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Paper submission:

**Citizenship rights, institutionalized discrimination and the availability of data  
 on the socioeconomic status of LGBs. - Answers from the LGB Data Project for the EU.**

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**Abstract**

The main aim of this paper is to illustrate how data availability and data collection on the socioeconomic status of LGBs is determined by LGBs legal recognition and social acknowledgment in EU-member states. While evaluating the availability and reviewing the quality of already existing data on the social and economic status of LGBs in the EU as well as referring to current theoretical debates on “surveying sexual orientation” this paper demonstrates how data generation is highly influenced by heteronormative structures like different forms of institutionalized discrimination against LGBs as well as homophobic stereotypes. Also partnership and non-discrimination laws have a huge impact on the generation of data concerning the socioeconomic status of LGBs (Lesbians, Gays, Bisexuals). Hence, this paper indicates linkages between citizenship rights, patterns of governmentality, institutionalized discrimination and statistical data on LGBs – its availability and modes of collection.

The mechanics of the construction of the available data and the regulatory framework enabling these data sets is a first key element of interest in this study. But our research is less focused on providing new data on the economic and social status of LGBs but is then critically discussing the establishment, availability and quality of data sets, (discriminating) implications of certain statistical methods with regard to general methodological problems and theoretical difficulties in measuring the socioeconomic status of LGBs. Hence, we situate our research within queer, feminist and deconstructivist approaches which put emphasis on the fluidity and historical/cultural/geopolitical contingency of sexual and gender identities. With reference to Michel Foucault and works on governmentality and the modern ‘invention’ of the concept of ‘population’ we want to discuss that statistics and the process of statistical sampling cannot be interpreted as a neutral or representational ‘measuring’ of certain parts of a (national) population but as a powerful tool for shaping those populations in the first place by establishing countable forms and certain knowledge about those subgroups.

Keywords: (6) Lesbian, Gay, Bisexual, statistical data, economic status of LGBs, citizenship rights

1. Introduction:

The need for data on LGBs for policy debates and informed policy analysis on for instance antidiscrimination rights, provision of benefits to same-sex couple and parental rights has already been discussed in the literature (e.g. Black et al., 2000, Herek et al., 2010). The main aim of this paper is to provide first results of our project and how data availability and data collection on the socioeconomic status of LGBs is determined by LGBs legal recognition and social acknowledgment in EU-member states. The initial impetus for the project was a request to the Austrian Statistical Institute in 2009 asking for data on same-sex-households which should have been conducted on the basis of national household surveys. We were told by the statistical institute that same-sex couples were ‘cleared’ from the data pool or that the sex of one household member is changed to make up for a heterosexual coupling situation and that therefore there was no statistical data available on same sex households. This answer made us more curious about the process of data collection and data availability on the economic and social status of LGBs in Austria as well as in other countries.

1. Design/methodology/approach:

The first step in the project was an international literature survey following a transdisciplinary approach and including connections between citizenship rights and statistical sampling ; sociological literature for instance regarding the question of ‘hidden populations’; methodological questions and problems with gathering data on LGB and existing statistical data sources and data compilations. Inspired by critical impulses from queer and governmentality studies the following research questions were posed: What data exists on LGBs and what is the quality of such data concerning the economic status of LGBs in European countries (including Austria)? What empirical evidence concerning the economic status of LGBs can be drawn from this data? What data is missing in order to comprehend the economic status of LGBs in European countries (including Austria)? Are there any connections between the availability and quality of data sets and the legal recognition and social acknowledgment of LGBs and same-sex couples in EU-member states? To what extend are data generation and statistical methods itself influenced by different forms of institutionalized discrimination against LGBs as well as homophobic stereotypes? What are therefore important methodological factors for gathering data on LGBs which need to be considered by statisticians and researchers? Should data collection on LGBs be fostered in EU countries (including Austria) in order to provide *better* data for evidence-based policy making, or is the inclusion of ‘sexual orientation’ into data collection a complex form of power and therefore a tool of governmentality?

