

FRA RESEARCH METHODOLOGY: DELIVERING EVIDENCE-BASED ADVICE

Background

The **European Union Agency for Fundamental Rights (FRA)** is tasked with **providing ‘assistance and expertise’** to the European Union (EU) and its Member States to support them ‘to fully respect fundamental rights’ when implementing EU law. This takes the form of delivering expert advice **based on ‘objective, reliable and comparable information and data’** that the Agency collects and analyses (Regulation No. 168/2007 establishing a European Union Agency for Fundamental Rights).

The FRA’s research typically covers all EU Member States but is sometimes limited to selected Member States where a topic is not of relevance to all States, when testing new research, or where resources are limited. This provides a comparative analysis that identifies existing challenges and promising practices on specific themes across the EU. Exceptionally, the Agency may report on an urgent fundamental rights situation in one Member State where this falls within its mandate and where the situation has an impact on the EU. The FRA may also be requested by the EU institutions to deliver a fundamental rights analysis of legislative proposals. As an example see: FRA, *Opinion on the draft Directive regarding the European Investigation Order, 2011*.

Based on its research evidence, the FRA develops ‘conclusions and opinions’ that support EU institutions and Member States when they develop and implement legislation and policy to improve respect for fundamental rights.

How does the FRA select topics for research?

The areas of work for the FRA are defined by:

- The Agency’s Multi-annual Framework (MAF), which covers a five year period, and is adopted by the Council of the European Union.
- In consultation with key stakeholders, an Annual Work Programme (AWP) outlining specific projects is then adopted by the Agency’s Management Board.
- Key stakeholders are also consulted over the elaboration and implementation of individual projects to ensure that they are tailored to meet identified policy needs and concrete challenges on the ground.

At the request of an EU institution, the FRA may work on a specific area outside the scope of its MAF areas.

How does the FRA gather data?

The FRA uses a variety of data collection methodologies, selected as appropriate by the Agency’s expert staff, depending on the nature of the issues being examined.

Two sides of the same coin: legal and social research

The FRA collects information about the protection of fundamental rights in the legal framework of the Member States through experts at country level. Sources of information include legislative instruments, court judgments, and academic commentary. As an example see: FRA, *Access to justice in Europe: an overview of challenges and opportunities, 2011*.

Although **legal analysis** provides an overview of the formal legal situation, it does not usually reflect the realities on the ground. For example, the existence of legislation prohibiting discrimination has not been able to ensure that discrimination is always addressed effectively. For instance, victims often avoid reporting incidents of discrimination.

To complement the legal analysis, data on the day-to-day experiences of individuals on the ground is collected through **social research**. It is either based on fieldwork that generates primary data, or on an analysis of existing secondary data.

Primary data is information collected directly from first-hand experience, through, for example, interviews or surveys. The FRA collects primary data through fieldwork.

Secondary data is information that has already been collected or published by others, such as official statistics, and reports and publications on research findings by academic institutions, NGOs and international organisations.

Existing secondary data are rarely comparable between Member States because several differences usually exist in relation to: the way that subject areas are delineated, how and when data is collected and reported, and the concepts and definitions used.

Because secondary sources cannot usually be compared between Member States, the FRA also collects its own primary data by engaging directly in fieldwork research through quantitative and/or qualitative surveys. Surveys are designed and drafted by FRA staff, allowing for greater comparison of results between Member States. They can be based on face-to-face interviews or online surveys.

Quantitative surveys are large-scale surveys that map the scale and nature of particular fundamental rights issues, as experienced by people on the ground. Such surveys produce comparable data, for example on experiences of discrimination. They typically ask a series of detailed questions about the characteristics of incidents and if people reported them, or why they did not report them, and how people were treated when reporting. Quantitative surveys may also collect data about the characteristics of respondents to be able to compare results; for example, by gender, age, education and occupation. This information is collected and reported anonymously to ensure privacy and to encourage people to take part in the surveys. As an example see: FRA, *EU-MIDIS technical report: Methodology, sampling and fieldwork, 2009*.

Qualitative research includes in-depth interviews, as well as the use of focus group discussions. These methods allow for more detailed responses and the greater contextualisation of research findings. As an example see: FRA, *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States, 2011*

Because the Agency is often working in areas where there has been little comparable research, it is developing and implementing state of the art sampling and research methodologies.

The FRA provides comparable and robust data and analysis based on state of the art research methodologies.

How does the FRA analyse data?

Primary data collected by the FRA is analysed in a number of ways. For example, quantitative research analysis could include using tests of probability to determine whether certain results are occurring by chance or not. This allows the Agency's experts to determine whether research findings can be interpreted as objective readings of a situation.

On the basis of the information collected on the legal and social situation the FRA identifies examples of promising practice as well as areas where progress is needed in order to meet internationally accepted standards on fundamental rights. These standards are found in the Charter of Fundamental Rights, which contains a list of rights that are binding for the EU and its Member States when interpreting and applying EU law. However, reference is also made to treaties and non-legally binding instruments of the Council of Europe and the United Nations.

To accompany its findings the Agency formulates 'conclusions and opinions', including suggestions on how improvements could be made.

How does the FRA guarantee that its research is scientifically sound?

The scientific quality of the FRA's work is guaranteed throughout the research process:

- Where the FRA works together with contractors, these are selected through a rigorous quality assurance procedure.
- Analysis of data and compilation of the Agency's final reports is carried out by FRA research experts who also monitor the progress and quality of research while it is being carried out.
- Each report is then checked for quality and consistency through an internal peer review process.
- Finally, there is a quality check by one of the Agency's bodies, the Scientific Committee. It is composed of eleven highly qualified independent experts in the field of fundamental rights from across the EU. They are selected by the Management Board based on the opinion of the European Parliament.