

European Union Agency for Fundamental Rights, FRA

EVALUATION OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

Final Report
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EXTERNAL EVALUATION OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

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LIST OF ABBREVIATIONS

AD	Administrator (staff category)
ADMIN	Department of Administration at the FRA
AR	Activity Report
AST	Assistant (staff category)
AWP	Annual Work Programme
CAR	Communication and Awareness-Raising
CoE	Council of Europe
COM	European Commission
CSO	Civil Society Organisation
ECR	Department of Equality and Citizens' Rights at the FRA
EIGE	European Institute for Gender Equality
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EMPL	European Commission, Directorate-General for Employment, Social Affairs and Inclusion
EP	European Parliament
EU	European Union
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
FJ	Department of Freedoms and Justice at the FRA
FRA	European Union Agency for Fundamental Rights
FRC	Fundamental Rights Conference
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRP	Fundamental Rights Platform
HoD	Head of Department
HOME	European Commission, Directorate-General for Home Affairs
HR	Human resources
HRP	Human resources and planning
INGO	International non-governmental organisation
JUST	European Commission, Directorate-General for Justice
LIBE	European Parliament Committee on Civil Liberties, Justice and Home Affairs
MAF	Multi-annual Framework
MB	Management Board
MS	Member State
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
NLO	National Liaison Officer
ODIHR	the OSCE Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
PMF	Performance Management Framework
SNE	Seconded national expert
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
YTD	Year-to-date

EXECUTIVE SUMMARY

The purpose of the assignment was to undertake an independent evaluation of the European Union Agency for Fundamental Rights (henceforward the FRA or the Agency). The overall objective was to evaluate the effectiveness, efficiency, added value, utility, coordination and coherence of the work by the FRA since its establishment in 2007 to date. The evaluation was based on comprehensive data collection (surveys, interviews and focus groups) among all key internal and external stakeholders to the FRA, as well as thematic case studies.

The FRA was established in 2007, building on structures of the European Monitoring Centre on Racism and Xenophobia (EUMC)¹. According to Article 2 of its Founding Regulation² the FRA's 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 support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights*.

The FRA's activities are intended to support the EU institutions and Member States in raising the level of fundamental rights protection for everyone in the European Union. To achieve this objective, the Agency provides independent advice to policy-makers and national governments. To this end, it collects data on fundamental rights, conducts research and analysis, issues opinions, cooperates and facilitates networks with key human rights stakeholders, and develops communication activities to disseminate the results of its work and raise awareness of fundamental rights.

Evaluation findings

Since its establishment in 2007, the FRA has developed progressively into being almost fully staffed by end 2011/beginning 2012. At the time of establishment, the Agency had 41 permanent staff and by end 2011 the figure had more than doubled to 92 staff. Since 2011, the Agency is organised in five departments and a directorate. The five Heads of Department and the Director form the Management Team. The FRA is governed by a Management Board (MB) consisting of independent persons nominated by the Member States, i.e. they cannot be civil servants as per regulation. The MB meets twice a year (May and December), and the individuals are nominated for a time period of five years (non-renewable).

The evaluation findings show that the FRA has developed into a well-functioning organisation, with adequate management structures, planning procedures and control systems. All the systems are in place, however there is still some work to be done to ensure optimal implementation and use of the systems, in particular the Management Information System MATRIX and the monitoring and evaluation Performance Measurement Framework PMF (in pilot stage at the time of the evaluation). The adequate functioning of the Agency has been confirmed by the Internal Audit Services and Court of Auditors, who express overall trust in the Agency's procedures and systems in the audit reports. This picture was also further supported by the benchmarking done with three other EU agencies (EUROFOUND, EMCDDA and EU-OSHA), on financial and administrative indicators such as budget execution, carry forwards and cancellation rates.

Effectiveness: To what extent has the FRA been successful in achieving its objective and carried out the tasks established by the Founding Regulation?

Based on the findings, it can be concluded that the FRA fulfils to a high extent its mandate to collect, record and analyse relevant, objective, reliable and comparable information and data relating to fundamental rights issues in the European Union and its Member States. There is a common opinion that the Agency progresses steadily and that its outputs are becoming better and better, with just a few critical voices regarding methodologies, sample and scope with

¹ Established by Regulation (EC) No 1035/97 (repealed), OJ L 151, 10.6.1997.