Therefore the following focus areas could be established: Firstly, the methodological questions and problems with gathering data on LGBs (chapter 3.1); secondly the analysis of existing statistical data sources and data compilations (chapter 3.2); thirdly, linkages between legal/political frameworks and the availability and quality of data concerning LGBs (3.3.); the relevant sociopolitical topics concerning the economic status of LGB (chapter 3.4.); and lastly the question of data collection on LGBs in the context of governmentality studies (3.5.).

To provide empirical research on statistical methods concerning ‘sexual orientation’ the project team designed a questionnaire for the European Statistic Institutes and other experts. Currently the questionnaires are being distributed and information on the availability of data on LGBs in the 30 countries examined and the methodological or framing questions concerning the data generation process is starting to flow in.

Thus, this research draws on several quite diverse and often contradicting strands of literature from different fields: economics, sociology, political science and statistics; trying to link approaches which argue for an enhancement of data with a more poststructuralist and queer approach opening new fields of research. We are therefore also interested in the epistemological and ontological questions implicit in the framing and measuring of LGBs.

1. Theoretical evaluation & empirical findings
   1. Socio-political and methodological problems of data collection on LGBs

Some methodological questions have to be considered while doing empirical research on LGBs which are usually absent from research involving well known populations. First of all, from a statistical point of view LGBs can for many reasons be considered as “hidden populations” (Hackathorn, 2002, Salganik and Heckathorn, 2004), “hard to reach populations” (Faugier and Sargeant, 1997, Magnani et al., 2005) or “elusive populations” (Meyer and Wilson, 2009). Firstly, people with different sexual orientations are not differentiable, as sexual orientation is not apparent (Martinez et al., 2008).

Secondly, sexual orientation is a highly fluid individual, collective and political phenomenon, “a multifaceted construct” (see Herek et al., 2010, 177). In this regard on the one hand definitions of sexual orientation (e.g. sexual orientation as sexual behavior or as form of identity - Herek et al., 2010, 177) and the labeling of sexual orientations (lesbian, gay, bisexual, heterosexual etc.) highlight socio-economic power relations which have a strong impact on the operationalization of sexual orientation in empirical research and statistical data collection. On the other hand sexual orientation in terms of sexual behavior or the identity as e.g. “lesbian”, “gay man” or “bisexual women” can change during the life time and therefore influences the self-identification of LGBs in surveys and other data collections.

Thirdly, sexuality and sexual orientation are in most cultures considered as private matter or a “sensitive topic” (UNECE 2006, §510). Due to socio-cultural norms and values, people are often not asked questions on sexual orientation or would not answer such questions. This is especially true for LGBs in heteronormative shaped societies, as they have much to lose from disclosing their sexual orientation (Meyer and Wilson, 2009).

Therefore, the lack of (social) visibility of LGBs, issues of defining the population (Meyer and Wilson, 2009) of LGBs and of operationalization informed by socio-political power relations have to be considered as core problems in data collecting (Aspinall, 2009). On the methodological level the invisibility and heteronormative exclusion of LGBs result in limitations of standard sampling and estimation techniques in the empirical work (research projects) and in statistical procedures like these of EU member states and the EU as a whole. For example, probability sampling cannot avoid all sampling biases, like differential response rates among different subgroups (lesbians, gays, bisexuals) (Meyer and Wilson, 2009, 25) and the need of self-identification of LGBs. Hence, the fact of stigmatization of LGBs leads often to small numbers of self-identified lesbians, gays and bisexuals which makes extensive analysis difficult (Herek et al., 2010, 178) and any generalization may therefore be a problematic endeavor.

As a consequence of these problems or because of the core purpose and questions of a study non-probability methods of data collection such as convenience sampling (respondent-driven sampling) in communities are often used (Salganik and Heckathorn, 2004). These kinds of sampling methods also suffer from various biases. For example, in non-probability samples multiple inclusion and exclusion patterns of individuals cannot be controlled (in a statistical sense) (e.g. social distance, some individuals have a greater likelihood of being targeted than others).

