 1970, the collected files remained in governmental circulation. Since 1979, it has mainly been the civil rights movement of German Sinti and Roma that has protested against the continuation of this racist special register and the use of the "Traveller centre" files in the Federal Republic. In parallel, the Nazi race researchers also continued their work uninterrupted. For instance, at Tübingen University, Eva Justin, a former employee of the Racial Hygiene Research Centre, stored the National Socialist race reports and shared them with authorities such as the police. Sophie Ehrhardt, one of the people who worked with these files, published a "scientific" text with the title "Gypsy skull" in 1969 (Schmidt-Degenhard, 2008: 225-23; Gilsenbach, 1998: 118). In 1981, Sinti activists were able to track down some of these Nazi racial files at Tübingen University and have them transferred to a government archive, where they are available for work on the persecution of Sinti and Roma (Fings and Sparing, 1995). However, the vast majority of Nazi racial reports and police data collection are still untraceable. More than a hundred years after the inception of the "Gypsy intelligence service", police authorities have yet to admit to unlawful ethnic special registration or to end this practice (End, 2017). In 2018 the police in Baden-Württemberg announced that they would no longer use a reference to "changes residence frequently" in the INPOL system, but did not admit to an ethnic registration practice.

What remains is a deep-seated trauma that has left its mark on generations of Sinti and Roma. The abuse of supposed scientific research, and the use of data for persecution and annihilation, have not yet been overcome to this day, and may never be, given deeply rooted antigypsyism across Europe. Therefore, several Roma and

Sinti organisations have significant reservations about any kind of ethnic data collection, whether quantitative or qualitative.

Since the 1980-90s legal foundations have been established in Germany for the protection of personal data, most recently with the EU General Data Protection Regulation in May 2018. However, the rule of law and the protection of minorities are not legimitised only by normative principles. The protection of minorities must also be guaranteed in practice in order to ensure that citizens trust rule of law mechanisms. In the education and social fields, racist, ethnicising and culturalising data collection on minorities takes place over and over again. For example, in 2011 the Berlin Senate Administration required districts and schools to collect data on children with a Sinti and Roma background and to specify problems with schooling. Roma self-organisations strongly criticised this census and it was stopped as a result. The problem was not only that the data collection was based on external ascriptions and not on self-identification, but also that it was clearly linked to school performance. However, Berlin schools participated in the survey without questioning its legal basis or its purpose.

It is precisely due to historical experience that regulatory mechanisms and structures which prevent abuse and antigypsyist practices by government institutions and research facilities are needed. In police investigative work in particular, there are still indications of targeted data collection focused on Sinti and Roma (End, 2019).

Recognising and Labelling the Complex Mechanisms and Effects of Antigypsyism

For years, the Central Council of German Sinti and Roma has been calling for the Federal Government to establish an independent expert commission dealing with the historical analysis of the persecution, exclusion and discrimination of Sinti and Roma as well as deeply rooted and structural antigypsyism today. At the start of 2019, the expert commission will start its work on the investigation of the causes, manifestations and consequences of antigypsyism in Germany and develop recommendations to address these.

To date, there are scant data and information on the extent and nature of antigypsyism experienced by Sinti and Roma today in Germany and the EU, whether it is in the workplace, in public places, in public services, at school or in the media. However, from the point of view of the Central Council of German Sinti and Roma, it is not necessary to collect ethnic data on the minority group in order to develop effective strategies to tackle discrimination resulting from antigypsyism. Instead, the structures and mechanisms of antigypsyism in society must be examined, labelled and underpinned with data.