² Council Regulation (EC) No 168/2007 of 15th February 2007 establishing a European Agency for Fundamental Rights, Official Journal of the European Union L 53/1 of 22nd of February 2007.

respect to specific reports. Overall, the evaluation findings point towards a clearly favourable assessment in terms of the timeliness and adequacy of the FRA's assistance and expertise relating to fundamental rights, in particular among the EU level institutions. At the level of Member States the picture is more mixed, both in terms of content of the research and also logistical barriers, such as language and dissemination. While EU-wide comparative studies are highly relevant for European policy makers, the national policy process requires more in-depth and contextual information, which cannot be provided by the FRA. The FRA has however gradually begun to explore and develop new modes of cooperation with key national actors at the Member State level.

The FRA has developed adequate standards and methods to improve the comparability of data across EU Member States. This is mainly done through the specific research projects (for example the ad-hoc working group on monitoring Roma integration), rather than as a part of a harmonisation process in general of data collection and statistics. Ideally, the FRA would together with Eurostat support the Member States in setting up comparable systems of data collection, but this would require a stronger commitment from the Member States than is currently the case.

The FRA is working towards having a strong dialogue with civil society organisations (CSO), but the actual cooperation is considered moderately successful by the CSO respondents from the Fundamental Rights Platform. In specific projects, the cooperation appears to be functioning well, for example in the field of homophobia. While it is difficult to assess the impact of CSO cooperation in terms of raised awareness among the general public, the Agency is actively using electronic and social media to reach the general population as well as stakeholders, such as electronic newsletters, awareness-raising material targeting youth (S'cool agenda) and Facebook. Specific project results are generally promoted and disseminated to a wider public, through European and national media. As an example the recent comparative survey on Roma integration was cited in several European media, such as the BBC News and the Economist.

It can be concluded that the FRA has to some extent contributed to the development of networks at the EU and national level. This contribution has been in relation to specific projects, where the Agency has an inclusive way of working, taking into account the knowledge and needs of different stakeholders and users. The FRA does, however, also engage in more general, "horizontal" networking, meaning the general coordination and cooperation with the stakeholders in the Founding Regulation. The FRA has established effective procedures for coordination and cooperation which ensure coherence of policies and activities with stakeholders at all levels, which is assessed as an adequate and relevant strategy by the evaluators.

In terms of ad-hoc advice and formal requests, the amount of requests has so far been manageable for the Agency. The fact that both informal and formal requests are increasing can be seen as a positive proxy indicator for the Agency's relevance to stakeholders, as the demand increases for the expertise provided. However, as the amount of requests increases, they may become difficult to cater for within the current resources and priorities.

Concerning the FRA's role in providing input to the legislative process at the European level, there were several voices in support of an increased role for the Agency in providing opinions on future legislation on a more regular basis.

The quality of the FRA's publications is generally considered to be very good by stakeholders. In particular the socio-legal approach is highly appreciated, in taking the citizen as a starting point for the research on fundamental rights issues. The Scientific Committee as well as the internal quality review procedures of the Agency are well developed, documented and implemented. It can thus be concluded that the current quality procedures are working well in ensuring scientific quality of the FRA's work.

<p><i>Efficiency: To what extent has the FRA conducted its activities and achieved its objectives at a reasonable cost in terms of financial and human resources and administrative arrangements?</i></p>

The evaluation findings show an overall positive evolution in terms of the FRA's internal organisation, operations and working practices towards efficiency since its establishment until present. The development has been dynamic during the start-up years of the FRA, and in the future the Agency will need to focus on consolidation of the different systems.

Overall, the management systems and processes in place are recognised by staff to be efficient. While there are areas which can be optimised, these require an improvement of current procedures and not a general overhaul. The management team consisting of Heads of Departments and the Director is perceived as a well-functioning and adequate forum.

The evaluation findings point towards a favourable assessment of the working methods and composition of the Executive and Management Board. Some challenges are inherent in the set-up, notably different backgrounds in a large Management Board with differing opinions, but the processes put in place seem to have contributed to a constructive cooperation, with an Executive Board and a Financial Committee. The Scientific Committee has also been well integrated in the working procedures of the Agency, with early participation in projects and well documented review processes in place.