During the last decades some literature has been provided on these methodological problems (Lee, 1993, Heckathorn, 2002, Salganik and Heckathorn, 2004, Herek et al., 2010). Due to the importance of statistical data as a powerful policy tool (Colgan et al., 2007, Equality and Human Rights Commission, 2009) the consequences of homophobic and potentially stigmatizing wording, labeling and definitions (Brackertz, 2007) as well as sampling biases to the research results such as misleading further research, policymakers and practitioners (Meyer and Wilson, 2009) have to be considered. We have also to emphasize the ambivalences and problematic implications of data collection of LGBs regarding re-stereotyping, homogenizing and normalization patterns according heteronormative structures (see 3.5). To sum up, the statistical ‘identification’ of LGBs is highly dependent on sociocultural norms, political frameworks and language as well as on the ‘willingness’ of the subjects to comply with these norms and identify themselves along those classification systems.

**Relevant questions concerning these issues in the questionnaire are:**

The questions can be answered with strongly agree/agree/strongly disagree/disagree/undecided:

* lesbians and gays are reluctant about disclosing their identities in surveys
* it is hard to establish information on LGBs due to missing indicators and questions in surveys
* we have experienced a number of specific methodological questions raised by ‘hidden populations’
* we have experienced limitations of non-random methods of data collection such as snowball sampling
* social visibility can be identified as the core problem in LGB research
* due to issues such as social distance, some LGB individuals have a greater likelihood of being targeted than others, which may lead to biased outcomes
* due to discrimination methods of sampling (personal, per phone, online…) lead to different outcomes especially with research on LGBs
* a small sample size leads to too few observations to get representative results for the LGB population
  1. Analyzing existing statistical data sources and data compilations

In the US there is for European standards a surprising wealth of data available and organized on LGBs, (see: www.gaydata.org) while European research is centered mostly in the UK. Possible data sources are mainly household surveys (HBSs, household budged survey) and the EU SILC (EU Statistics on Income and Living Conditions). Data based on couples is household data; data from health, social life or education surveys or other general public surveys. Community based surveys ("convenience sampling") is usually hindered by the caveats described in chapter 3.1.

One institutional problem with the availability of data in the European context can be seen already in the "United Nations Economic Commission for Europe" (UNECE)'s: "Recommendations for the 2010 Censuses of Population and Housing". While the family nucleus is described in a non heteronormative way as

…two or more persons who live in the same household and who are related as husband and wife, as cohabiting partners, as a marital (registered) same-sex couple, or as parent and child. (UNECE 2006, §493)

The difficulty stems firstly from countries' different legal situations:

Some countries may wish to collect and disseminate data on same-sex partnerships. In some countries, same-sex couples can have their partnership registered. In other countries, two persons of the same sex can legally marry each other. Data needs can arise resulting from the increasing legal recognition of such unions, or on the importance of same-sex cohabiting partners who are not married/registered. In such cases, information on same-sex partnership can be derived by adding specific categories for same-sex partners (distinct from the categories for opposite-sex partners) to the relationship to the reference person question […] or the household relationship matrix. (UNECE 2006, §502).

More importantly are though secondly the non-binding recommendations to statistics on LGBs:

…a thorough testing program (both cognitive and quantitative) [is suggested to] be conducted prior to introducing such a sensitive topic on the census questionnaire.(UNECE 2006, §510)

Therefore national practices within EU countries remain linked to a) national legislation, b) the decision of politicians and the national statistics institutions and c) the technicalities set to include these data. A first result from one of this project’s questionnaires provides an exemplary answer from the national statistics institute of the Slovak Republic:

We would like to inform you that the Statistical Office of the Slovak Republic does not survey data on Lesbians, Gays and Bisexuals. There is not in plan to collect mentioned data in the near future.

Practice in questioning on sexuality is highly inconsistent even in data supposedly comparable across the EU. Only in few countries (e.g. the UK) people are asked a sexual identity question if they take part in Household Surveys. Generally, in household surveys (such as EU-SILC) people indicate their relationship to every household member. Thus, cohabiting and married same-sex couples can be identified. Eurostat advises to treat registered same-sex couples as married couples and treat children in same-sex partnerships the same way than in heterosexual couples. However, each country can handle this differently, and the problems might arise from plausibility checks, as was indicated for the case of Austria in the introduction to this paper. For the case of the Austrian census the situation is for instance still not very satisfying, although legal partnership for lesbians and gays has been available since January 1st 2010. In the year 2010 705 couples were registered. Austrian census data allows identifying these couples as „married“, but no separate count from heterosexual married couples is possible. Also, non-registered partnerships are not counted, because due to statistic error and data protection, same sex couples which are not registered are re-coded to non-related persons. (Familien- und Haushaltsstatistik 2010, 17). These follows the observations by Purdam et al. that statistical data mining and data analysis are influenced by discriminatory stereotypes on LGBs and that it is a common practice that same-sex households are not counted as same sex households but treated as housemates while opposite sex respondents living in the same house are treated as cohabiting (Purdam et al., 2008).

