

## **ANNEX A.1**

### **TECHNICAL SPECIFICATIONS**

#### **D-SE-18-T07**

**“2<sup>nd</sup> wave of the European Union Survey on discrimination and victimisation of Lesbian, Gay, Bisexual, Trans and Inter-sex Persons” (EU-LGBTI II Survey) - RELAUNCH**

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# TECHNICAL SPECIFICATIONS

## 1. Introduction

### 1.1 *Objective*

The objective of these Technical Specifications is to provide the tenderer(s) with all the necessary information that will allow them to implement the project.

### 1.2 *Title of the contract*

The title of the contract is “**European Union Survey on discrimination and victimisation of Lesbian, Gay, Bisexual, Trans and Intersex Persons**” (EU-LGBTI II Survey)”.

### 1.3 *Contracting Authority*

The contracting authority is the European Union Agency for Fundamental Rights (hereinafter referred to as the FRA or the Agency). The Agency was established by Council Regulation No 168/2007<sup>1</sup> on 15 February 2007. Its objective is to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights. In order to achieve this objective the Agency is required to perform a number of tasks, including data collection and research, and comparative data collection in the form of survey research.

## 2. Background information

### 2.1 *FRA mandate and data collection*

The objective of the Agency, according to Article 2 of Council Regulation 168/2007, is to provide the relevant institutions, bodies, offices and agencies of the EU and its countries with assistance and expertise relating to fundamental rights. To meet this objective, the regulation empowers the Agency to collect, analyse and disseminate relevant, objective, reliable and comparable information and data, and to carry out scientific research and surveys.

In order to fulfil its objectives FRA conducts research collecting relevant primary and secondary data and contextual information from EU countries, and analyses them comparatively in order to develop policy relevant reports addressed primarily to its main stakeholders – EU institutions and countries. The Agency collects available secondary source data and material on the situation of fundamental rights in the EU and, where relevant, utilises its own contracted research networks for this.

Where there is a lack of comprehensive and comparable EU-wide data from secondary sources (such as government statistics and existing survey research), the Agency undertakes its own primary data collection based on fieldwork – both quantitative and qualitative.

At all stages of a project, the Agency works closely with contractors in respect of project development and oversight.

The Agency undertakes research and data collection in line with policy priorities and by noting data gaps where Agency’s research would have an added value. In order to make up for the absence of official data and to document the situation with respect to various rights and population groups, FRA has carried out several projects to collect primary survey data.

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<sup>1</sup> Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights

### 2.1.1 FRA online surveys

Survey: The EU LGBT Survey I (2012)

In light of a lack of comparable data on the respect, protection and fulfilment of the fundamental rights of lesbian, gay, bisexual and trans (LGBT) persons, FRA launched in 2012 its European Union (EU) online survey of LGBT persons' experiences of discrimination, violence and harassment.<sup>2</sup> Through an open online questionnaire, the survey collected data from 93,079 self-identifying lesbian, gay, bisexual and trans persons aged 18 years and above, across the EU and Croatia, who were internet users, were informed about the survey and decided to participate in it.

The survey results provide valuable evidence of how LGBT persons in the EU experience bias-motivated discrimination, violence and harassment in different areas of life, including employment, education, healthcare, housing and other services.

The survey results were presented in the following publications:

- [EU LGBT survey - European Union lesbian, gay, bisexual and trans survey - Main results<sup>3</sup>](#)
- [EU LGBT survey - European Union lesbian, gay, bisexual and trans survey - Results at a glance<sup>4</sup>](#)
- [Being Trans in the EU - Comparative analysis of the EU LGBT survey data<sup>5</sup>](#)  
The survey's technical report presents its technical and methodological challenges and how they were addressed:  
[EU LGBT survey - Technical report<sup>6</sup>](#)
- The LGBT survey data explorer was the first online data visualisation providing full access and capacity of comparative search of the dataset of a FRA survey:  
[LGBT Survey data explorer](#)

Survey: Discrimination and hate crime against Jews (2012)

The lack of robust and comparable data on antisemitism in the EU is such that policy makers across the EU can often only base their decisions on patchy evidence, which limits their capacity to counter antisemitism effectively. The 2012 FRA online survey was the first-ever to collect comparable data on Jewish people's experiences and perceptions of antisemitism, hate-motivated crime and discrimination across a number of EU Member States: Belgium, France, Germany, Hungary, Italy, Latvia, Sweden and the United Kingdom. The results report 'Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism'<sup>7</sup>, published in 2013, reveals a worrying level of discrimination, particularly in employment and education, a widespread fear of victimisation and heightening concern about antisemitism online.

The second wave of this survey is currently ongoing (2018).

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<sup>2</sup> [http://fra.europa.eu/en/publication/2014/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-trans-survey-main\\_file:///C:/Users/beresvi/Downloads/eu-lgbt-survey-technical-report\\_en%20\(1\).pdf](http://fra.europa.eu/en/publication/2014/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-trans-survey-main_file:///C:/Users/beresvi/Downloads/eu-lgbt-survey-technical-report_en%20(1).pdf)

<sup>3</sup> <http://fra.europa.eu/en/publication/2014/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-trans-survey-main>

<sup>4</sup> <http://fra.europa.eu/en/publication/2013/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-trans-survey-results>

<sup>5</sup> <http://fra.europa.eu/en/publication/2014/being-trans-eu-comparative-analysis-eu-lgbt-survey-data>

<sup>6</sup> [https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf)

<sup>7</sup> [http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2013-discrimination-hate-crime-against-jews-eu-member-states-0_en.pdf)

### **2.1.2 FRA work on discrimination against and victimisation of LGBTI persons**

In 2007 the European Union Agency for Fundamental Rights (FRA) was requested by the European Parliament to collect data on discrimination against lesbian, gay, bisexual, and trans persons and the situation regarding homophobia in the EU. In 2008, FRA published a first report on the legal situation with respect to the legislation concerning LGBT, and in 2009 a second report looked at the social situation based on a review of secondary data, including the results of academic research. In 2010, FRA updated its comparative legal analysis:

- [Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU – Comparative legal analysis – Update 2015<sup>8</sup>](#)

Following calls from the European Parliament, the European Commission asked FRA in 2010 to collect comparable survey data on hate crime and discrimination against LGBT persons in all EU Member States and Croatia. In response to this request, FRA developed the 'European Union survey on discrimination and victimisation of lesbian, gay, bisexual and trans persons', which was launched online on 2 April 2012 and ran until 15 July 2012.

In addition to this large scale online survey the Agency conducted large scale qualitative research about the views and experiences of public officials and key professional groups in the areas of public equalities policies, education, health and law enforcement.

The results were published in 2016 and contributed further to relevant policy making at EU and national level:

- [Professionally speaking: challenges to achieving equality for LGBT people<sup>9</sup>](#)

FRA looked into the rights of intersex people in 2015 publishing a paper, where it reported on obstacles that stand in the way of the recognition of their fundamental rights.

The Agency also provided insights on the legal protection of LGBTI persons as asylum seekers in the EU:

- [Current migration situation in the EU: Lesbian, gay, bisexual, trans and intersex asylum seekers<sup>10</sup>](#)

Overall, FRA research has revealed how LGBTI people face discrimination across all areas of life, and how they are vulnerable to verbal and physical attacks, choosing to remain largely invisible out of fear of negative consequences. The 2012 survey, the largest of its kind, collected comparable data from across the EU on LGBT people's experiences of hate crime and discrimination for the first time, as well as their level of awareness about their rights. The survey results were published in May 2013 and gave an indication of the extent of the challenges many LGBT people face across the EU.

### **Findings on discrimination and victimisation**

FRA's reports show that the current social situation for lesbian, gay, bisexual, trans and intersex (LGBTI) persons in the European Union remains difficult. According to the evidence provided in FRA reports, LGBTI persons experience discrimination, bullying and harassment throughout the EU. This often takes the form of demeaning statements, name-calling and insults or the use of abusive language, but also verbal and physical attacks. Key issues addressed in the

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<sup>8</sup> <http://fra.europa.eu/en/publication/2015/lgbti-comparative-legal-update-2015>

<sup>9</sup> <http://fra.europa.eu/en/publication/2016/professional-views-lgbt-equality>

<sup>10</sup> <http://fra.europa.eu/en/publication/2017/march-monthly-migration-focus-lgbti>

Agency's reports have included hate crime and hate speech, discrimination in the workplace, bullying and harassment in education.

### **Data availability**

FRA's surveys, research and reports fill the gap in robust and comparable data on discrimination against and victimisation of LGBTI persons, especially in the area of employment and training, where the Equality in Employment Directive EC/79/2000 prohibits any discrimination on grounds of sexual orientation while the Gender Equality Directive (recast), prohibits discrimination on the grounds of sex in the field of employment, explicitly relating to trans persons.<sup>11</sup> Trans persons who do not want or cannot undergo gender reassignment surgery are, however, *still unprotected* from discrimination based on their gender identity (in the FRA 2012 survey this concerned approximately half of the trans respondents).

## **2.2 The EU perspective - Advancing LGBTI rights in the EU**

In December 2015 the European Commission published a **list of actions to advance equality for lesbian, gay, bisexual, trans and intersex (LGBTI)**. This list covers the period 2016–2019, and includes improving rights and ensuring legal protection of LGBTI people and their families, as well as monitoring and enforcing existing rights among its objectives. This list highlights areas in which the European Commission will take action: anti-discrimination policy, freedom of movement for LGBTI families, workplace diversity, enlargement and foreign policy. The European Commission will cooperate with FRA, EIGE and other EU agencies in implementing actions in these areas.

The EU's commitment to promoting the fundamental rights of LGBTI persons is evidenced in **Council conclusions issued in June 2016** in response to the list of actions to advance LGBTI equality published by the European Commission in December 2015.<sup>12</sup> The Council called on the Commission "to step up efforts in the field[s] of comparative data collection on the discrimination of LGBTI persons in the EU", awareness raising and under-reporting of incidents of discrimination. It called specifically on FRA to compile statistics on the situation of LGBTI persons, such as those collected through the agency's EU-wide lesbian, gay, bisexual and trans survey.<sup>13</sup>

The **European Parliament also called, in December 2016**, on the Commission and EU agencies to collect data and information on violations of the fundamental rights of LGBTI persons, and encouraged Member States to inform them of their rights.<sup>14</sup>

In 2017, several EU Member States aligned the civil status of same-sex couples to that of married couples (Austria, Finland, Germany, Ireland, Malta), although sometimes with limitations as regards adoption or assisted procreation (Slovenia). Marriage became gender

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<sup>11</sup> Gender Equality Directive (recast) 2006/54/EC, 5 July 2006, Recital 3: "in view of its purpose and the nature of the rights which it seeks to safeguard, it also applies to discrimination arising from the gender reassignment of a person".