The majority of the staff considers the Agency's structure and organisation to be appropriate in relation to the FRA's mandate, but there are some concerns regarding the workload. The situation is seen as a result of the ambitious tasks and work entrusted to the FRA as compared to the Agency's size. This may have a negative impact on employee satisfaction in the longer term.

A Performance Measurement Framework was being piloted at the time of the evaluation, designed to provide the Agency with ongoing information on outcome and impact level, with key performance indicators. Previously, proper mechanisms for monitoring, reporting and evaluating the FRA's work were lacking, and the PMF system should go a long way towards providing relevant and timely information on the performance of the Agency towards the objectives.

Based on the findings, it can be concluded that administrative systems overall function well. The MATRIX system generates management information such as Director's reports and red-flag reports, thereby enabling a real-time overview of progress towards milestones in projects. However, it is clear that there is a need for increasing the use of MATRIX as a management system by the project managers, rather than as an administrative requirement.

Overall, there seems to be a reasonable balance between administrative procedures and the need for checks and controls. Although there is certainly need for continuous work on simplification, it must also be acknowledged that the Agency is bound to follow standards, and thus only have limited means available to simplify procedures.

Utility: To what extent has the FRA been successful in addressing the needs of the European Union institutions and Member states in providing them with assistance and expertise to fully respect fundamental rights in the framework of Union law?

The evaluation findings point towards a clearly favourable assessment in terms of the FRA's ability to effectively help institutions, bodies, offices and agencies of the Union to ensure full respect of fundamental rights in the framework of the Union law, where survey, interviews and cases strongly supported that the FRA has been successful in meeting the needs of EU level stakeholders. The findings are less positive concerning the results at the national level. Developments are currently on the way to improve this in particular with more active communication with the National Liaison Officers (NLO) concerning the needs of the Member States.

Overall, the evaluation findings point towards a favourable assessment in terms of the FRA's ability to contribute to a greater shared understanding of fundamental rights issues in the framework of Union law among policy/decision-makers and stakeholders in the EU and Member States. The stakeholders interviewed were somewhat modest in their assessment, but stated that the quality of discussions has indeed improved due to the FRA's work. However, work remains to

be done in terms of mainstreaming the knowledge from the most involved national authorities (the National Liaison Officers) and NGOs towards the broader group of decision-makers in the Member States.

Based on these findings it can be concluded that the general satisfaction with the Agency's work is high, and the organisation is seen as accessible and responsive to stakeholders needs. The Agency is actively disseminating and communicating research results and the main barriers to further dissemination seem to be the dissemination channels, i.e. that the publications are effectively disseminated also in the Member States by the National Liaison Officers, and the publication language.

There is a clearly favourable assessment in terms of the suitability of the FRA's outputs to the needs of its stakeholders. The FRA has changed the format of the outputs, in particular in terms of providing information in a more condensed and targeted format (i.e. tailored newsletters, fact sheets summarising main findings of a report) and directing the outputs of their work increasingly towards the needs of the stakeholders.

In terms of the extent to which the FRA publications on project results have been taken into account by relevant EU, national and local actors on fundamental rights issues, the evaluation shows a mixed result. While contribution was assessed high at the EU-level, the results were much less positive at the national and local level. The case studies did, however, show a more positive picture also concerning the use of the publications by national level stakeholders. Among the civil society representatives, in particular the EU/international level NGOs are using the work of the FRA, but it does not seem that the results are disseminated actively enough towards the local level.

Added value: To what extent has the FRA been more effective and efficient in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements?

Overall, the evaluation findings point towards a favourable assessment in terms of the FRA having been more effective in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements. The FRA is considered to be in a unique role as a provider of comparative, EU-wide studies. The Agency is acknowledged for concentrating on topics that are not covered by other similar actors, and their position as an independent EU Agency gives their work additional backing.