With regard to data collection to combat discrimination and inequality, the recognition of antigypsyism must be the basis for the interpretation of socio-economic conditions. Without in-depth knowledge of the effects and manifestations of antigypsyism, research and data analysis run the risk of cause and effect, and thus contributing to reproducing antigypsyism. Furthermore, a more serious question arises: to what extent does disaggregated data collection on people affected by discrimination contribute to reviving and strengthening biological notions of "race" (Science and Justice Research Center, 2018)? In particular, repeat surveys claiming to be representative could determine the public notion of homogenous minorities by correlations to different variables and not do justice to hybrid identities or multiple discrimination. In other words, a survey presenting a static picture of the discrimination experienced by a group reduces individuals' multi-layered identities to one context. Yet it is possible to illustrate the complexity of multiple discrimination.²

The Position of the National Minorities Council in Germany on Data Collection

Based on the experience of the National Socialist persecution of Jews as well as of Sinti and Roma, there is a basic consensus in Germany between the Federal Government and the Minorities

² For example, a Shiite black woman in Denmark is likely to experience very different discrimination in varying contexts. Depending on the context and environment, the experience of discrimination as a black woman will be more central in white spaces. Within Muslim contexts, her beliefs or background would probably outweigh the racial aspect. A middle-class homosexual Rom, who in some contexts does not disclose his ethnic identity, will have a different experience in situations where he reveals he is a member of this minority group.

Council³ that no ethnic data should be collected by the government. In its charter, the European umbrella organisation FUEN (Federal Union of European Nationalities) sets out the following basic principle of autochthonous, national minorities/ethnic groups in Europe:

We, the autochthonous, national minorities / ethnic groups, underline the principle according to which declared membership of a national minority is a matter of individual freedom and not subject to official scrutiny (FUEN, 2010).

This position was reaffirmed by the National Minorities Council in a 2015 opinion on the basis of the Framework Agreement on the Protection of National Minorities:

The National Minorities Council of Germany rejects the nationwide collection of statistical characteristics in relation to the size of autochthonous minority groups in Germany. The appropriateness of the data collection with the objective of formulating concrete and effective measures for the minority groups is strongly questioned. (...)

In order to improve the current situation of the respective minority groups – especially in the field of education – studies using different approaches are needed. In doing so, "sensitive personal data" may only be collected and used for a specific research project and may not be stored or passed on for further purposes. Thus, an ethnicity-related question is not needed (Minderheitensekretariat, 2018).

Statistical surveys of ethnic groups aim to get a better picture of the composition of society, but do not shed much light on how and where racism and discrimination occur. Therefore, the appropriateness of this data collection must be questioned. How large or small a group may be is not relevant, but rather how massively or violently the individuals experience racism and discrimination. Therefore, measures to combat racism, discrimination and inequality must be based on data which measure the manifestations and characteristics of phenomena such as antigypsyism.

³ The Minorities Council represents the interests of the four autochthonous national minorities in Germany (the Danes, the Sorbs, the Frisians as well as the Sinti and Roma) towards the Federal Government and the Bundestag.

Scope and Limitations of the National Minorities Council's Position

The position of the National Minorities Council is clear on the fact that no data on affiliation to a minority group should be collected by the government but in many studies the distinction between governmental and non-governmental actors is unclear.

A new 2018 study by the Federal Anti-Discrimination Agency examines the possibilities and limitations of a better portrayal of discrimination experiences, according to the General Equal Treatment Act (AGG) categories, in representative repeat surveys (Antidiskriminierungsstelle des Bundes, 2018). These studies are usually commissioned by the government and carried out by statistical offices and private research institutes. The EU-MIDIS⁴ studies of the European Union Fundamental Rights Agency (FRA) have also been commissioned by the European Commission. For its part, FRA awards contracts to carry out data collection via public tenders to, among others, its own research network as well as to private consulting firms and polling institutes in the EU Member States.

It is important to distinguish between "administrative data" on the one hand, which are regularly recorded by local, regional or national authorities (e.g. birth dates, fiscal data), and (repeat) surveys and studies on the other hand, which should be conducted on the basis of the principles of the Equality Data Initiative such as self-identification. While there is a risk for data protection and the identification of persons in the case of "administrative data", (repeat) surveys, such as those by FRA, should adopt the Equality Data Initiative's key principles (ENAR, 2015; FRA, 2017).

The National Minorities Council's position questions the close cooperation between government institutions, academic and private actors, where the limitations of data collection must be drawn, and how to respect ethical standards in data collection.