<sup>12</sup> Council of the European Union (2016), Response to the Commission's List of Actions to Advance LGBTI equality: Council Conclusions. <http://data.consilium.europa.eu/doc/document/ST-10417-2016-INIT/en/pdf>; For more information on the European Commission's list of actions, see European Commission, List of Actions by the Commission to Advance LGBTI Equality; [http://ec.europa.eu/justice/discrimination/files/lgbti\\_actionlist\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/lgbti_actionlist_en.pdf)

<sup>13</sup> For more information on this survey, see FRA (2014), EU LGBT Survey – European Union Lesbian, Gay, Bisexual and Trans Survey – Main Results. <http://fra.europa.eu/en/publication/2014/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-trans-survey-main>.

<sup>14</sup> European Parliament (2016), European Parliament resolution of 13 December 2016 on the situation of fundamental rights in the European Union in 2015. <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2016-0485&format=XML&language=EN>

neutral in Malta, when an amended marriage act came into force in September.<sup>15</sup> Similarly, an act on the right for same-sex couples to marry came into force in Germany in October.<sup>16</sup> The constitutional court in Austria ruled in December that existing legislation that prevents same-sex couples from getting married is discriminatory and thus it will be annulled on 31 December 2018.<sup>17</sup>

### 2.2.1 Discrimination

The principle of equal treatment constitutes a fundamental value of the European Union: Article 21 of the Charter of Fundamental Rights prohibits any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

The Treaty on the Functioning of the European Union makes it imperative for the EU to combat discrimination on grounds of sexual orientation in defining and implementing its policies and activities. Furthermore, it confers to the Council of the EU the power to take specific action to combat it.

Specifically, Directive 2000/78/EC lays down “a general framework for combating discrimination and harassment [...] as regards employment and occupation, with a view to putting into effect in the countries the principle of equal treatment”. It conceives discrimination as a multi-faceted phenomenon and offers various definitions.

Council Directive 2000/78/EC “establishing a general framework for equal treatment in employment and occupation” defines in Article 2(a) as direct discrimination the situation in which:

*“one person is treated less favourably than another is, has been or would be treated in a comparable situation, on any of the grounds referred to in Article 1 [religion or belief, disability, age or sexual orientation].”*

Article 2(b) defines as indirect discrimination, a situation in which *“an apparently neutral provision, criterion or practice would put persons having a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons”*.

Article 3 defines harassment as *“a form of discrimination [...] when unwanted conduct related to any of the grounds [...] takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating, or offensive environment. [...]”*

Finally, Article 4 defines an *“Instruction to discriminate”*, as discrimination.

A proposed European anti-discrimination (so-called horizontal directive) would outlaw discrimination in the areas of social protection, social advantages, education and access to supply of goods, on the basis of religious belief, disability, age, and sexual orientation, therefore expanding the current range of protected grounds. However, the directive has been stalled in the Council, despite strong support from the European Parliament.

According to **CJEU case-law** based on the [Employment Equality Framework Directive](#), employees in a civil partnership with a same-sex partner must be granted the same benefits as

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<sup>15</sup> Marriage Act and Other Laws (Amendment Act) 2017, Commencement Notice, L.N. 212 of 2017, available at <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28624&l=1>.

<sup>16</sup> Germany, Act on the Right for Same-sex Couples to Marry (*Gesetz zur Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts*), 20 July 2017, available at: [www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBl&jumpTo=bgbl117s2787.pdf](http://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&jumpTo=bgbl117s2787.pdf).

<sup>17</sup> Austria, Verfassungsgerichtshof (2017), *Unterscheidung zwischen Ehe und eingetragener Partnerschaft verletzt Diskriminierungsverbot*, available at: [www.vfgh.gv.at/medien/Ehe\\_fuer\\_gleichgeschlechtliche\\_Paare.de.php](http://www.vfgh.gv.at/medien/Ehe_fuer_gleichgeschlechtliche_Paare.de.php).



those granted to their colleagues upon their marriage, where marriage is not possible for same-sex couples (*Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen* (C-267/06, 2008, *Frédéric Hay v. Crédit agricole mutuel* (C-267/12, 2013)).

However, the limitation of the non-discrimination directives in cases of **multiple discrimination** could be seen in CJEU judgment in *Parris v. Trinity College Dublin and others*<sup>18</sup>. The Court ruled that if a measure is not capable of creating discrimination on any of the grounds prohibited by Directive 2000/78 – when these grounds are taken in isolation – then it cannot be considered to constitute discrimination as a result of the combined effect, in this case sexual orientation and age.

### 2.2.1.1 Discrimination against Trans persons

Trans persons who have undergone gender reassignment treatment are protected from discrimination on the grounds of sex in the field of employment, under the Gender Equality Directive (recast).

In addition, there are two EU directives in which the EU has *explicitly* included protection against discrimination based on gender identity. According to the Qualification Directive (recast) (2011/95/EU), international protection may be granted to an asylum seeker who is a member of a particular social group, which can be characterised by gender identity (Article 10.1(d)). The Victims' Rights Directive also explicitly mentions 'gender identity' and 'gender expression' as protected grounds of discrimination (Recital 9). It defines violence directed against a person because of that person's gender identity or gender expression as gender-based violence (Recital 17).

According to the case law of the Court of Justice of the EU, sex discrimination covers people who underwent, are undergoing or intend to undergo gender reassignment. The approach of Member States in this regard differ. Some see it as a form of sex discrimination (an approach corroborated by the case law of the CJEU). In other Member States, this type of discrimination is treated as discrimination on the basis of sexual orientation. The third group of Member States considers it as neither one nor the other. In these Member States trans people can only rely on the general principle of equality and cannot benefit from the more far-reaching protection of the antidiscrimination Directives.

Since gender identity is not explicitly covered in the EU Treaties nor in the Charter of Fundamental Rights, persons who do not want to undergo gender reassignment (or cannot for financial or procedural reasons) cannot claim protection and execution of rights they have not been granted. They suffer because of legal lacunas in several areas of life. For example, to have their identity documents match their gender identity, trans persons are required, in some Member States, to prove non-reversible infertility or to dissolve their marriage as a legal precondition for preferred gender recognition. In this respect, the Commission states in its Report on the Application of the Gender Goods and Services Directive that there is no case law concerning gender identity more generally speaking as covered by the protection against sex discrimination but the Commission considers that the approach should be materially similar.

Despite support from the European Parliament, trans identity is not incorporated into any EU funding and was not mentioned in the law establishing the European Institute for Gender Equality (EIGE) as sexual orientation was.

In 2017, some EU Member States took steps to de-medicalise the process of gender change (**Denmark, UK**), with another adopting simplified procedures whereby trans persons can alter their registered sex (**Greece**). The issue of binary gender markers came to the fore in some EU Member States (**Germany, France, Luxembourg**), with one making it possible to use the 'X' marker in official documents (**Malta**).

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<sup>18</sup> *Parris v. Trinity College Dublin and others* (C-443/15, 24 November 2016)

### 2.2.1.2 Discrimination on grounds of sex characteristics

**Intersex** discrimination is a particularly complex form of sex discrimination. It remains unclear whether the existing EU anti-discrimination legal framework implicitly covers intersex people. EU gender equality legislation is silent on the issue and no case of discrimination against intersex people has yet reached the CJEU.

There is uncertainty with regard to the protection of **intersex people against discrimination**. It has been argued<sup>19</sup>, that unequal treatment of intersex people can better be addressed as discrimination on the ground of sex rather than discrimination on the basis of sexual orientation and/or gender identity as it concerns physical (sex) characteristics and it is linked to the sex assigned to a person at birth and its direct consequences.

FRA's research did not find sufficient legislation or case law to find out whether or not intersex people are actually protected from discrimination on the grounds of sex in the Member States. Therefore, it is likely that in the absence of specific protective legislation, intersex cases will be legally approached in different ways, even within the same legal system.

Intersex civil society organisations are advocating that **a specific ground, 'sex characteristics', best identifies their needs** when it comes to protection from discrimination.<sup>20</sup> Malta recently became the first (and only) EU Member State to explicitly provide protection against discrimination on the ground of 'sex characteristics'. The recently adopted 'Gender Identity, Gender Expression and Sex Characteristics Act'<sup>21</sup> requires public services to eliminate unlawful discrimination and harassment on the ground of sex characteristics. It also requires public services to promote equality of opportunity for all, irrespective of these characteristics.<sup>22</sup>

### 2.2.2 'Sex normalising' medical treatment

**Intersex** people face particularly grave violations of their rights to physical and psychological integrity. In Europe, there are no comprehensive statistical data on medical treatments or surgeries performed on intersex children. According to FRA data for 2015, in at least 21 Member States, sex 'normalising' surgery was carried out on intersex children so that their sex characteristics conform to being either male or female. In eight Member States, a legal representative can consent to sex-'normalising' medical interventions independently of the child's ability to decide, while eighteen Member States require patient consent, provided the child is capable of deciding. It must be noted however, that often these surgeries concern very small infants and parents are usually not sufficiently informed and aware about the consequences of their decision. In this regard, Malta was in 2015 the first country that forbid unnecessary surgical interventions on intersex children.

### 2.2.3 Victimisation

The Victims' Rights Directive (2012/29/EU) protects victims from violence and harassment also on grounds of sexual orientation, gender identity and gender expression (recital 9).

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<sup>19</sup> The European Parliament 'Lunacek Report' called on the European Commission to "issue guidelines specifying that trans and intersex persons are covered under 'sex' in Directive 2006/54/EC [Gender Equality Directive (recast)]" (para. C. ii).

<sup>20</sup> European Intersex Meeting (2014), Statement of the European Intersex Meeting, 8 October 2014, point 2.

<sup>21</sup> Malta (2015), Act for the recognition and registration of the gender of a person and to regulate the effects of such a change, as well as the recognition and protection of the sex characteristics of a person (Att ghar-rikonoxximent u registrazzjoni tal-generu ta' persuna u sabiex jirregola l-effetti ta' dik il-bidla, kif ukoll gharrikonoxximent u l-protezzjoni tal-karatteristiċi tas-sess ta' persuna), 2 April 2015

<sup>22</sup> Ibid., Article 14

The Directive defines as gender-based violence any violence that is “directed against a person because of that person's (...) gender identity or gender expression or that affects persons of a particular gender disproportionately(...)”(recital 17).