The evaluation does not provide sufficient evidence to conclude that the effects in the field of fundamental rights have been achieved at lower cost because of the Agency's intervention. There is some evidence concerning the lack of duplication of efforts, where the work of the FRA has been used by the stakeholders. On the one hand, without the work of the Agency such research would not exist (meaning that there is little risk for duplication of efforts) but on the other hand the work of the FRA in these fields is seen to be of relevance to developing effective policies, which could be cost-saving for those using the FRA's work in these fields.

Coordination and coherence: To what extent has the FRA ensured appropriate coordination and or cooperation with the stakeholders identified in the Founding Regulation (articles 6 – 10)?

The evaluation shows a clearly favourable assessment in terms of the FRA's coordination and cooperation with the stakeholders in the Founding Regulation. The FRA has established effective procedures for coordination and cooperation which ensure coherence of policies and activities with stakeholders at all levels. Strong formal procedures exist between the FRA and the Council of Europe and the European Commission. These formal procedures are strengthened by informal channels. It seems that the benefits of collaboration are being reached through informal channels, with direct contact between respective staff in each institution, who keep each other informed and creating synergies between the work conducted.

The relevant EU Agencies, the European Commission and the European Parliament all expressed positive views with regard to the collaboration with the FRA. Furthermore, the FRA works in close cooperation with the Council of Europe, no duplication of work has been cited and the two organisations create strong possibilities for complementarity of work. With respect to cooperation and collaboration with the UN, it can be concluded that the FRA is avoiding duplication of efforts and is achieving a sufficient level of complementarity.

The results of the evaluation indicate that the FRA is engaging fairly well with non-governmental organisations and institutions of civil society. However, there is evidence which suggests that local level organisations are less aware and benefit to a lesser extent from the FRA's cooperation and coordination activities than organisations at the EU and national levels.

Conclusions and recommendations

It can be concluded that the FRA has clearly fulfilled its mandate in addressing the needs for full respect of fundamental rights in the framework of European Union law, in relation to relevant institutions, bodies, offices and agencies of the Union. The work of the FRA has contributed to a greater knowledge-base regarding fundamental rights issues among policy/decision-makers and stakeholders in the European Union.

The European Commission and the European Parliament see a clear added value of the FRA to the policy implementation at the EU level. At the Member State level the value is less clear and more mixed. It can be concluded that the work of the Agency contributes to policy development in that policy-makers are well familiar with the Agency's outputs and activities, and consider the Agency's evidence base as objective and reliable input to the policy process. This is particularly true at the EU level, while at the national level the contribution is less clear. The usefulness for different stakeholders stems largely from the mandate of the FRA, which clearly emphasises the comparative aspect of the data collection and research undertaken by the Agency. What is considered highly useful for EU institutions, such as EU wide data collection, is not always considered equally relevant for and by the Member States.

- The evaluators recommend the FRA to undertake, with the Management Board and possibly other stakeholders, a thorough review of priorities. The objective should be to ensure that the available resources are used in the most effective and efficient way, which may mean a smaller number of projects, stakeholder focus or scope of activities. It will not be possible for the FRA to continue an approach where the Agency tries to fulfil everybody's expectations to the same extent.
- The evaluators recommend that the FRA continue its on-going efforts to be relevant and useful for Member States, in order to create the necessary linkages to deliver pertinent evidence and advice. However, the work needs to target issues which are relevant to several Member States, rather than trying to cater specific needs of individual Member States

The FRA's responses to ad hoc-requests have been appreciated by stakeholders, and have been used as input in the policy debate and legislative process. While it is highly positive that the expertise of the Agency seems to be increasingly in demand, this may also become a challenge in terms of workload and planning. When requests arrive, they in general need to be prioritised at the expense of running research projects. Hence, the more requests arrive, the more difficult it may be for the Agency to free necessary resources to provide high quality responses.

- The evaluators recommend that a strategy for meeting increasing demand for ad hoc-requests be developed, in order to ensure that the most pertinent needs for responses on fundamental rights issues are met within the available resources.

It can be concluded that the FRA has a good ability to sustain its current activities, with systems, procedures and methodologies in place to carry out its mandate.

In terms of organisational or institutional factors no barriers to optimal performance were identified in the evaluation - obstacles relate rather to the mandate and the Multi Annual Framework. The mandate and the Multi Annual Framework set limits to what the FRA can

undertake and what advice it can bring forward. The evaluation findings show that stakeholders perceive that, as consequence of the mandate and the MAF, the Agency's full potential towards providing advice in the field of fundamental rights is not being utilised.