⁴ The EU-MIDIS surveys of the European Union Agency for Fundamental Rights (FRA) provide the most extensive data set on discrimination and victimisation faced by ethnic minorities and migrants in the EU. FRA published data in 2009 and 2017.

In 2015 the National Minorities Council stated:

However, this [the previously declared rejection, author's note] does not fundamentally argue against participatory science in which the parties involved in a study as well as minority group members agree on an equal and joint basis on goals, plans and procedures, as well as the handling of the results, and propose concrete measures on the basis of the research results. This is already happening today, especially at the local, municipal and state level (Minderheitensekretariat, 2018).

In addition, the National Minorities Council calls for any research to be preceded by sufficient awareness raising and well-informed knowledge of antigypsyism and its consequences.

On the Benefit of Data Collection

Against this backdrop, the Central Council of German Sinti and Roma has reservations on the benefits of data collection on the situation of Sinti and Roma in the European Union. Data and studies in themselves do not generate political will that translates into effective (governmental) action. For this to happen, research and the production of data and knowledge must be related to the objective pursued. The countless human and fundamental rights violations, school segregation and forced evictions of Roma in many European countries are well documented. However, as long as antigypsyism is widely embedded, accepted and legitimised in society and in political discourse, there will be no political will to end discrimination and inequality. As long as antigypsyism is not taken seriously and recognised as a fundamental problem at the national and local levels, discrimination and exclusion will continue. Equality data collection will thus necessarily fail to achieve its purpose and run the risk of cementing racial prejudice (as a self-fulfilling prophecy). The representations and interpretations of the results of quantitative studies on the situation of Roma, especially in terms of access to housing, labour market and education, show the existence of antigypsyist patterns of thinking, whereby Roma are made responsible for this situation. A repertoire of antigypsyist and cultural stereotypes is often used to cite Roma's allegedly traditional way of life as the cause (see also article by Sabrina Kopf in this book). For instance, after the European Commission launched infringement proceedings against Slovakia in

2015 on the basis of studies showing the structural school segregation of Roma children, the Slovak government and Interior Minister Kaliňák claimed in a racist statement that this was due to incest in the Roma community (Romea, 2015).

Qualitative research can also have a negative impact on Sinti and Roma. For instance, a school survey may lead to children from Sinti or Roma families becoming conspicuous as such and thus being exposed to racial discrimination. Ethnic identity is recorded in the files of Roma children from kindergarten onwards in several European countries. This label accompanies these children throughout their educational pathway and, due to deeply rooted antigypsyism, has a negative effect on the education opportunities of these children. Research that reveals the identity of Sinti and Roma children could have negative effects on their further education. It is therefore important to ensure that data collected under the premises of "human rights" and "anti-discrimination" do not contribute to reproducing or reinforcing discrimination. On this basis, a seventh principle should be added to the six basic principles of the Equality Data Initiative (Open Society Foundations, 2014; European Commission, 2016; 2017): the no-damage principle. Neither the individuals involved in the data collection nor the group to which they feel affiliated to may be harmed by the data collection or its interpretation.

Recommendations for Scientific Research and Data Collection

The purpose of scientific research must be to record antigypsyism and its impact on the discrimination experiences of the minority group in different life situations, and to identify mechanisms of exclusion, without using methods and approaches based on the collection of ethnic data.

All data collection and scientific research must be based on ensuring that data protection laws are maintained with respect to "sensitive data", i.e. that harmful additional stigma and discrimination are prevented and that clear expectations and basic principles for qualitative science are promulgated.