The **European Parliament resolution on homophobia in Europe of 18 January 2006** (P6\_TA(2006)0018) called on countries to ensure that lesbian, gay, bisexual and trans persons are protected from homophobic hate speech and violence. The Parliament urged countries and the Commission to address homophobia through education as well as through administrative, judicial and legislative means.

In its **Resolution on the increase in racist and homophobic violence in Europe of 15 June 2006** (P6\_TA(2006)0273) the Parliament considered that direct and indirect forms of homophobia persist inside and outside the EU<sup>23</sup>, and that the media play an important and significant role in the public perception of hate motivated violence.

The **European Parliament resolution of 26 April 2007 on homophobia in Europe** (P6\_TA(2007)0167) has monitored the proliferation of hate speech targeting the LGBT community in a number of European countries.

The European Parliament resolution **of 14 January 2009** on the situation of fundamental rights in the European Union 2004-2008 (2007/2145(INI)) called on the Commission to combat homophobia through legislation similar to Council framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

### **2.3 The work of the Council of Europe**

The Council of Europe provided guidance to states on how to develop ‘*National Action Plans as effective tools for the promotion and protection of human rights of LGBT people*’, published in June 2016.<sup>24</sup> Six EU Member States had such action plans in place at the time, namely Denmark, France, Italy, Malta, the Netherlands and the United Kingdom.<sup>25</sup> This guidance is complemented by Council of Europe’s *Compendium of Good Practices on Local and Regional Level Policies to Combat Discrimination on the Grounds of Sexual Orientation and Gender Identity*, also published in June 2016.<sup>26</sup>

On 12 October 2017 PACE adopted **Resolution 2191 (2017)** and **Recommendation 2116 (2017)** on promoting the human rights of and eliminating discrimination against intersex people<sup>27</sup>, which call on CoE member States to prohibit medically unnecessary sex-“normalising” surgery, sterilisation and other treatments practised on intersex children without their informed consent, and to provide intersex people with adequate health care and psychosocial support. With regard to civil status and legal gender recognition, the PACE called for simplification of relevant procedures.

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<sup>23</sup> P6\_TA(2006)0273 *European Parliament resolution on the increase in racist and homophobic violence in Europe*, (B)

<sup>24</sup> Council of Europe (2016), *National Action Plans as Effective Tools to Promote and Protect the Human Rights of LGBTI People*, <http://www.coe.int/en/web/sogi/resources>; <https://rm.coe.int/168066d620>

<sup>25</sup> Ibid., p. 28.

<sup>26</sup> Council of Europe (2016), *Compendium of Good Practices on Local and Regional Level Policies to Combat Discrimination on the Grounds of Sexual Orientation and Gender Identity*. <https://rm.coe.int/CoERMPublic-CommonSearchServices/DisplayDCTMContent?documentId=09000016806942c5>

<sup>27</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24232&lang=en>; <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24230&lang=en>

On 22 April 2015 PACE adopted **Resolution 2048 (2015)** on *Discrimination against trans people in Europe*,<sup>28</sup> calling CoE member States to explicitly prohibit discrimination based on gender identity in national non-discrimination legislation, to collect and analyse data on the human rights situation of trans people, including discrimination and multiple discrimination, as well as transphobic intolerance and hate crimes, to ensure accessible gender reassignment procedures, reimbursed by public health insurance schemes and to develop transparent and accessible procedures, based on self-determination, for changing civil status.

The **Parliamentary Assembly of the Council of Europe (PACE)** adopted Recommendation 1915(2010) in which it strongly condemns discrimination against LGBT persons in Europe.<sup>29</sup> The Recommendation is accompanied by Resolution 1728(2010), which recognises all major forms of discrimination on grounds of sexual orientation and gender identity including hate crimes.<sup>30</sup> The Committee on Legal Affairs and Human Rights of PACE also prepared a report on “Discrimination on the basis of sexual orientation and gender identity”, released on 23 March 2010.<sup>31</sup>

**Recommendation CM/Rec(2010)5 of the Committee of Ministers** to countries on measures to combat discrimination on grounds of sexual orientation or gender identity (adopted by the Committee of Ministers on 31 March 2010) is the first intergovernmental commitment in the field of LGBTI rights. It places particular emphasis on “hate crimes”, hate speech and other hate-motivated incidents. Both the right to life, to liberty, to protection from violence, and the right to freedom of association must be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity.<sup>32</sup> **Recommendation No. R (97)20 of the Committee of Ministers** to countries on “hate speech” refers to “all forms of expression which incite to racial hatred, xenophobia, anti-Semitism and all forms of intolerance” and stigmatises them as undermining “democratic security, cultural cohesion and pluralism”.<sup>33</sup>

**Recommendation No. R (97)21** of the Committee of Ministers to countries on the media and the promotion of a culture of tolerance recalls that the principle of tolerance is the guarantee of the maintenance in Europe of an open society respecting cultural diversity. The Commissioner for Human Rights has also addressed the issue of homophobic and transphobic hate crime on several occasions and has advocated that “[h]ate crimes against LGBTI persons should also be seen as serious crimes.”

The **European Court of Human Rights** continued to address the rights of LGBTI persons in its jurisprudence. The Court confirmed that denying gender reassignment surgery because the applicant remained capable to procreate, violated the right to respect for private life under Article 8.<sup>34</sup> The ECtHR acknowledged the right of same-sex couples to be recognised and protected in national legal framework, including granting residence permit to same-sex partners on family grounds<sup>35</sup> and recognition of marriages contracted abroad.<sup>36</sup> The Court also affirmed that failing to take into account possible discriminatory motives of offences against homosexuals may amount to a violation of Article 3 (prohibition of inhuman or degrading

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<sup>28</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21736&lang=en>

<sup>29</sup> Recommendation 1915 (2010) Discrimination on the basis of sexual orientation and gender identity, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17854&lang=EN>

<sup>30</sup> Resolution 1728 (2010) Discrimination on the basis of sexual orientation and gender identity, Art. 3 available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=17853&lang=en>

<sup>31</sup> Doc. 12185, 23 March 2010, Discrimination on the basis of sexual orientation and gender identity, Report, Committee on Legal Affairs and Human Rights, Rapporteur: Mr Andreas GROSS, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=12403&lang=en>

<sup>32</sup> Recommendation CM/Rec(2010)5 of the Committee of Ministers to countries on measures to combat discrimination on grounds of sexual orientation or gender identity

<sup>33</sup> Recommendation No R (97)20 of the Committee of Ministers to countries on ‘hate speech’, “Scope”

<sup>34</sup> *Y.Y. v. Turkey* (2015)

<sup>35</sup> *Oliari and Others v. Italy* (2015), *Pajić v. Croatia* (2016), *Taddeucci and McCall v. Italy* (2016).

<sup>36</sup> *Orlandi and Others v. Italy* (2017).

treatment) read together with Article 14 (prohibition of discrimination) of the Convention.<sup>37</sup> It also found a seizure of all the copies of an issue of a magazine published by a cultural research and solidarity association for gays and lesbians to be in violation of Article 10 (freedom of expression) of the Convention.<sup>38</sup>

## **2.4 The work of United Nations**

The LGBTI Inclusion Index – UNDP – OHCHR

The process of developing an LGBTI inclusion index and identifying the relevant indicators was kicked off in 2015 by the UNDP. Working together with partner organisations, UNDP initiated a series of expert and stakeholder consultations, which finally led to the UNDP and the World Bank convening a meeting in December 2017 to map a final concept for the index and a shortlist of indicators to measure LGBTI inclusion in terms of five dimensions: 1) Political and civic participation, 2) Education, 3) Health, 4) Personal security and violence, 5) Economic well-being. The inclusion indicators, some of which are closely related to the sustainable development goal indicators, will help in assessing countries' progress in terms of LGBTI inclusion. The indicator framework can also be used to identify areas where further efforts are needed to develop methods and tools for data collection that reflects the variety of experiences of and outcomes for LGBTI persons. Independent expert on protection against violence and discrimination based on sexual orientation and gender identity

In June 2016, the UN Human Rights Council established the mandate of an independent expert on protection against violence and discrimination based on sexual orientation and gender identity.<sup>39</sup> The independent expert's role is to assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity; to raise awareness of violence and discrimination against these persons; and to identify and address the root causes of such violence and discrimination. On 19 April and on 19 July 2017, the Independent Expert issued first and second report on protection against violence and discrimination based on sexual orientation and gender identity.

## **2.5 The work of OSCE/ODIHR**

Hate speech and hate crime have been a central concern for the **Organisation for Security and Cooperation in Europe (OSCE)** for a number of years. The OSCE understands discrimination based on sexual orientation as falling under "other forms of intolerance".

Within this framework, OSCE/ODIHR has published several reports and documents on hate crimes and intolerance: the Annual Reports of the OSCE/ODIHR on "Hate crimes in the OSCE region: incidents and responses" contain sections on intolerance towards lesbian, gay, bisexual and trans persons and [annual hate crime reporting](#) in the OSCE Member States. In the latest 2016 hate crime reporting (November 2017), ODIHR noted that 18 participating states collect data on bias-based crimes against lesbian, gay, bisexual or trans (LGBT) persons, while incidents were reported also by third parties and NGOs in 32 States.

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<sup>37</sup> [M.C. and C.A. v. Romania](#), (2016).

<sup>38</sup> [Kaos Gl v. Turkey](#) (2016).

<sup>39</sup> United Nations (UN), Office of the High Commissioner for Human Rights (OHCHR) (2016), 'Independent expert on sexual orientation and gender identity'; mandated through Human Rights Council resolution 32/2 (see full text in [English](#)); <http://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/Index.aspx>

## 2.6 The work of World Bank in the Western Balkans

The World Bank has recently completed data collection in eight countries/territories in South-east Europe to replicate the FRA's survey on lesbian, gay, bisexual and trans people (EU-LGBT survey).

Building on the questionnaire developed by FRA, the World Bank also included questions specifically designed to capture the experiences of intersex people. Furthermore, a key aim of the World Bank survey is to assess the economic exclusion of LGBTI people. Two of the countries covered by the World Bank – Croatia and Slovenia – were also included in FRA's 2012 survey.

The survey results will be useful to compare the results in Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia with those of the LGBTI population in the EU. The World Bank is currently analysing the results and will publish them in 2018.

## 3. Description of the project

There are several examples of research on LGBTI persons conducted online<sup>40</sup>. They all show that the success of an online survey depends largely on how potential respondents will be contacted and encouraged to participate. The promotion of the survey designed to attract LGBTI persons and encourage them to participate in the survey is an important stage of this project.