It is considered that the FRA could have a clearer position in the legislative process, for example through contributions to impact assessments and providing opinions on legislative proposals. It was generally thought that the Agency is an untapped resource to this end, which could significantly contribute to safeguarding fundamental rights in the legislative process at European level. There were also several opinions regarding the independence of the FRA, which is seen as limited due to its dependency of the European Commission and restricted mandate in terms of issuing at its own initiative FRA opinions regarding legislation. Furthermore, the exclusion of judicial cooperation in criminal matters from the Multi Annual Framework was seen by several stakeholders to be inconsistent from the European citizen's perspective as this means that not all the fundamental rights included in the EU Charter on Fundamental Rights are covered by the mandate of the FRA.

The above views were mainly heard from the level of the European Parliament, Civil Society Organisations, and to some extent Member States. The issue is highly political, and the discussion is on-going as to whether the FRA should have a stronger and more independent position in the institutional framework. While the evaluation does not allow for a thorough analysis of different scenarios, the findings do support the notion of a more independent fundamental rights agency, along the Paris principles of National Human Rights Institutions.

Another challenge of the mandate relates to the stakeholders identified in the Founding Regulation, since their expectations and needs differ. For example the European Commission requests EU-wide analyses, while the Member States would like more direct support and country research. Civil society on the other hand demands more monitoring and safeguarding of fundamental rights. While the expectations are not necessarily contradictory, meeting them would require a set of different approaches to the work conducted by the Agency, i.e. working on very different types and scales of research, something which is not considered realistic within the current resources.

To strike a balance is difficult, and also risks leading to a situation where none of the stakeholders view the FRA as a reliable partner and resource. Currently, the FRA is attempting to meet the needs and expectations from all stakeholders. While acknowledging that no stakeholders should be disregarded, it is not considered by the evaluators to be sustainable in the long run to attempt to meet the needs and expectations from all stakeholders *to the same extent*. Therefore there will be a need to prioritise the efforts of the Agency.

- The evaluators recommend that limits of the mandate of the FRA be examined and discussed, to ensure that the Agency's mandate is supportive of the objective of providing advice and assistance to support the full respect of fundamental rights.
- In particular it should be clarified to what extent the FRA should be mandated to issue on its own initiative opinions in the legislative process and have a wider mandate to address particular pertinent issues occurring in Member States.

Since its establishment, the Agency has developed into a well-functioning organisation, which is largely appreciated by stakeholders for its openness and responsiveness. In terms of the internal procedures and systems, the FRA is now at a point of development where the focus should be on consolidation and implementation of procedures and systems, such as the Management Information System MATRIX, the Performance Measurement Framework and Quality Management System.

- The evaluators recommend a focus on continued consolidation and implementation of the different management tools developed, such as MATRIX, Quality Management System and Performance Measurement Framework. Efforts should be made to ensure that the systems are properly implemented and also used. New initiatives should be avoided.
- The evaluators recommend the FRA to ensure that staff workload continues to be regularly monitored, to ensure that there is a reasonable workload.

1. INTRODUCTION

Ramboll Management Consulting has been awarded the contract "External Evaluation of the EU Agency for Fundamental Rights, FRA". This report constitutes the final report of the external evaluation, presenting findings related to the evaluation questions and conclusions.

The report contains five main sections:

1. Introduction – purpose and methodology
2. Background – mandate, structure, organisation and activities of the FRA
3. Evaluation findings – results for each evaluation question
4. Conclusions and Recommendations – responses to overall evaluation objectives and recommendations for actions

1.1 Purpose of the evaluation

The purpose of the assignment was to undertake an independent evaluation of the Fundamental Rights Agency (henceforward the FRA or the Agency) as stipulated in the Founding Regulation of the Agency³. As stated in the Terms of Reference, the overall objective of the study was to evaluate the effectiveness, efficiency, added value, utility, coordination and coherence of the contribution made by the Fundamental Rights Agency while the main specific objectives are as follows:

- To identify instruments for evaluating the FRA effectiveness, efficiency and its added value;
- To assess the FRA's usefulness in assisting EU institutions and Member States to ensure fundamental rights are respected;
- To assess the overall ability of the FRA to sustain its activities and meet future challenges;
- To define the barriers and obstacles to optimal performance;
- To identify relevant actions to improve the performance and added value;
- To identify actions needed to eliminate or reduce possible inefficiencies;
- To identify challenges as regards the FRA's governance (including managerial issues, planning and priority setting and working practices);
- To benchmark the overall efficiency, balance of resources, budget distribution and resource allocation with other organisations carrying out similar tasks.