Table 1 provides an overview of the LGB data accounted for in the EU SILC 2009. This data is not separated according to sex, legal status or the prevalence of children in the partnership. Still it becomes visible, that percentages of LGB couples in the population range from 1 % in the Netherlands to surprisingly low 0,3-0,2 % in the Scandinavian countries and to 0 % in 12 other member states. Part of this project aims at specifying these data, Eurostat has already granted access to the data.

**Table 1: LGB couples in the EU SILC 2009**

|  |  |  |  |
| --- | --- | --- | --- |
|  | total number of couples | same sex couples | % of same sex couples |
| NL | 6430 | 62 | 1,0 |
| BE | 3695 | 26 | 0,7 |
| FR | 6620 | 40 | 0,6 |
| DE | 8120 | 49 | 0,6 |
| NO | 3733 | 18 | 0,5 |
| UK | 4973 | 18 | 0,4 |
| IE | 2800 | 9 | 0,3 |
| AT | 3466 | 10 | 0,3 |
| IS | 2178 | 6 | 0,3 |
| LU | 2954 | 8 | 0,3 |
| SE | 4911 | 13 | 0,3 |
| DK | 4332 | 10 | 0,2 |
| FI | 7140 | 15 | 0,2 |
| ES | 9472 | 19 | 0,2 |
| CZ | 5973 | 7 | 0,1 |
| MT | 2567 | 3 | 0,1 |
| GR | 4771 | 1 | 0,0 |
| HU | 5882 | 1 | 0,0 |
| SI | 7686 | 1 | 0,0 |
| PL | 9699 | 1 | 0,0 |
| BG | 4030 | 0 | 0,0 |
| EE | 3235 | 0 | 0,0 |
| IT | 12840 | 0 | 0,0 |
| CY | 2387 | 0 | 0,0 |
| LV | 3134 | 0 | 0,0 |
| LT | 3378 | 0 | 0,0 |
| RO | 4819 | 0 | 0,0 |
| SK | 3824 | 0 | 0,0 |

Source: EU SILC 2009

Due to these facts a major part of the projects’ questionnaire is concerned with analyzing existing statistical data sources and data compilations, there are questions regarding (1) data collection, (2) data processing and (3) the availability of data sets.

(1) One set of questions concerns the mentioned national practice in surveying LGBs in national statistics, these are the relevant questions, which can be answered with strongly agree/agree/strongly disagree/disagree/undecided:

* on average, lesbian and gay data have so far been a taboo subject of marginal interest.
* statistics institutions have recently been assigned by official authorities to collect data on lesbians and gays
* same-sex-partnerships are considered „families“
* official authorities are committed to research on LGBs
* the national statistics institute has started campaigns to increase disclosure of lesbians and gays in official surveys (In 2010 for instance the U.S. Census Bureau was encouraging same-sex couples to participate in the decennial count by advertising in LGBT publications and hosting town hall meetings.)

(2) Another set of questions regards the data processing, where we ask again with a 5-fold answering option:

* due to a high probability of statistic error and data protection, same sex couples are re-coded to non- related persons in some surveys
* due to a high probability of statistic error and data protection, same sex couples are re-coded to different sex couples (male/female) in some surveys

(3) Thirdly we ask in great detail about data on the LGB population in the EURO SILC, Household Budget Surveys and the national census. We inquire the precise wording of the questions on marital and cohabitation status with English translations and whether there is a procedure of data cleaning following up on the gathered data. (For example concerning the sex of one of the partners, the nature of their relationship or the selected legal status.)