The contractor should promote the survey effectively among LGBTI persons, mainly online such as through websites, social media, platforms and blogs, online forums, RSS feeds, chat rooms, e-mail lists, etc. in English and in the national languages of the EU, as well as offline by engaging with relevant NGOs. FRA will support these efforts through its own contacts with EU and national LGBTI organisations. The promotion of the survey should address all different groups (lesbian, gay, bisexuals, transgender and intersex).

FRA will provide the contractor with the sample composition of the FRA EU LGBT I survey of 2012. Details about the first wave of the survey and the modalities of its promotion and response rates, can be found in the publicly available technical report at: [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf)

FRA will provide the survey questions in English and in all relevant languages, except Macedonian and Albanian. There will be a limited number of changes to the questionnaire of the first wave. Some questions will be deleted; the screening questions will be gender neutral; and, a small number of questions will be added to cover intersex people who had not been surveyed in the previous wave. The contractor must carry out the translation for these changes, develop a state-of-art on-line questionnaire, which will be tested, as detailed below.

The on-line survey will be located on a website hosted in a secure environment. The on-line questionnaire will be open for a maximum period of up to twelve consecutive weeks. Response to the online survey, including limited number of characteristics of visitors to this website and of survey respondents will be monitored systematically. This will be used to adapt and/or reinforce promotional activities to attract potential respondents to complete the survey, in particular with respect to LGBTI groups and/or countries that show low response rates.

The contractor will analyse the results and present several deliverables, as outlined below.

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<sup>40</sup> See, for example <http://www.sigmaresearch.org.uk/go.php?/projects/gay/project46>; <http://www.visionip.tv/first-survey-of-gay-and-lesbian-on-line-media-consumption-and-associated-lifestyle-choices-launched-in-london.html>; [http://www.stonewall.org.uk/what\\_we\\_do/research\\_and\\_policy/health\\_and\\_healthcare/4922.asp](http://www.stonewall.org.uk/what_we_do/research_and_policy/health_and_healthcare/4922.asp); <http://www.wchm.org.au/AnnouncementRetrieve.aspx?ID=44426>

### **3.1 Target population and geographical scope**

The survey will cover all EU Member States and the accession country of the Former Yugoslav Republic of Macedonia (FYROM), which participates as Observer in the Agency.

The **target population** are persons (aged 15 or 18 years and above – depending on each country's legal requirements about parental consent) who identify as gay, lesbian or bisexual, trans, and/or intersex, and whose usual residence is in the selected Member States for at least the past 12 months preceding the survey. The eligibility of the respondent (including self-identification) shall be established with a short set of screening questions at the beginning of the online survey.

The contractor shall apply specific measures in order to ensure a balanced distribution of respondents of different ages, with particular attention on boosting the representation of older age groups, e.g. 40-54 and 55+ years old, which were underrepresented in the 2012 survey.

### **3.2 Service requirements**

The contract execution period will start as of contract signature and will end 12 months after contract signature.

The contract execution is in two phases.

**PHASE I:** Preparation of the survey. Phase I will start immediately after contract signature and is expected to last up to six (6) months. It is composed of the following activities:

1. Identification of the appropriate online and offline channels for the survey promotion; this should include collection of information and consultations with relevant civil society LGBTI organisations at EU and national level.
2. Development of survey promotion material and activities – ex ante actions.
3. Review of the translations of the questionnaire and additional items and translation of two new language version, Macedonian and Albanian. Translation review concerns revised parts of the questionnaire; translation of information and promotion materials.
4. Development of online tool transforming the source questionnaire provided by FRA into an online survey tool and hosting the survey.
5. Testing

The contractor will be authorised to start implementation of PHASE II upon budget availability and approval of Deliverables 4 and 5.

**PHASE II:** Implementation of the survey. It will start immediately after PHASE I and includes activities mentioned below. It is expected to last up to six (6) months and is composed of the following activities:

6. Survey promotion campaign
7. Data collection using online survey tools
8. Data processing and analysis
9. Calculation of selected indicators and tabulation of the results
10. Delivery of final dataset and technical report.

### **3.3 Scope of work and deliverables**

#### **3.3.1 Scope of work – general**

The scope of the work, which the contractor shall undertake, encompasses all aspects of work relating to the survey, including the activities as above, described in more detail in the sections below:

The contractor shall assume complete legal responsibility for work undertaken for FRA under the terms of the contract. The contractor shall be the sole contact point with FRA, with



responsibility for ensuring the quality, consistency and timeliness of work carried out in each EU Member State selected to take part in the survey.

**Please note:**

The contractor shall comply strictly with the **national and EU data protection legislation**, especially General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), Regulation EC No. 45/2001, as well as regulation EC No. 322/97 on the processing of data for statistical purposes. All data collected in the online survey shall be processed **anonymously**, ensuring that the person cannot be identified. In particular, any records containing identifiers, which can be used to single-out users, are considered as personal data and shall be managed and protected as such.<sup>41</sup> FRA shall be entitled to request and obtain access to the data processed on its behalf from the contractor at any time. FRA shall be informed promptly by the contractor of any request of access and rectification that they receive directly from data subjects; contractors shall await instructions from FRA before responding to any such request, and shall act promptly upon receiving instructions from FRA.

All procedures concerning storage, processing and transfer of data will comply with the highest standards for information security and data protection. The contractor is expected to secure on its end all data and related sensitive processes abiding by the highest relevant technical and legal standards and requirements.

In particular, the contractor shall follow the Guidelines on the use of cloud computing services by the European institutions and bodies, available at [https://edps.europa.eu/sites/edp/files/publication/18-03-16\\_cloud\\_computing\\_guidelines\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/18-03-16_cloud_computing_guidelines_en.pdf).

To ensure comparability between the Member States, the contractor shall apply consistently agreed methods and procedures in all countries surveyed in compliance with the technical specifications and within the timeframe allocated to the project. If during the preparatory stages of the contract activities the contractor identifies any barriers to the consistent application of the technical specifications, they may propose to FRA justified alternatives for written approval.

### **3.3.2 Scope of work – specific**

The questionnaire will be based on the questionnaire of the 2012 FRA LGBT survey which is translated in all EU languages. This questionnaire will be revised in respect to the following:

- A new subsection will be added to cover intersex respondents. FRA will develop questions for this subsection, in consultation with the contractor.
- The screening questions will be adapted to be gender neutral.
- The wording of a very small number of questions will be changed based on advice received by stakeholders, while paying particular attention to ensure that any changes in wording are conceptually equivalent across countries, and allow comparison to the questions of the first wave.
- Certain terms in some languages will be revised. For example, the translation of terms such as ‘transgender’ and relating to trans persons may need to be revised in some languages after legal and policy developments in several EU countries in the last years.

<sup>41</sup> European Data Protection Supervisor (2016), Guidelines on the protection of personal data processed through web services provided by EU institutions. Available at: [https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/16-11-07\\_Guidelines\\_Web\\_services\\_EN.pdf](https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/16-11-07_Guidelines_Web_services_EN.pdf)



The data collection shall take place using an online survey tool applying the final questionnaire, as approved by FRA.

The survey promotion campaign shall contribute towards achieving a diverse (in terms of gender, age, socio-economic background, and identification with one of the subgroups targeted by the survey) and sufficient (in terms of number) sample of respondents in each survey country. The survey promotion shall include activities especially online through social media and through online publications **before** and **during** the data collection. The survey promotion campaign will be designed, planned and implemented by the contractor under FRA's supervision, in cooperation with LGBTI and other civil society organisations, other relevant institutions and the media.

The questionnaire will be available in 29 languages and respondents shall be offered the possibility to reply to any open questions in these languages:

Bulgarian, Catalan, Serb-Croat (in both Latin and Cyrillic alphabet), Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Luxembourgish, Maltese, Polish, Portuguese, Romanian, Russian, Slovak, Slovene, Spanish (Castilian), Swedish, Turkish, Macedonian and Albanian.

In 2012, the FRA EU LGBT Survey reached a sample of more than 93,000 respondents in 27 EU Member States and Croatia (at the time a candidate country). In order to increase participation rates and the diversity of potential respondents (in terms of gender, age, socio-economic background, and identification with one of the subgroups targeted by the survey), the contractor shall consider how best to inform potential respondents and encourage them to participate in the survey. The net sample size in each survey country shall allow cross country analysis and comparison with the 2012 data. Adjustments and weighing of the dataset proposed by the contractor and agreed by the Agency should allow comparative analysis of the two surveys and enable FRA determine trends related to the experiences of the LGBTI persons in the EU.

Given the nature of an open online survey, it is difficult to accurately fix the number of respondents, as rate of response depends largely on the efficacy of the survey promotion activities. The minimum sample size should enable breakdowns of the results by LGBTI sub-group, gender, age, socio-economic and other respondent characteristics at the level of each country included in the survey.

The contractor shall develop a quality assurance plan, based on the draft quality plan included by the contractor in its tender, for all activities and procedures, such as monitoring the quality at all stages of the survey life cycle and all project deliverables, as appropriate in consideration of the scope and volume of the work of the survey. The quality assurance plan identifies the key indicators that will be monitored throughout the preparation and implementation of the survey, includes remedies for eventual problems, and outlines how the contractor will report on the quality indicators at each stage of the project. The contractor shall be responsible for collecting and providing FRA – on a regular basis – with all information that is necessary to assess whether the targets specified in the quality assurance plan are met.

### **3.4 Specific Activities**

This section describes the activities, which the contractor shall carry out as part of the project.

#### **Phase I**

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***Includes all preparations for the launch of the Online Survey. It is estimated to last up to a maximum of six months.***

### **3.4.1 Activity 1: Collection of information and consultations**

This activity contributes to the development of '**Deliverable 3: Survey promotion plan**'.

The objective of this activity is to collect information necessary for developing an effective campaign for the promotion of the survey and related material (such as articles and text for blogs, posts, survey pages and banners for different platforms and social media etc.) the other project activities. Such work was already carried out for the EU- LGBT I Survey of 2012 and FRA will share all relevant materials with the contractor. The table below shows, as an illustration, how respondents were informed about the first wave of EU-LGBT I Survey of 2012. FRA will also provide a list of contacts to LGBTI civil society organisations and relevant stakeholders, as well as experts.

More details about the first wave of the Survey in 2012, the relevant online promotion campaign and response to it are available in the Technical Report, available online at: [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf). The contractor should update this information in consultation with relevant civil society stakeholders, and experts.

To this aim, the contractor is required to carry out the tasks described below **for each country** consulting with LGBTI civil society organisations and other stakeholders, as well as experts. Map or update relevant information, as regards:

(1) the "**on-line universe**" where the target population participates (e.g. websites, social media, dating websites and applications, blogs and vlogs, networking platforms, mobile apps, chat rooms, e-mail lists, etc.).