This is consistent with the objectives of the evaluation as given in the Founding Regulation (Art. 30(3)), which states that the external evaluation shall:

- take into account the tasks of the Agency, the working practices and impact of the Agency on the protection and promotion of fundamental rights;
- assess the possible need to modify the Agency's tasks, scope, areas of activity or structure;
- include an analysis of the synergy effects and the financial implications of any modification of the tasks; and
- take into account the views of the stakeholders at both Union and national levels.

1.2 Methodology for the evaluation

The evaluation used a combination of tools and data collection activities to respond to the evaluation questions. Below a brief overview of the main steps and activities of the evaluation process is presented. For a more in-depth description please refer to the inception report in annex 1.

³ Council Regulation (EC) no 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights, Article 30 (3).

1.2.1 Online surveys

Two surveys were conducted as part of the evaluation.

- One survey was directed towards the key stakeholders of the FRA, as defined in the Founding Regulation. Contact details (name, organisation and e-mail address) were provided by the FRA to the evaluation team, and the online survey was sent to all respondents. The data collection was open for approximately four weeks and four reminder mails were sent out during this period of time.
- A second survey was directed towards the FRA's staff, members of the Management Board and members of the Scientific Committee. Also in this survey, all contact details were provided by the FRA. It was sent out to staff in two different waves, both of which had the duration of approximately four weeks. Three reminder mails were sent out during the data collection.

The response rate for each survey can be seen below in Table 1.

Table 1: Overall response rate, both surveys

	External survey		Internal survey ⁴	
	%	#	%	#
Complete	41.2	299	70.1	117
Partially Complete ⁵	5.1	37	0.0	0
Rejected ⁶	9.2	67	4.8	8
No answer	44.4	322	25.1	42
Total	100.0	725	100.0	167

The overall response rate for the external survey is considered to be adequate. In the evaluator's experience a response rate of above 40% is even a bit higher than usually seen in similar surveys with multiple external stakeholders. However, the response rates are unevenly distributed between respondent groups, ranging from just above 20% for the European Parliament, to 83 % for the FRANET⁷. For respondent groups such as the European Parliament and the Council of the EU few respondents were included in the data set to begin with, which means the answers from these institutions are based on a small number of individuals. Hence, interpretation of results has to be done with caution, and the actual numbers are stated when necessary.

Response rates per respondent groups can be found in Annex 5, together with the complete set of responses to the surveys (frequency tables).

This external evaluation of the FRA is the first one of its kind, taking place five years after the establishment of the Agency. This means that there is currently no quantitative baseline towards which the evaluation results can be compared. In order to mitigate for this, the evaluation team has together with the steering group⁸ agreed on judgement criteria for the evaluation questions. The target has been set at 70%, meaning that where at least 70% of the responses are positive, the judgement criterion is considered fulfilled. As this is a rather ambitious threshold, the evaluators have chosen to apply it with due consideration and to base their assessment also on other sources of data such as interviews and case studies in addition to the surveys.

⁴ These figures only include the respondents representing AD staff, members of the Management Board and members of the Scientific Committee.

⁵ The partially completed responses have been included in the below analysis.

⁶ Rejected includes bounced mails and respondents who actively declined to participate in the survey.

⁷ FRANET consists of specialised research institutions which are contracted by FRA to undertake research, wherefore a high response rate was to be expected.

⁸ The steering group consisted of the FRA's Heads of Departments, the Director and the planning manager (task manager for the evaluation).

1.2.2 Interviews

In parallel and subsequent to the surveys, interviews were carried out both with key stakeholders and the FRA staff. The table below gives an overview of the interviews conducted with different stakeholder groups.