Finally some open questions are aiming at finding out whether there are some international or private or governmental surveys specifically reporting on lesbian and gay individuals available for each specific country, which we have not been able to consider.

* 1. Linkages between legal/political frameworks and the availability and quality of data concerning LGBs

If and to what extend sexual orientation/same-sex couples (or same-sex households) are included to national surveys and how already collected data on LGBs (e.g. same-sex households) are carried out depends on their legal status and social acknowledgment. Partnership laws can be particularly identified as one of the most important factors in considering sexual orientation/same-sex couples (or same-sex households) in national statistical surveys. First results and experiences with distributing our questionnaires to national statistical Institutes have also shown that it is more likely to get a response from those National Statistical Institutes which are situated in countries which have already implemented partnership laws for LGBs and/or have been establishing anti-discrimination laws. It can be analyzed that for instance some European countries changed their methods of data collecting not until the implementation of partnership laws (e.g. in Austria). Also legal definitions of what counts as a family have an important impact on data collection and how same sex households or couples are treated within the data mining process. Thus, the availability and quality of data reflects the citizenship status of LGBs in different European countries.

Political and legal frameworks have also an huge impact if and how people identify themselves as LGBs in a surveying setting; continued, actual or perceived threat of discrimination/harassment leads to mistrust and suspicion regarding how the data will be used and a belief that no improvements will result from surveys (Aspinall, 2009, 1).

However, as it was already examined in sections 3.1. and 3.2, statistical methods and the framing of surveys itself are highly dependent on the legal status and social acknowledgment of LGBs. Purdam et al. (2008) point also to the problematic of different (political) motivations behind collecting data on LGBs/sexual orientation raising concern to questions of (homophobic) political intentions of some surveys which are including questions on sexual orientation/same-sex activities. Data on sexual orientation (or same sex activities) is therefore not always a sign of ‘progress’ but can be part of homophobic political and legal frameworks (see 3.5). For that reason our questionnaire also includes inquires on the legal status for same sex couples and questions regarding the wording in national surveys (see also 3.1) MSM; other) in order to be able to contextualize the answers and provided data within the legal and political frameworks of each country.

* 1. The economic status of LGBs

An important part of the creation of data on LGBs is finally the analysis of the data according to various socio-economic factors. Albelda et al. (2005) have for instance looked into the results of the 2005 US census and found that the myth of the pink dollars flocking towards gay males does not hold. Gay men are poorer than heterosexual men, lesbians are poorer then gay men and African American lesbians are poorer than lesbians with white European backgrounds. LGB households with children are worse off than the ones without. In 2009 Albelda et al. specifically researched poverty in LGB communities and found that gay and lesbian couple families are significantly more likely to be poor than heterosexual married couple families. Especially lesbian couples and their families, children in gay and lesbian couple households, African American people in same-sex couples and same-sex couples who live in rural areas are much more likely to be poor. Badgett (2008) has also looked into the role of economic factors for the formation of lesbian and gay domestic partnerships and found only limited evidence of economic motivations in the choice to register. Gay men’s likelihood of registration rises with income; lesbians’ probability of registration rises with age. In a later study (2010) Badgett found that studies on same-sex couples suggest that they are quite similar to different-sex couples in both the economic and social needs that lead them to marry.

For European countries such investigations have not been published in a comprehensive manner. While there is some evidence on incidences of discrimination on the labor market (see e.g. Badgett and Frank, 2007; Carpenter, 2008; Frank, 2006; Longhi and Platt, 2008; Plug and Berghout, 2008; Weichselbaumer, 2002 and 2003), parts of this project are first attempts with the Euro SILC data and the search for other suitable and comparable national data for a more comprehensive analysis.

Therefore, in the questionnaire we have also included an open question, asking whether there is an awareness of specific (international), national or regional surveys (representative or non- representative) which provide data on the living conditions (e.g. income, social status, education, discrimination, poverty, health, cohabitation/partnership status, or ethnic/national background) of the lesbian, gay and bisexual population in each individual country.