(2.2) the **off-line possibilities** to reach out to the target population or sub-groups. This includes the most important venues and events where potential respondents can be reached.

***Table 1: Where did respondents hear about the EU LGBT Survey 2012?***

Country of residence	11. Before proceeding, please tell us how did you come to know about this survey?						Total (N)
	I read about it in a newspaper (online or printed) (%)	I received an email from an organisation or online network (%)	Somebody told me about it or sent me the link (%)	Through social media (Facebook, Twitter or etc.) (%)	I saw an advertisement (banner) online (%)	Some-where else (%)	
Total	8.1%	28.3%	13.0%	35.5%	20.4%	5.6%	93,079
AT	7.60%	39.80%	13.10%	30.20%	17.60%	5.60%	2,543
BE	7.60%	34.10%	12.20%	33.20%	17.30%	4.90%	2,901
BG	3.60%	14.70%	22.70%	49.60%	17.20%	7.90%	1,033
CY	2.30%	26.00%	14.00%	49.40%	19.20%	7.50%	265
CZ	17.70%	9.80%	10.90%	35.20%	33.80%	4.80%	2,469
DE	4.20%	41.00%	11.40%	32.90%	15.80%	5.80%	20,271
DK	6.00%	17.60%	10.60%	37.10%	36.70%	4.20%	1,710
EE	8.80%	24.30%	12.80%	52.90%	14.70%	2.40%	374
EL	6.20%	26.30%	12.70%	42.20%	17.00%	6.20%	2,760
ES	4.10%	28.20%	11.10%	33.80%	24.30%	8.90%	6,388
FI	2.10%	10.20%	13.80%	47.50%	31.80%	5.50%	3,439
FR	29.00%	31.50%	10.20%	17.50%	15.00%	4.90%	8,375
HR	7.10%	15.40%	13.40%	32.20%	36.80%	5.30%	1,197
HU	9.20%	26.10%	8.90%	28.40%	37.20%	4.60%	2,267
IE	7.60%	23.90%	11.30%	47.00%	18.30%	3.90%	1,625
IT	4.50%	24.60%	16.90%	43.20%	16.10%	5.40%	13,255
LT	11.20%	31.70%	6.50%	21.00%	40.60%	3.50%	821
LU	14.80%	26.40%	15.40%	26.40%	27.40%	6.00%	318
LV	7.00%	15.00%	18.20%	29.70%	39.90%	4.20%	501
MT	1.10%	27.40%	17.60%	57.50%	10.60%	3.60%	358
NL	3.00%	32.90%	12.40%	35.60%	18.00%	7.20%	3,175
PL	9.80%	25.50%	14.70%	33.10%	24.30%	5.90%	2,790
PT	6.40%	20.30%	19.00%	48.60%	11.90%	6.90%	2,125
RO	2.50%	33.30%	12.40%	31.90%	23.00%	8.70%	1,260
SE	4.20%	10.00%	6.10%	31.30%	54.20%	2.80%	2,464
SI	7.20%	22.60%	14.50%	31.00%	33.30%	4.10%	636
SK	10.00%	16.40%	14.50%	43.50%	27.40%	3.30%	1,000
UK	11.20%	23.50%	17.50%	42.40%	11.10%	4.60%	6,759

### 3.4.2 Activity 2: Survey promotion plan

This activity also contributes to the development of '**Deliverable 3: Survey promotion plan**'.

The objective of this activity is to plan how to reach out to all subgroups of the target population in terms of sexual orientation, gender identity or sex characteristics, age, geographic distribution across the country, with particular attention to those often underrepresented in on-line surveys: e.g. older, less educated and poorer persons.

Based on the collection of information and consultations described under Activity 1 the contractor will develop a survey promotion plan, which outlines how, when and where the survey shall be advertised, how potential respondents will be contacted and reminded to participate in the survey.

The survey promotion plan should describe the online and offline material, such as text, logos, graphics, banners etc. to be used. The survey promotion plan and material proposed by the contractor shall be discussed during the inception meeting.

### **3.4.3 Activity 3: Review of translations and translation of additional items**

This activity contributes to the development of '**Deliverable 4: Review of the translated questionnaires and translation of additional items**'.

FRA will provide the contractor with the translations of the questionnaire in 27 languages used in the 2012 FRA EU-LGBT Survey (**Bulgarian, Catalan, Serb-Croat** (in both Latin and Cyrillic alphabet), **Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Luxembourgish, Maltese, Polish, Portuguese, Romanian, Russian, Slovak, Slovene, Spanish (Castilian), Swedish and Turkish**).

The contractor shall be responsible for the translation of all changes, to the 2012 survey questionnaire in all language versions. In addition, the contractor will assess and adapt any minor changes proposed by stakeholders to existing translations of specific terms. In particular, a new self-identification section of intersex respondents shall be included, while modifications and additions to existing questionnaire questions may be necessary for Intersex respondents. It is estimated that new items concerning intersex persons will not comprise more than 10 per cent of the total length of the questionnaire. The additional self-identification section for Intersex persons will follow the model of questions used for trans persons in the 2012 Survey questionnaire. In translating the new questions, which will be added to the questionnaire compared with FRA's 2012 EU LGBT survey, every effort shall be made to ensure that the translations follow categorical equivalence, functional equivalence and conceptual equivalence.

In addition, the contractor will provide translation into **Macedonian and Albanian**.

For the translation into these two languages and for any revisions or additions to the questionnaire in all languages, the contractor shall ensure the correctness of each target language version of the questionnaire, with reference to the source questionnaire in cooperation with national experts, as below:

- two translators shall independently translate the survey questionnaire from English into the target languages;
- the translators and an adjudicator shall meet to review the two translations, identify possible differences or translation options, and agree on a merged version;
- the adjudicator will take a final decision about the translation and shall reconcile between suggested versions or translation options from the preceding steps;
- proof-reading shall check the correctness of the target language, with reference to the source questionnaire.

The translated versions of both the survey questionnaires and the survey materials – including general information messages and banners etc. - shall be adapted to accommodate national differences in case of different terms or expressions used in German in Austria compared to German in Germany; Dutch in the Netherlands compared to Dutch in Belgium or French in

France compared to French in Belgium, or Swedish as used in Finland and Sweden or French and German as used in Luxembourg. In addition, the questionnaire and information on the online survey website shall be made available in any of the languages used at any stage of the questionnaire completion. For example, a respondent should be able to shift to another language in case of doubt or difficulty in understanding a term used in a question. Such change should not require the loss of the information already inserted up to that point or to restart the survey. However, such alternative option will not affect the limited set of questions that may be country specific, for example education and income levels, which shall be administered in the country's language.

The contractor shall also translate into English a selection of responses to the final free text field (see Activity 7 – data processing). FRA and the contractor will agree on the approach regarding the selection of open text field for translation into English for example excluding very short or repetitive responses.

#### **3.4.4 Activity 4: Online survey tool and technical infrastructure**

The contractor may consider and propose the European Commission's official survey management tool, EUSurvey [<https://ec.europa.eu/eusurvey/>] or any other online available tools that satisfies the requirements for this survey:

##### **3.4.4.1 Multilingualism**

It should be able to handle and integrate all survey languages. The user should be able to change languages at any stage while compiling the questionnaire. See previous section 3.4.3 for more detailed requirements about languages used.

##### **3.4.4.2 Adaptive design of online tool and questionnaire**

###### ***Interface encouraging survey completion***

The proposed solution for the online survey should offer possibilities to design it to meet the project requirements. The contractor shall be responsible for creating an online-based survey using the survey questionnaire provided in order to allow the online data collection.

Particular effort is required to ensure that the online survey tool facilitates respondents to complete the questionnaire through a user-friendly, responsive, fast and easy to use interface. They shall be supported and encouraged to go through the somewhat lengthy (between 30-45 min) process – in comparison to easy 2-3 question polls that most people find on the internet – for example, through progress bars - while preserving the anonymity of the respondents without storing personal user data or limiting such collection to the absolute necessary. The contractor should propose ways to address issues of respondent survey fatigue to ensure completion. For example, by providing consistently at each stage of completion information about the expected duration and completion of the survey (in stages, estimated number of questions, time left etc.).

The contractor should propose technical solutions that address the abovementioned requirements. Certain fine-tuning of the requirements should take place during the inception meeting as well as during the testing of the proposed solution.

The contractor shall ensure that the survey tool and website is compliant to the W3C Web Content Accessibility Guidelines (WCAG). The contractor shall apply relevant online survey design techniques to enhance accessibility<sup>42</sup>.

###### ***Visual identity***

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<sup>42</sup> For the minimum standards set see here: <https://www.w3.org/WAI/Policy/policy/european-union/> and here: <https://www.w3.org/TR/WCAG20/>

The contractor shall develop proposals (at least two) for the visual design of the online survey and its interface ("visual identity") and an easy to recognise logo and banners, which, as far as possible, should be in line or compatible to FRA's Corporate Visual Identity (CVI), available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/f-se-16-t15\\_annex\\_a2\\_-\\_fra\\_cvi\\_manual.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/f-se-16-t15_annex_a2_-_fra_cvi_manual.pdf). However, such alignment to FRA's Corporate Identity should not negatively impact on the Survey's visual design and interface proposals which shall be as user friendly as possible. The proposals for the visual identity will clearly indicate that FRA is responsible for the survey. FRA will select the most appropriate proposal and the contractor will then ensure that the visual identity and the logo are appropriately placed on the survey's website, and in all relevant communications. The visual identity and any other communication text or other material must be approved by FRA in writing.

The contractor shall acquire on behalf of FRA, an appropriate **low cost** .eu extension public domain name for the survey after written approval by FRA.

### **Questionnaire development**

The survey shall build upon the questionnaire developed for the 2012 FRA EU LGBT survey. A small number of questions will be deleted and specific questions for intersex persons will be added amounting to approximately to 10% of the questionnaire. The 2012 FRA EU LGBT survey questionnaire is available in the LGBT Survey Technical report.<sup>43</sup>

FRA will revise the questionnaire, in consultation with the contractor, in the 'master version' of the questionnaire (in English; MS Word format). The contractor shall be responsible for introducing the respective changes to the translated versions of the questionnaire (Activity 3 – Review of the translations and translation of additional items).

A short set of screening questions shall be used to establish the eligibility of prospective respondents. The questionnaire covers several themes, including experiences of discrimination, hate victimisation and harassment, rights awareness, as well as feelings of safety, daily life experiences and views. The questionnaire shall be a standardised instrument for the purpose of comparing responses between different countries and between the surveys (2012 and 2019), respectively. The final questionnaire, for application in each of the countries, cannot be altered – with respect to both its content and form – without prior written agreement by FRA.