The "National Working Group for Improving the Participation in Education and the Educational Success of Sinti and Roma in Germany", which was coordinated from 2013 to 2015 by the Foundation for Remembrance, Responsibility and Future, initiated a critical discussion on data collection. The Romani members of the working group, working within a closed framework, developed key positions and recommendations which were recorded in the report (EVZ Stiftung, n.d.). Seven basic principles were established for collecting data on discrimination (experiences) that are in line with and further expand those of the Equality Data Initiative. These are (1) self-identification of the respondents, (2) voluntary participation, (3) anonymisation of the data to make it impossible to draw conclusions about a person, (4) informing the respondent of the goals and purpose of the survey before starting the questioning, (5) ensuring communities are consulted in the development, implementation and evaluation of surveys, (6) taking into consideration the identification of respondents with multiple groups or an intersectionality (multiple discrimination) in the response options, and, in addition, (7) the principle of non-damage should be respected. These standards should form the basis for any future data collection. For standard surveys already in place, the principles should be equally embedded step by step, if not already applied.⁵

In addition, clear rules are needed for the deletion of records, both government and study-based, in order to prevent abuse. Especially in times of increasing shifts to the right, it is necessary to deal sensitively with centrally stored data, especially data on minority groups. Sensitive data on minorities should never fall into the hands of people who will use them against minorities or for their persecution and exclusion.

In the current discussion for and against data collection, thus far, various approaches and methods are discussed with insufficient distinction. It is important to identify the advantages and

⁵ Although the Federal Anti-Discrimination Agency survey on representative repeat surveys acknowledges the six principles of the Equality Data Initiative and recommends them for future data collection, it does not support the no-damage principle.

disadvantages (knowledge value and limitations) of the different methods.⁶ Particular attention should be paid to how to investigate antigypsyism and antigypsyist structures.

Perspectives: Methods and Approaches for the Study of Antigypsyism⁷

When discussing data collection on discrimination against Sinti and Roma, it is often emphasised that empirical data *must be* collected in order to substantiate the discrimination. This means that the situation (education, poverty, housing, etc.) of a supposedly representative group of Sinti and Roma should be statistically recorded. The results are then positioned in relation to the overall social statistical situation. However, this approach entails a number of problems, as illustrated by the example below.

For quantitative research, it is very important that the sample of selected individuals is representative, in terms of urban-rural, poorrich, gender, age, educational attainment, in Germany: East-West, etc. Since organisations are usually only able to interview people who are members or involved in their organisation's structures, and other surveys can only interview those Roma who are registered or labelled "Roma" by government registration or self-initiative, the samples are necessarily distorted.

Most quantitative studies simply describe the actual state: "Only 18.8% of respondents have completed vocational training, while in the majority population, the rate is 83.4% in the younger age group". The interpretation of this data is initially left open. Civil society organisations would state: "This is because of discrimination". Racists would argue: "It's because they are primitive" or "unwilling to integrate". Politicians would probably say: "There are different

As part of a symposium organised by the Central Council of German Sinti and Roma on 24 September 2018 in Berlin, methods such as attitude measurement of prejudices, the representation comparison, the residual method, data on discrimination experience, vignette study/factorial surveys, field experiments, the analysis of police, court and process data as well as institutional/structural analyses were discussed, and their advantages as well as limitations to gaining knowledge demonstrated. See: http://zentralrat.sintiundroma.de/9083-2/.

⁷ This section is based on an intensive exchange on better research approaches between the authors and Markus End. We thank the latter for the methodology-related comments that are found here.

reasons". The fact is: it is impossible to prove the statistical component of the discrimination.

It is true that a number of studies have tried to ask respondents about their discrimination experiences, for example, in the field of education, and to compare them with the data. Nevertheless, this only covers the subjective experience of discrimination. Some also say: "That's an exaggeration". And yet others may say: "Many Sinti and Roma do not even realise that they are discriminated against as they find it normal".

An alternative proposal to determine discrimination against Sinti and Roma would be to look at existing studies and analyses and to then design studies. For example, a team of researchers examines samples of curricula, textbooks and instructions from school authorities regarding "Roma" in the field of education. In addition, it looks at a small number of "sample schools" from all areas of education, including some of whom have contact with Sinti and Roma through the involvement of self-organisations. In these schools, qualitative interviews should be conducted with the school administration, the teachers, school social workers or possibly "Roma mediators", individual students with and without Roma background as well as with their parents. In addition, possible internal official instructions regarding "Roma" are identified. Possible special offers ("welcome classes") and their design, goals and evaluations are also examined.

