

Purposes of (in)equality data collection: Usage of data with the purpose of design, implementation, M&E of public policies



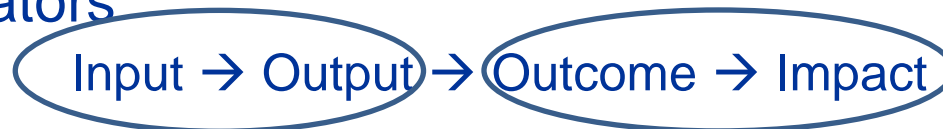
Sběrem dat ke spravedlivému
vzdělávání

Prague, October 21, 2015

Jaroslav Kling, Research Officer,
Equality and Citizens' Rights

Basic typology

- Monitoring (the **process**)
- Evaluation (of the **results**)
 - Intermediary or final
- Using indicators



- FRA: Structure → Process → Outcome

Applied at different levels

- Of the National strategy
- Of the Action Plans
- Of Individual interventions

Monitoring **what** determines the kind of data and the kind of indicators used

From policies to outcomes

- The policies are implemented through
 - Implementation strategies
 - Implementation plans
 - Specific interventions
 - All contribute to a “policy’s success or failure”
- The long chain of intermediation
 - Success has many parents and a failure is an orphan
 - The issue of attribution – or contribution
- Monitoring what (the results) or how (the adequacy of the process)?

Dimensions of policies' monitoring

- Assessment of the policies relevance not strictly monitoring)
- Monitoring of the implementation process at three levels
 - Of strategies
 - Program level
 - Individual project interventions
 - Each of the three needs
 - Different types of indicators!
 - Different data sources!
- All this is possible to monitor for different time spans

Example: Roma inclusion

- Assessment of the Roma inclusion policies
 - Is there a policy (awareness that something is important and needs to be done)?
 - Are policy-makers determined to implement it (despite the costs and the political risk)
 - Is the policy adequate (up to the challenges)
 - Is it clear “whose policy?” and who can/should be held accountable?
 - Is the policy focused on results (are the target groups “visible” in sector specific policies)
- Most of these are qualitative assessments and require qualitative approaches

Example: Roma inclusion (2)

- Monitoring of the implementation process through
 - Monitoring of the NRIS at national level (aggregated status)
 - Assessing the outcomes of operational programs (ESF and other related)
 - Assessing the outcomes of individual project level (part of the project implementation cycle and ‘results-based management’ methodologies)
- Is the implementation structure adequate
 - Baselines, targets and indicators with data
 - Implementation plans
 - Capacity to develop and realize interventions
- If any of these is “no”, the policy remains on paper

Three myths about data on Roma

- There is no data
 - Conclusion: we don't know
- There is no need of data
 - Conclusion: we know anyway
- We might need but it can't be collected
 - Because of the vagueness of the 'Roma universe'
 - Because of legal constraints

- Who are Roma?
 - Historical approaches
 - Policy-driven approaches
- Moving towards results
 - Data and indicators
 - Defining the substantive areas
 - Mainstreaming in national policies
- All these questions are highly politically charged

Cracking the contradictions

- Explicitly define the policy purpose
 - Monitoring of what determines monitoring how
 - Monitoring how determines what data
- Clearly define the target
 - All Roma (whatever that means)?
 - Vulnerable Roma?
 - Vulnerable anyone?

Directive 95/46/EC: Processing Sensitive Personal data”

Article 8.1 of the **Directive 95/46/EC** (processing of **sensitive data**) sets that:
*‘Member States shall **prohibit the processing of personal data revealing racial or ethnic origin**, political opinions, religious or philosophical beliefs, trade-union membership, and the processing of data concerning health or sex life’.*

But with exemptions:

- **Data subject has given her/his explicit consent**, except when the laws of the Member State specifically do not allow it
 - **Necessary** to protect the **vital interests** of the **data subject**
 - **Necessary** for the purposes of carrying out the obligations and specific rights of the controller in the field of **employment law** & authorized by **national law** with adequate safeguards
- + Subject to the provision of **suitable safeguards** Member States may, for reasons of substantial public interest, **may introduce other exemptions**

Personal data vs. anonymity

Anonymity → when data are collected on an **anonymous basis** or once data are **made anonymous** they do not constitute “**personal data**”

EU MSs → legal provisions restrict the **processing of this sensitive data** but do not generally prohibit the collection of this type of data, but restrict it and makes it **conditional** on the respect of **certain safeguards**.