The number of questions will depend on respondents' answers to **filter questions**. Therefore, the number of questions to answer will differ from one respondent to the other. The online survey tool must be able to manage complex routing patterns, which will be included in the questionnaire. As an indication, it should be possible for the average respondent to complete the questionnaire in approximately 30-45 minutes.

At the end of the survey, the respondents shall be provided with an opportunity to write comments concerning the survey or any relevant experience in an open text field with limited number of chars.

The online survey tool shall also provide through its interface a list of relevant LGBTI organisations and other type of organisations providing services and/or support to distressed LGBTI respondents. A list of similar organisations will be provided by FRA and shall be completed by the contractor's survey promotion plan.

#### **3.4.4.3 Multi-platform compatibility**

The online survey tool should be accessible via different browsers and be device independent.

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<sup>43</sup> [https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report\\_en.pdf](https://fra.europa.eu/sites/default/files/eu-lgbt-survey-technical-report_en.pdf)

The online questionnaire should follow an adaptive design, which takes into account the different device respondents may use to complete the survey and should in any case it provide a version optimized for mobile and tablet devices for the Android and iOS operating systems, and browsers like Internet Explorer, Safari, Google Chrome. Compatibility should be possible with the three latest versions of the above-mentioned browsers. Usability aspects should be checked for each available linguistic version.

The online survey tool design needs to ensure that it is optimised for mobile and at least equally friendly, fast and accessible in other devices. Relevant quality indicators and statistics concerning the data collection shall monitor and assess the successful implementation of this feature, as described earlier with respect to collection of meta- and paradata.

#### **3.4.4.4 Uptime availability and accessibility**

The contractor shall ensure that the application shall remain open and available to respondents for a maximum of twelve consecutive weeks (24 hours per day, 7 days per week) to guarantee maximum access and participation of respondents to the survey. Therefore, the contractor shall ensure that failover techniques are included when considering the online survey infrastructure. The technical infrastructure required for input, recording and processing of the survey responses shall be hosted in an EU country fulfilling requirements in respect to security and data protection legislation as in force in the EU, including back up sites. The latter should be preferably with EU member states or under the same conditions and fulfilling data protection requirements as in the Member States, especially as in regard to rules concerning law enforcement authorities.

The application used should be able to scale up its performance depending on the generated traffic during each period of the survey. Peak times are expected during the first few weeks and on periods where specific promotions activities take place.

Any maintenance windows should be pre-announced and agreed with the contracting authority. In such case, a message should appear informing respondents that the application is not available and when it will be available again.

#### **3.4.4.5 Securing data protection and anonymity of respondents**

The online questionnaire should be hosted in a secure environment whose back-end will be accessible only by FRA staff and the contractor. The collected data should only be used for the purposes defined by the technical specifications. The data protection provisions underlined under the contract must be fully respected. This applies also in case the questionnaire is hosted using existing online questionnaire tools. It is the contractor's responsibility to ensure compliance with the data protection regulation provisions and that all collected data will be deleted once the exercise is completed and a copy of the results is submitted to the FRA and FRA has carried out its quality assessment.

The contractor should provide sufficient assurance to implement the necessary technical and organisational data to guarantee compliance with data protection rules and procedures. The contractor should support the bid with evidence contributing to such assurance. For example, in case cloud-computing solutions are selected, such evidence (as described in the Guidelines on the use of cloud computing services by the European institutions and bodies) may be:

- Data protection and IT security certifications of the contractor granted by accredited third parties in the context of relevant certification schemes, adherence to cloud-specific codes of conduct that provide added value in terms of measures to protect personal data and contribute to demonstrating compliance with the Regulation in a cloud-specific environment.
- Previous experience of the contractor on projects sharing similar (or higher) risks for analogue categories of personal data. Further re-assurance can be demonstrated by proven experience with EU and national public administrations.



- Accountability practices already in place such as that the contractor has in place privacy and data protection policies and/or procedures and IT security and risk policies.

In all cases the provisions of data protection regulation and in particular the EDPS guidelines on the use of web services should be met. Furthermore, in case a cloud based solution is proposed, then the EDPS guidelines on the use of cloud services should be respected.

#### **3.4.4.6 Mitigating risks for security breach**

The contractor shall collect, together with the online survey data filled in by a respondent, a set of paradata, e.g. timestamps for monitoring the progress of the survey, data quality, etc. In particular, paradata shall be used for data quality control and to identify possible fraudulent data entries (this can involve assessing for example the following – individually and in combination: time taken to complete the online survey, break-offs at different stages of the questionnaire, duplicate data entries, ‘straight-line’ response patterns, incomplete data entries, item non-response, etc.). The list of paradata shall be agreed with FRA before the launch of the survey. The survey tool shall include measures aimed at eliminating suspect responses, e.g. multiple replies by the same person, or replies by ineligible respondents. This may include the use of captcha techniques before initiating the survey response.

All records containing identifiers, which can be used to single-out users, are considered as personal data and shall be managed and protected as such. All data collected in the online survey shall be processed anonymously, ensuring that the person cannot be identified.

The online survey tool shall allow the contractor to report to FRA on the progress of data collection on a regular basis. These reports shall include aggregated, anonymised information from the collected paradata.

The contractor shall propose with a description of the list of paradata to be collected, their storage and retention period, for FRA’s approval before deployment during the online survey data collection.

The contractor shall take all necessary security measures to protect the online survey platform from intentional or accidental damage and from unauthorised access. In case there are incidents where security breaches have occurred, FRA should be informed immediately and the contractor should provide a detailed report. The contractor shall perform incremental regular backups on a daily and weekly basis. The technical environment shall deploy secure internet connection. Connection to the online survey questionnaire shall be made available via HTTPS access to the relevant applications.

The contractor shall define and propose the procedure to identify and inform the contracting authority, and data breach procedures to be followed, in case of security incidents or breaches affecting the online survey availability, access, anonymity or reliability of input and results.

#### **3.4.4.7 Support and maintenance**

The contractor shall develop and produce the relevant materials necessary for the implementation of the survey such as information material about the online survey for the potential respondents and information on the survey website, including survey introduction, frequently asked questions, etc. The contractor shall produce the first draft version of all other materials (in English) and submit them to FRA for comments and revisions. Final versions shall be developed iteratively, before being signed off by FRA and before they are translated into other languages.

The contractor shall transform the written questionnaire into a state-of-the-art on-line questionnaire interface with the necessary introduction and instructions for users. The introductory text will explain the aims of the survey, what is expected of the respondents, demonstrate the confidentiality standards applied and include a personal data protection information note.

A similar text will be the basis for communication material to advertise the survey both on-line and off-line during the survey promotion campaign.

### ***Technical assistance to survey participants***

The contractor shall organise a survey help-desk designed in a way to keep costs to a minimum for the duration of the online data collection, which should serve to answer questions of potential respondents about technical issues concerning the survey. The contractor should record questions and answers of the help-desk. A short summary of this information will be included in the final technical report.

### ***3.4.5 Activity 5: Testing***

After the finalisation of the online questionnaire, the contractor shall identify at least **10 eligible respondents per language version** for testing the online questionnaire following a proposal by the contractor according to accepted methodologies for cognitive understanding and piloting questions. The test participants shall be LGBTI persons, covering all LGBTI groups and, to the extent possible, represent different age groups (for example 15-17, 18-24, 25-34, 35-44, 45-54, 55+). The online questionnaire shall be tested on at least three different devices, namely a desktop or laptop personal computer, a smartphone and a tablet) and under different operating systems for desktop and mobile, and different browsers. To the extent feasible, the test shall cover accessibility applications of the online questionnaire and the survey website. The contractor should test first the English-language online questionnaire, while the questionnaire is translated into other languages, so that feedback from the first test can be taken into account before testing the other language versions begins.

Separate scenario tests and simulations shall be carried out by the contractor in order to check the routings in the questionnaire script, simulating different routing on the basis of L, G, B, T or I groups and responses to key questions that affect it.

Based on the tests, the contractor shall produce a report describing the main results of the tests, drawing from the results of all countries. In addition to simply filling in the questionnaire, the testing should include a short interview with the participants to collect information on how they experienced the survey in terms of both technical implementation **and** content. The report shall present the main results of the testing and user feedback focusing on issues where the tests suggest that the online questionnaire or the survey website should be adapted before the start of full-scale data collection. Activity 6 (Data collection) can start only after approval of the testing report by FRA and implementation of any necessary changes to the online questionnaire or the survey website.

If necessary, the questionnaire will be changed to address problems identified during the testing, and the English master version and all translations will be adapted accordingly.

The contractor will upload and setup the final and approved survey questionnaire to be fully functional on the dedicated website for all languages and countries.

The contractor will also place links to the survey on selected websites ensuring that statistics about the referral sites from which respondents reach the survey website can be established. The activation of these links at the start of the survey promotion campaign will be the responsibility of the contractor, who will monitor them and may apply additional on-line survey promotion techniques throughout the survey after approval by FRA.

The use of supporting analytics tools should also meet the abovementioned conditions related to data protection and security.

## Phase II

*includes the survey promotion campaign; the data collection through the online Survey for a duration of three-months; data processing; calculation of results; and delivery of the relevant datasets and reports.*

### **3.4.6 Activity 6: Survey promotion campaign**

The survey promotion campaign will be implemented on-line by the contractor reaching out to the target population according to the survey promotion plan. The contractor shall monitor the impact of the campaign based on the response rate to the survey for each country and for each sub-group of the target population, and, if necessary carry out additional online, and potentially off-line, survey promotion activities to improve response rates.

The survey promotion campaign should foresee activities in multiple stages aiming to reach response rates at least equal to those achieved in the 2012 EU-LGBT I survey. As an illustration these stages could be:

**Stage 1:** Shortly before the launch of the survey mainly among LGBTI civil society organisations and relevant stakeholders.

**Stage 2:** At the launch of the survey targeting mainly potential respondents to inform and encourage them to participate.

**Stage 3:** After the first week and up to a month after the launch of the survey in countries and/or targeting subgroups and/or countries with low response rates.

During the implementation of the online survey, the contractor shall monitor and assess under FRA's supervision the effectiveness and the impact of the survey promotion activities, which should be described in the quality assurance framework and report. For example, how respondents found out about the survey that should be recorded as paradata.

### **3.4.7 Activity 7: Data collection**

The data collection shall take place using the online questionnaire scripted on the basis of the questionnaire which FRA in co-operation with the contractor develops and the translations carried out as a part of Activity 3 (Review of the translations and translation of additional items and new language versions), once the survey promotion activities have started. The script shall also reflect the agreed list of paradata to be collected.

The open online survey shall provide an opportunity for all potential respondents in the selected survey countries to take part in the survey.