* 1. Statistical data on LGBs as a tool of governmentality

LGBT- and human rights organizations, the FRA as well as some researchers within the field of LGBT Studies are recently immersed with the importance of statistical data on the social, legal and economic status of LGBs emphasizing that “it is only with robust evidence that the social justice agenda in relation to GLB citizens” can make any progress (Purdam et al., 2008, 127.). Even though we agree on the importance of statistical data as a powerful tool in the struggle for anti-discrimination laws supporting evidence based policies our research projects wants to lay emphasis on the ambivalences and problematic implications of data sampling and data mining of LGBs particularly referring to Michel Foucault and his governmentality studies as well as queer/poststructuralist accounts on the construction of (normalized) sexual identities through statistical procedures (see Brown and Knopp, 2006; Sokhi-Bulley, 2011; Ruppert, 2011).

According to Foucault and his works on the ‘invention’ of the concept of the ‘population’ within the creation of modern nation states the process of statistical sampling cannot be interpreted as a neutral or representational ‘measuring’ of certain parts of the (national) population, but as a bio-political “tool of governmentality” (Sokhi-Bulley, 2011). Governmentality refers to an “ensemble formed by the institutions, procedures, analyses, reflections, calculations and tactics that allow the exercise of this very specific albeit complex form of power” (Foucault, 2007, 219f.). Statistics therefore can be interpreted as “a set of technological knowledge” (Foucault, 2007, 274) by creating and assembling abstract categories shaping subjects into “forms that are calculable and able to be regulated” (Sokhi-Bulley, 2011, 141). Identifying, categorizing and recognizing LGBs as legible members of a population and measure for example their economic status thus cannot be interpreted as a ‘neutral’ process of “uncloseting” or making LGBs visible through ‘improved’ statistical procedures, but as a specific “tool of governmentality”. With the production of knowledge to ‘identify’ people as gay/lesbian/bisexual (e.g. sex of cohabitation partner; sex of spouse) they are being transformed into governable subjects. Hence, the gay/lesbian/bisexual “data subject“ is “not always and already there awaiting identification” but rather is produced by particular statistical practices (Ruppert, 2011, 224). According to queer accounts on the construction of sexual and gender identities/categories the inclusion of LGBs/sexual orientation into statistical procedures therefore also entails the danger of re-establishing, re-essentializing and homogenizing sexual/gender categories along heteronormative principles.

Critical analyses of the inclusion of LGBs into data collection have therefore not only to deal with ‘technical’ questions of methodology but with the whole process of how LGBs are identified or identify themselves in the data collection procedures. The statistical ‘identification’ of LGBs is therefore highly dependent on sociocultural norms, political frameworks and language as well as on the ‘willingness’ of the subjects to comply with these norms and identify themselves along those classification systems (Ruppert, 2011). Statistics are therefore (only) a ‘mediated’ truth, because subjects

…draw from a repertoire that includes categories circulated in news media, everyday contexts, legal and institutional settings and so on that contributes to their ability to render the event interpretable […]. The same can be said of technologies such as data mining, which are based on sociotechnical configurations that involve data analysts and computer algorithms that are also overflowed. […] Techniques such as data mining are thus part of long chains of interactions with actors such as data analysts whose judgments can influence outcomes. (Ruppert, 2011, 227).

‘Statistical visibility’ is therefore not always connected to ‘liberation’ or progression but more ambivalent in its effect and intention. For this reason data sets on LGBs have to be analyzed in context of those multiple socio-technical arrangements and epistemological, ontological, and political presumptions that make the ‘identification’ of LGBs as a ‘new’ population possible. In sum, our research project wants to point to these ambivalent implications and complexities of data mining. In doing so data collection on LGBs becomes a more complicated and complex subject than most of the current discussions suggest.

1. Conclusions

As this paper is only a first collection of findings of an ongoing project, final conclusions can only be expected at the end of the project's life time. Nevertheless the topic of data concerning LGBs has so far proven to be a highly fascinating issue with multiple aspects of interest. We are looking forward to presenting an overview of practices on data collection and data warehousing in the European countries. Our thoughts on governmentality and the use and abuse of data will be complementing the findings. If possible we are hoping to also produce some usages of our own, including statements about the economic status of LGBs in comparison to other subsets of the population.

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