Organisational affiliation of Interviewee	EQs/Themes covered	Mode
FRA Management	All	Face to face
FRA Staff	Effectiveness, Efficiency	Face to face
FRA Management Board (sample)	Effectiveness, Utility and Efficiency	Phone
European Commission	Effectiveness, Added value and Utility	Face to face and phone
European Parliament	Effectiveness, Added value, Utility and Coordination	Face to face and phone
Council of Europe	Added value and Coordination	Face to face
International Bodies (UN)	Added value and Coordination	Phone
MS Authorities	Effectiveness, Added value and Utility	Phone
Civil Society Organisations	Effectiveness, Added value and Utility	Phone

In total around 100 persons were interviewed, also taking into account the interviews conducted in the case studies described below.

1.2.3 Case studies

A case study is an in-depth investigation to explore causation. In the evaluation case studies were used to examine the identified assumptions and mechanisms in the FRA intervention logic.

As has been noted in the FRA's own performance measurement system⁹, there are major challenges inherent to create links between different levels of interventions. To this end, data collection on outputs and outcomes is not sufficient, as information on the relationship or link between the two is also required.

Hence, the case studies were used to analyse the link between the FRA's activities and outputs and higher level outcomes (immediate and intermediate). In this context, it is important to differentiate between contribution and attribution, where attribution indicates a direct causal link between activities and outcomes, contribution deals with the likely influence or change generated by the FRA's activities.

In evaluation theory and research this approach is labelled "Contribution Analysis"¹⁰, and is particularly useful in complex programmes and environments with multiple stakeholders and other influencing factors, characterised by an absence of baseline, quantitative indicators, or possible counterfactual situations. The case studies were used to produce so called "performance stories", i.e. to establish why it is reasonable to assume that the actions of the FRA have contributed to the observed outcomes, in line with the intended intervention logic. The outcome of the cases is presented in case study reports, entailing the performance stories, in narrative form. The case studies fed into the overall evaluation in terms of responding to higher level questions on the FRA's effectiveness, added value and utility.

For choosing the case studies the following considerations were taken into account:

⁹ Ensuring FRA delivers Results, page 3.

¹⁰ Mayne, John, (2001). Addressing attribution through contribution analysis: using performance measures sensibly. The Canadian Journal of Programme Evaluation, volume 16, Nr. 1 p. 1-29.

- The cases should be illustrative of the work of the FRA i.e. representing core tasks and functions carried out by the FRA, which will enable us to draw conclusions on the mechanisms at play.
- The cases should be forward-looking in the sense that they should concern activities which are expected to continue (not one-off activities). This will ensure that the case studies are useful with respect to generating recommendations
- The activities should be fairly new and/or ongoing in order to be able to identify relevant interviewees but at the same time the immediate and intermediary effects of the activities in question should have materialised.

Based on the above considerations, and the available resources, five case studies were selected, within the following themes:

Case	Type of Project	Framing	Theme
FRA Annual Report	Rolling Annual	Annual Report 2009 and 2010	Horizontal Activity
Situation of irregular migrants (including FRC 2011)	Multiyear project (concluded)	2009-2011	Asylum, migration and borders
Roma projects	Cluster of projects focussing on Roma issues	From 2007 – YTD (with a focus on from 2009 EU MIDIS data in focus report)	Equality
Gender-based violence against women	Ongoing EU Wide survey	Current project	Access to Justice
Homophobia and discrimination on grounds of sexual orientation	Research, reports, awareness raising	From 2008 - YTD	Equality

Case study reports can be found in annex 5.

2. THE EUROPEAN AGENCY FOR FUNDAMENTAL RIGHTS

2.1 Background and mandate of the FRA

At the date of its adoption, the Founding Regulation¹¹ of the European Union Agency for Fundamental Rights (FRA) reaffirmed in its preamble the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of the law as common values to the Member States¹².