After the launch of the survey and **throughout its on-line phase**, the contractor shall monitor the work **daily by country**, and report to FRA daily for the first four weeks and weekly for the remainder of the data collection period. The following issues should be monitored:

- How participants became aware of the survey (a question will be included in the questionnaire)
- Statistical breakdown of participants by sub-group of the target population
- Number of visitors to the site that did not participate in the survey
- Number of participants that completed the survey
- Number of participants that partly completed the survey
- Partly filled questionnaires (incomplete replies), and aggregated paradata that can be used for data quality control and to identify possible fraudulent data entries.
- Information on the stage at which the response to the survey was terminated

- Of particular interest is if any specific question is linked to non-completion indicating the need to modify the questionnaire in the early stages after the survey launch.
- Open text responses which refer to problems encountered when completing the questionnaire and the need to modify it in the early stages after the survey launch

Relevant progress statistics shall be provided both cumulatively (covering the whole time during which the survey has been open) as well as documenting the developments from one day to the next (and from week to week, respectively). Interactive tools for the contractor to provide input and for FRA to monitor such progress shall be rendered available (for example intranet or online and cloud documents solutions). This information will be used to assess the need for launching the third stage of survey promotion activities, which shall focus on those countries and/or sub-groups of the target population with lower response rates.

**Based on the daily, weekly and/or interim reports, FRA may decide and ask to the contractor to take remedial survey promotion action(s).**

**Corrective actions should be taken immediately to resolve any areas that underperform e.g. response times.**

### ***3.4.8 Activity 8: Data processing***

The contractor shall export the quantitative data collected from all completed questionnaires in Activity 6 in an SPSS-compatible computer file.

The computer file shall be fully documented and accompanied by syntaxes used for data processing and analysis and variables' codebook. In both the data file and the codebook all the variable names and value labels shall be included in English. The variable names shall be readable and make reference to the relevant question numbers in the questionnaire. The file shall include the metadata and paradata collected.

The contractor shall perform logic and plausibility checks to ensure that the data entered is of high quality, that the observations follow the structure of the questionnaire, and that the values in the final data set belong to the group of valid values for any given variable. The contractor shall submit to FRA in electronic format the code (SPSS syntax or similar) used to produce the quality checks, data coding for quality assessment. The suspect responses shall be excluded from the data set, and they have to be excluded when calculating the net sample size in each country in the open online survey.

The contractor should develop, where feasible, one or more weighting variables which can be used to correct for any imbalances in the data – to the extent it is possible, e.g. with respect to age, gender or geographical distribution, during the analysis. The relevant adjustment variables (weights) shall be included in the final data set.

The contractor shall also analyse the results in line with the FRA's 2012 survey to the extent possible and develop in consultation with FRA a method of adjustment (weighting), which can be used to account for differences in the respondent profiles when comparing the results of the two surveys and with external information.

The contractor shall translate into English the responses to the final open question. The document produced shall include both the text in the original language and the translation of those responses into English and depending on length it can the deliverable content may be agreed to be provided as summaries and quotes (see Act.3 above about translations).

### ***3.4.9 Activity 9: Calculation of selected indicators and tabulation of the results***

FRA will provide the Contractor with a list of selected indicators to be calculated. The indicators will reflect survey questions, for example, the share of the respondents who felt discriminated;

the share of respondents who said that they had been victims of hate crime, etc. The 2012 FRA EU LGBT survey data explorer<sup>44</sup> will serve as basis for selecting the indicators to be calculated.

Tables presenting the results for the selected indicators shall be accompanied with the programming code (SPSS syntax) used for calculating and tabulating the results.

#### **3.4.10 Activity 10: Delivery of final dataset, technical report and quality report**

After completing Activities 6, 7, 8 and 9, the contractor shall provide FRA with the final dataset as well as the technical report and the quality report. More details in the relevant section under 'Deliverables'.

## **4. Deliverables**

### **4.1 General requirements**

All written deliverables shall be submitted in English, copy-edited by an editor with language skills in English comparable to mother-tongue competence. They shall be written in a clear and unambiguous way, providing information and analysis that can be readily understood by a non-academic reader. The style shall be balanced and contain no unsubstantiated statements. The contractor shall receive FRA's Style Guide, which contains detailed instructions on issues to be taken into account when drafting the reports.

The written documents must be delivered in PC-compatible MS-Office compatible electronic files. They shall contain visual elements (for example graphs, boxes or pictures), as appropriate to enhance readability.

The size of deliverables is defined in terms of MS-Word A4 pages, Times New Roman font 11pt, single-spaced.

The data necessary for reproducing graphs in the report must be delivered in PC-compatible MS-Excel compatible electronic files with one graph/table per spreadsheet, and each spreadsheet must be numbered using the same system as the one used in the (MS-Word compatible) report file. All charts will be accompanied by full data tables used to produce them and by legends presenting and explaining in detail the questions used, any additional processing (for example calculation of composite variables) or analysis and extrapolation of data used to produce the chart.

The contractor must respect the deadlines specified in the contract. The contractor must revise all deliverables according to the Agency's recommendations and return them within the deadlines specified in the contract.

FRA will provide feedback on the content of deliverables and suggest any changes and amendments within the time specified in the contract. The content of final reports – and in particular, the final comparative report and executive summary – will be revised, as appropriate, by FRA. All materials and reporting from the project, is owned by FRA and cannot be used by the contractor(s) until it is in the public domain and with the expressed written consent of the FRA.

### **4.2 Acceptance of deliverables**

The procedure for accepting the deliverables shall be the following:

The Agency receives the deliverables according to the contract deadlines. The deliverable is evaluated based on the requirements of the tender specifications. Further actions which, in the

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<sup>44</sup> Survey data explorer – <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012>

opinion of the Agency, would be necessary for the acceptance of the deliverables will be implemented by the contractor without delay. A new deliverable, which takes into account comments or suggestions made by the Agency will have to be re-submitted within ten (10) calendar days. The deliverable is considered as a final deliverable only after final acceptance by the FRA.

### **4.3 List of deliverables**

#### **4.3.1 Deliverable 1: Inception report**

Within five working days after the inception meeting, the contractor shall submit a brief Inception Report to FRA. The report shall list the decisions made in the inception meeting concerning the work and a timetable with actual dates for the submission of deliverables.

**Size:** Maximum 10 pages

**Language:** English

**Deadline:** one week after the inception meeting

#### **4.3.2 Deliverable 2: Quality assurance plan**

Based on the discussions at the inception meeting concerning the draft quality assurance plan, the contractor shall develop the final quality assurance plan. The quality assurance plan shall identify the key indicators that will be monitored throughout the preparation and implementation of the survey. The contractor shall ensure that all information is collected as necessary for assessing the key quality indicators is collected at each stage of the project.

**Size:** Maximum 20 pages

**Language:** English

**Deadline:** One month after the inception meeting

#### **4.3.3 Deliverable 3: Survey promotion plan**

Based on work carried out under Activity 1 (Collection of information and consultations), and Activity 2 (Survey promotion activities and material) and on the discussions at the inception meeting concerning the outline of survey promotion activities the contractor shall develop a detailed survey promotion plan, including fall-back solutions for further targeted survey promotion measures which can be mobilised after the online survey has started in case of low initial response to the survey in a specific EU Member State.

The background research report and the survey promotion plan shall include in one single document:

- Brief outline of the findings, as described under Activity 1
- Summary of the survey promotion plan stages (**suggested under Activity 6**) with information about the specific apps, websites, blogs or social networks and platforms that shall be used to promote the survey to LGBTI persons.
- The material (for example, articles, banners, logos, posters, visual communication materials, texts and documents, email distribution lists, as applicable) and its content that the contractor plans to use for the promotion of the survey.

The report should indicate the target number of respondents to achieve in each survey country.

**Size:** 2-3 pages per country – without annexes and other files, where needed for the planned content and material

**Language:** English

**Deadline:** Four months after contract signature

**Linked to:** Activity 1, 2

#### **4.3.4 Deliverable 4: Review of translations and translation of additional items**

The contractor shall translate the source questionnaire into Macedonian and Albanian, in addition to requested revision of existing translations. The two independent translations, the adjudicated version and the proofread version of each target language, **as described under Activity 3** shall be delivered to FRA.

The contractor shall review all other language versions of the survey to ensure that all changes to FRA's 2012 survey questionnaire, as well as any changes in terminology required are translated correctly in all languages.. The proofread versions of all the languages shall be delivered for approval to FRA.

The survey questionnaire and all other relevant information materials delivered to FRA as a final deliverable shall correspond to the versions, which are made available to the respondents in Activity 7 (Data collection).

**Size:** The original and each language version (approximately 40 pages each)

**Deadline:** Five months after contract signature

**Linked to:** Activities 2, 3, 4

#### **4.3.5 Deliverable 5: Testing report**

The testing of the online questionnaire and the survey website shall be carried out on a fully developed online survey tool, including the visual design of the survey. Before the launch of the online questionnaire and the survey website, the list of paradata collected for the quality control shall be developed and approved by FRA.

To conclude Activity 5 (Testing), the contractor shall submit to FRA a testing report, which describes the results of the testing of the online questionnaire and the survey website in different countries and on different devices. The results shall be presented in a comparative way, e.g. analysing respondents' responses to and feedback on the online questionnaire and the survey website by LGBTI target sub-group, gender and age group, and across countries. The report shall also identify issues by country or by language version, where adjustments to the online questionnaire may be necessary before the start of the data collection (Activity 7).

**Size:** 40 pages

**Language:** English

**Deadline:** Two weeks after the final test session and not later than the fifth month of phase I

**Linked to:** Activities 2, 3, 4

#### **4.3.6 Deliverable 6: Data set, code book and syntax files**

After completing the data collection under Activity 6 (Data collection), the contractor shall provide FRA with the final dataset as structured SPSS compatible files and as CSV files. The data

set shall include or be accompanied by the relevant documentation to facilitate reuse and publication.

The final computer file shall include data from all completed questionnaires and the survey countries, including all metadata and paradata collected. The file shall be fully documented – that is, all the variable names and value labels shall be included in English, and the variable names shall be readable and refer to the relevant question numbers in the questionnaire. The contractor shall perform logic checks to ensure that the data entered is of high quality, the observations follow the structure of the questionnaire and the values in the final data set belong to the group of valid values for any given variable.

As described in the Activities section, the contractor shall develop, where feasible, one or more weighting variables which can be used to correct for any imbalances in the data, e.g. with respect to age, gender or geographical distribution, during the analysis. The relevant adjustment variables (weights) shall be included in the final data set.