This approach would reveal what is lacking and/or wrong at the institutional level, which discrimination targets individuals on a regular basis, how the individuals feel and deal with it, and what impact it has on educational pathways.

The advantage of this approach would be that we not only learn that there is a statistically different situation, but we learn something about the discrimination itself, what forms it takes, and its effects.

It also allows us to say much more precisely what measures could be taken to combat this discrimination. Thus, little data are collected on Roma and it will probably even be a more cost-effective method. In addition, that way research can be individually further developed and will yield new results, while quantitative studies cannot present more than the statistical situation.

Side Note - Issues with Government Data Analysis

One specific form of collecting "administrative data" is data on hate crimes that are statistically recorded in the context of a racist or antigypsyist act. Even though we view any form of government data collection on minorities with extreme scepticism, this must be discussed separately in the context of information on hate crimes. There is almost no coverage of antigypsvist motivated violence or hate crimes Europe-wide. Although antigypsyist criminal offences have been recorded in Germany's "politically motivated crime" statistics since 2017, only a small proportion of those affected by antigypsyist violence report these incidents to the authorities. Bias motivated crimes are thus not covered or only inadequately recorded. Furthermore, racist attacks on Sinti and Roma are neither recorded nor treated by the police or law enforcement authorities as such. This is partly due to a lack of awareness of antigypsyism among civil servants; but also because of structural racism in the police and security apparatus. The overwhelming majority of those affected rarely or never report antigypsyist experiences or violence. On the one hand, this is due to fear of negative consequences for themselves or relatives, and on the other due to general lack of trust in police and law enforcement agencies. Therefore, there is a high number of unreported cases of antigypsyist hatred and discriminatory offences against Sinti and Roma. There is a need for data on the forms, perceptions and experiences with antigypsyism and its manifestations by Sinti and Roma in the fields of hate crime, racial profiling, hate speech and discrimination. The structural obstacles preventing Roma and Sinti from reporting and the prosecution of these crimes need to be dismantled, and progress monitoring mechanisms on procedures on antigypsyist crime established.

Conclusion

There is a need to focus more on the collection of data on antigypsyism and the perspectives of Sinti and Roma on antigypsyism in future. From our point of view, qualitative and quantitative information is needed to make statements about the extent and nature of antigypsyism faced by Sinti and Roma, whether it is at work, at school, in public spaces, in dealing with authorities, in the housing market or in the media (European Commission, 2018).

Numerous reports, media investigations and scientific studies prove structural antigypsyism and discrimination of Sinti and Roma. However, there is still a lack of monitoring tools and structures, and in-depth case studies that reveal the scale, multi-dimensional nature and complexity of the phenomenon. Although government statistics on "politically motivated crime" since 2017 do recognise the antigypsyist hate crime category, the Federal Government should set up and finance a non-governmental monitoring body on antigypsyism for all areas of everyday and public life. All antigypsyist incidents and developments should be recorded, investigated and documented there, systematically and continuously, even if criminal law does not apply.

Central Council of German Sinti and Roma

The Central Council of German Sinti and Roma was founded in February 1982. It is an independent umbrella organisation for 16 regional associations of Sinti and Roma, representing the interests of German Sinti and Roma on the level of policy and civil rights. The Central Council advocates for the equal participation of Sinti and Roma in politics and society, and for the protection of and support for Sinti and Roma as a national minority. It also intervenes against structural forms of antigypsyism and discriminatory cases against Sinti and Roma in Germany and in Europe. At the national and international levels, it raises awareness and recognition of the Holocaust of Sinti and Roma and advocates the recognition of antigypsyism as a specific form of racism, as well as a structured monitoring and intervention. The Central Council represents the interests of Sinti and Roma at the EU level, to the Council of Europe. IHRA and OSCE. Moreover, the organisation is a member of various national (German minority council, German Institute of Human Rights, Advisory group of the German Equality Body) and international civil society structures (ENAR, FUEN), and is part of the steering group within the Alliance against Antigypsyism.

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