UK Data Protection Act 1998, schedule 3:

“Processing of **personal sensitive data** [is authorised if]:

The processing-

(a) is of sensitive personal data consisting of information as to **racial or ethnic origin**,

(b) is necessary for the purpose of identifying or **keeping under review the existence or absence of equality of opportunity or treatment** between persons of different racial or ethnic origins, with a view to **enabling such equality to be promoted or maintained**, and

(c) is carried out with appropriate safeguards for the rights and freedoms of data subjects.”

Indicators framework for monitoring the implementation of the NRIS

FRA-EU MSs' Working Party on Roma Indicators

Indicators framework for monitoring the implementation of the NRIS

- The indicators framework elaborated by the **Working Party on Roma Integration Indicators**
 - Established in 2012 in response to the COM communication
 - Initially 13 Member States, now 17
 - Increasingly involving National Statistical Institutes
- Anchored in the **Council recommendation of 9 December 2013 on effective Roma integration measures in the Member States (2013/C 378/01)**
- Using the **Structure-Process-Outcome** indicator structure of the **United Nations Office of the High Commissioner for Human Rights'** guide *Human Rights Indicators: A Guide to Measurement and Implementation*

What is the S-P-O indicator framework?

- Set of **rights-based indicators** for assessing comprehensively Roma integration efforts at EU level
- Assessing in reference to policy objective that fulfil specific fundamental rights standards:
 - a) The legal and policy framework in place (structure indicators)
 - b) The concrete measures to implement it (process indicators)
 - c) The achievements, as observed for the target group(s), e.g. Roma (outcome indicators)

What is the S-P-O indicator framework?

<h2>Structural</h2>	<p>Legal, policy and institutional framework</p>	<p>Commitment</p>	<p>Commitment to international human rights law Legislation and policies in place Institutional framework Complaint and support mechanisms Budgetary allocations</p>
<h2>Process</h2>	<p>Policy implementation, effectiveness of complaints and support systems</p>	<p>Effort</p>	<p>Policy implementation Action plans Strategies Implementation guidelines Effectiveness of complaint and support mechanisms</p>
<h2>Outcome</h2>	<p>Situation on the ground – rights realized in practice</p>	<p>Results</p>	<p>Actual awareness of rights Actual impact of policies and other measures Actual occurrence of violations Comparative data</p>

Three types of indicators

- **Structure indicators** refer to the existence of legal and policy tools that comply with EU and international standards in reference to the EU Framework on National Roma Integration Strategies
- **Process indicators** refer to the specific measures and actions (programs, projects, etc.) put in place to achieve the goals and targets of national Roma strategy by implementing the legal and policy provisions mentioned as structural tool
 - Complemented by input and output indicators*
- **Outcome or result indicators** are mostly statistical indicators (ideally) populated by ethnically-disaggregated statistics (or socio-economic proxy data in Member States where ethnic data collection is not possible) reflecting on changes in the society

How the monitoring framework can be used?

- As a tool for self-assessment
 - To improve intra-governmental cooperation
 - To inform the process of Roma inclusion making the process of implementation of the NRIS more results-oriented and thus more effective
- As a tool for communicating progress
 - Meeting their reporting obligations stemming from the Council Recommendation from December 2013
 - To improve inter-governmental cooperation and exchange of experience

Conclusions – policy monitoring

- Monitoring policy outcomes is possible but at highly aggregate level and in the long run
 - ...but policies are usually short-lived
- The problem of attribution is difficult to solve because
 - The success (or failure) of “a policy” is the sum of successes or failures of strategies, programs and programs
- Evidence and quantitative data are critical
- M&E culture across all levels of policy implementation structures is equally critical

Thank you for your attention!

Jaroslav.kling@fra.europa.eu

fra.europa.eu