The contractor shall include in the data set intermediary weights and all variables used for the estimation of the weights in the final dataset, as well as provide FRA the code used to calculate the weights. In addition to the complete main data set, the contractor shall provide FRA proofed versions of the data set, after applying relevant disclosure control measures. The deliverable shall include the data files used for computation of weights (to the extent the relevant information cannot be included in the data set itself).

The contractor shall submit to FRA in electronic format the code (syntax files) used to produce the quality and consistency checks performed and to document the data set (including assigning variable names, value labels and other format definitions).

The contractor shall also analyse the results comparing with those of FRA's 2012 survey to the extent possible and develop in consultation with FRA a method of adjustment (weighting), which can be used to account for differences in the respondent profiles when comparing the results of the two surveys.

Responses to the final open question shall be provided in a separate file, including the text in both the original language version and the translation into English.

**Language:** English

**Deadline:** 12 months after signature of contract

**Linked to:** Activity 6, 7, 8

#### ***4.3.7 Deliverable 7: Survey results for selected indicators and frequency tables***

The contractor shall provide a report presenting the findings. This will include frequencies for all questions and calculation of selected indicators in MS Excel table format, including a short description of the calculation procedure. All charts will be accompanied by full data tables used to produce them and by legends presenting and explaining in detail the questions used, any additional processing (e.g. composite variables) or analysis and extrapolation of data used to produce the chart.

The code of the calculation (SPSS syntax or similar) shall be part of Deliverable 6.

The deliverable will be based on a contents structure approved by FRA. It will present the results comparing findings between countries and between the sub-groups of the target population. Selected indicators should be compared to the results of the previous survey to the extent possible. Results should be broken down for selected indicators by age or other selected relevant socio-economic (e.g. employment, education, income, etc.) and other variables, such as attitudes in respect to openness about being LGBTI). The deliverable will include a series of



tables/graphs for question/item reported in the questionnaire and selected indicators. A full set of frequency tables for all questionnaire items should be included in annex.

All information and tables/graphs in the final comparative report must be clearly referenced and labelled, with respect to the reported question/item and its reported frequencies.

All terms used in the final comparative report must be readily understandable to the non-expert user, and particularly to those with no knowledge of statistics.

The deliverable must be delivered in PC-compatible Microsoft-Office and MS-Excel compatible electronic files with one graph/table per spread sheet, and each spread sheet must be numbered using the same system as the one used in the (MS-Word compatible) report file.

**Size:** Approximately 100-200 pages

**Language:** English

**Deadline:** 12 months after signature of contract

**Linked to:** Activities 7, 8, 9

#### **4.3.8 Deliverable 8: Technical report and quality report**

The contractor shall prepare a technical report to the FRA (in electronic format) once data collection in all countries has been completed.

The report shall be divided into information on each country and shall describe the data collection with respect to assumptions/plans at the launch of the open online survey, survey promotion activities implemented; challenges and solutions implemented at different stages of the contract implementation and their outcomes.

In addition to the above, the technical report shall cover all aspects of the project; including, for example, questionnaire review, development of the survey website, respondent outreach activities, and data collection, including collection of paradata. The main outcomes of the collection of information and consultations with stakeholders (Activities 1 and 2), the survey promotion activities (Activity 5) and the testing activity (Activity 6) shall be included in the technical report.

The report shall present information, wherever possible using tables/graphs, comparing results between the selected countries. The report shall include measures of progress of the survey data collection on a daily basis for the first four weeks after the launch of the survey, and on a weekly basis in the later stages of the data collection.

The report shall include a detailed description of the quality of the samples achieved in each surveyed country and the total sample achieved. It shall document the assessment of the profile of the respondents in the survey and adjustments taken to account for bias in the respondent profiles.

The report shall make recommendations, on the basis of its findings, about the most appropriate ways of reaching out to, possible sampling and questionnaire application methods to use for future survey research on the LGBTI population in each of the survey countries. The technical report shall highlight any difficulties that arose in the course of implementing the survey (difficulties in reaching out to potential respondents, motivating respondents, – in general and with respect to certain questions, etc.).

FRA will provide feedback on the content of the final technical report and will suggest any necessary changes and amendments within the time period specified in the contract.

The Technical report shall include information about any relevant events related to the topics of the survey that have taken place during the project implementation, especially during the data collection, in each of the survey country. If available, references to the media or other sources shall be included.

**Size:** Approximately 140 pages (excluding tables, which can be included as annexes)

**Language:** English

**Deadline:** 12 months after signature of contract

**Linked to:** Activities 1, 2, 3, 4, 5, 6, 7, 8

## **5. Project management**

### **5.1 Responsible body**

The contractor has the overall responsibility for executing the contract, including the implementation of all measures necessary to provide the Agency with deliverables of the highest quality on time.

The contractor is expected to organise a central management and coordination team in order to carry out effectively all activities as set out in these Technical Specifications. The contractor will **report through progress reports on a weekly basis** to FRA about developments, challenges and proposed courses of action concerning the project (FRA and the contractor may agree on changes to the progress reporting schedule, as relevant, taking into account the different stages of the project). In addition, during the data collection phase, the contractor will report to FRA on a daily basis for the first four weeks and on a weekly basis for the remainder of the data collection period, as described under Activity 7).

### **5.2 Management structure**

The project team must include a Project Manager, who is responsible for the project's overall coordination. The Project Manager is also responsible for coordination and administrative tasks, as well as for contacting and informing the Agency about all aspects relating to the execution of the contract and the quality of the deliverables, including the periodic progress updates. The Project Manager is also responsible for establishing clear workflows and procedures that allow Survey Contact Points to provide regular feedback to the Project Manager, who can inform FRA alerting on potential issues affecting project implementation.

### **5.3 Period of execution**

The period of contract execution will be twelve (12) months, divided into two (2) phases.

Communication between the contractor and the Agency shall be possible by phone during the Agency's working days and hours and through electronic and postal mail. Any written communication sent by the Agency shall be answered within five (5) working days.

### **5.4 Meetings**

Following the contract signature, the Agency will convene an inception meeting with the contractor in Vienna at the Agency's headquarters to discuss various aspects of the project's work. The aim of the inception meeting is to clarify outstanding issues as may be necessary for carrying out the contract and for the good implementation of the project.

During the course of the contract period, three meetings in total (including the inception meeting, the pre-launch and awareness meeting and the final meeting after delivery of the dataset (planned in Month 12) to discuss the project implementation and survey findings) are envisaged between the Agency and the contractor. The contractor is invited in the pre-launch and awareness meeting to include survey country experts responsible for the local information sessions. The meetings will take place in Vienna at the Agency's headquarters. Meeting costs on the

contractor's side must be covered by the contractor and be included in the contract's final price. During the execution of the project there might be a need for further meetings between the Project Manager and the FRA at the contractor's premises. In this case FRA will cover the costs related to the travel and meeting participation of its own staff. The contractor will cover its own costs. The use of tele or video conferencing is highly recommended allowing better communication and minimising related travel costs.

## 6. Project team

The contractor is expected to organise their own project management and coordination team – the Project Team – lead by the Project Manager, to oversee all aspects of work relating to the survey. The project team should consist of, at least, one Project Manager and a competent team composed of Survey Contact Points each covering a maximum of three countries. The Survey Contact Points are responsible for the collection of information and the planning, implementation and coordination of the on-line and off-line survey promotion campaigns at national level.

The composition of the project team's expertise and skillsets should reflect the needs of the survey, as described above. The contractor may not change members of the project team without FRA's prior agreement. In addition to the project team members whose roles are defined in these Technical Specifications, the contractor may choose to involve additional resource persons and support staff who assist the project team in its work.

### 6.1 Project Manager

*Qualifications and professional experience*

- University degree
- A minimum of seven (7) years of professional experience (after obtaining a university degree), out of which a minimum of three (3) years of experience in conducting international social science-based, comparative and population-based research.
- Proven experience in research management, as manager or coordinator of at least **two (2)** international research projects, each project involving at least three countries
- Excellent knowledge of English (at least Level C1 based on Common European Framework of Reference (CEF)).

### 6.2 Survey Contact Points

*Qualifications and professional experience*

- A minimum of **three (3)** years of proven professional experience with campaigns for public awareness raising and promotion activities or having conducted social or advocacy work with LGBTI communities.
- Good knowledge of English (at least Level B2 based on Common European Framework of Reference (CEF)).

## 7. Project implementation monitoring and quality assurance

The Agency will monitor the project in technical and administrative terms. The contractor shall develop a quality assurance and control plan, which outlines all relevant procedures, to assess

and ensure that the quality measures agreed upon at the beginning of the project are continuously monitored up to the submission of the technical report, which includes an assessment of quality control measures. The contractor shall inform FRA in writing without undue delay concerning any problems encountered during the implementation of the contract.

The Project Manager shall provide FRA with short monthly updates (in MS-Word compatible format) on the progress of the survey and other relevant aspects of the work in all countries. The Project updates shall be sent to FRA on the first working day of each month, throughout the contract period, as e-mail attachments. The updates shall cover the elements of the quality control strategy relevant for each stage of the project and the way the quality assurance measures have been implemented. Monthly updates shall include a record of decisions made, for the period covered by the update, in consultation with FRA regarding the implementation of the survey. These updates are to be used as an 'early warning' system for identifying and rectifying problems regarding awareness raising activities, outreach, questionnaire application, and response rates (for example).

In addition, the Project Manager shall deliver to FRA daily, weekly, bi-weekly and monthly (as defined in the project activities in the sections above) progress reports as brief e-mails documenting progress in certain activities (e.g., during the data collection activities this includes detailed progress concerning fieldwork outcomes) and overall project progress. These also have an important function as 'early warning' to identify and resolve a variety of issues concerning, for example sampling, questionnaire application and survey response. This should be supported by additional e-mail and telephone contact, whenever necessary. Weekly progress reports shall begin one week after the starting date of the contract, and will finish upon submission of the final deliverable(s).

In addition, in the course of the contract the FRA intends to send a member or members of its staff to oversee aspects of the research. This can involve observations of anything from translation of research tools, through to observation of awareness raising activities during the fieldwork period. One or more countries may be visited. The FRA reserves the right to attend any stage of the research without prior notice being given to the contractor. Furthermore, the contractor is required to inform FRA a minimum of two calendar weeks ahead of any meetings taking place in the survey countries. FRA will cover the costs related to the travel and accommodation of its staff in connection to these visits.

## **8. Minimum requirements**

The minimum requirements of these Technical Specifications are:

- The survey shall cover all EU Member States and the accession country of the Former Yugoslav Republic of Macedonia (FYROM).
- The online survey server shall be located in an EU Member State, including also potential back up sites.