With the entry into force of the Lisbon Treaty on 1 December 2009, the Charter of Fundamental Rights of the European Union¹³ (EU) became legally binding¹⁴. This new status of the Charter strengthens the Union's action in respect for fundamental rights. The Charter is an innovative instrument as it brings together in one text all the fundamental rights protected in the Union, while spelling them out in detail¹⁵. The Charter applies primarily to the institutions and bodies of the Union¹⁶. It therefore concerns in particular the legislative and decision-making work of the Commission, Parliament and the Council, the legal acts of which must be in full conformity with the Charter. The Charter thus complements, but does not replace national constitutional systems or the system of fundamental rights protection guaranteed by the European Convention on Human Rights.

The objective of the Commission's policy following the entry into force of the Lisbon Treaty is to make the fundamental rights provided for in the Charter as effective as possible. *The Union must be exemplary in this respect.*¹⁷

Within the framework of this policy background, the FRA can be seen as a key vehicle for providing reliable and comparable data on fundamental rights assisting therewith the EU Institutions and the Member States in respecting the EU Charter of fundamental rights when implementing Union law. The FRA's mandate, tasks and activities are crucial for the fulfilment of the EU's legal commitments. The FRA is also expected to play an active role in clarifying the scope of the Charter to citizens.¹⁸

Under the Lisbon Treaty, the accession of the European Union to the European Convention on Human Rights became a legal obligation. Such an accession will complement the system to protect fundamental rights by making the European Court of Human Rights competent to review Union acts. The compliance of Community acts with fundamental rights, and the subsequent role of FRA under such a framework will be all the more important.

¹¹ Council Regulation (EC) No 168/2007 of 15th February 2007 *establishing a European Agency for Fundamental Rights*, Official Journal of the European Union L 53/1 of 22nd of February 2007.

¹² Article 6, Consolidated version of The Treaty on European Union, O.J. C83/13 of 30.3.2010.

¹³ The Charter was solemnly proclaimed by Parliament, the Council and the Commission in Nice on 7 December 2000 (OJ C 364, 18.12.2000). On 12 December 2007 the Presidents of Parliament, the Council and the European Commission signed and once again solemnly proclaimed the Charter.

¹⁴ Article 6, *Consolidated version of the Treaty on the European Union and on the Functioning of the European Union*, OJ C 115, 09/05/2008.

¹⁵ The rights and principles enshrined in the Charter stem from the constitutional traditions and international conventions common to the Member States, the European Convention on Human Rights, the Social Charters adopted by the Community and the Council of Europe, and the case law of the Court of Justice of the Union and the European Court of Human Rights

¹⁶ Article 51(1) of the Charter.

¹⁷ Commission Communication COM(2010) 573 final *"Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union"* Brussels 19.10.2010.

¹⁸ Report from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions *"2010 Report on the application of the EU Charter of Fundamental Rights"* COM(2011) 160 final Brussels 30.3.2011.

2.2 Brief history and description of the FRA

The Agency, which was established in March 2007 by Regulation (EC) 1035/97¹⁹, is now one of the EU's specialised agencies. The Agency is located in Vienna and was built upon the structures of the European Monitoring Centre on Racism and Xenophobia (EUMC)²⁰ which studied the extent and development of the phenomena and manifestations of racism, xenophobia, antisemitism, Islamophobia and related intolerance. The EUMC had existed since 1998.

The FRA's mandate was extended in order to be able to support the relevant Institutions of the Community and the Member States to take measures and formulate courses of action that fully respect fundamental rights within the meaning of Article 6(2) of the Treaty on the European Union²¹, the Charter of Fundamental Rights of the European Union²² and the European Convention for the Protection of Human Rights.

The Agency was set up to provide assistance and independent expertise relating to fundamental rights, in the domain of Community law. The FRA's activities therefore serve to support the EU institutions and Member States in raising the level of protection for everyone in the European Union.

To achieve this objective, the Agency provides independent advice to policy-makers and national governments. To this end, it collects data on fundamental rights, conducts research and analysis, issues opinions, cooperates and facilitates networks with key human rights stakeholders, and develops communication activities to disseminate the results of its work and raise awareness of fundamental rights.

The director of the FRA is appointed by the Management Board on a five year term with the possibility for prolongation for additional three years. In addition, and unlike other agencies, the FRA has a Scientific Committee in order to ensure the scientific quality of the Agency's work. The Scientific Committee is appointed after an open selection procedure.

A memorandum of understanding²³ between the Council of Europe and the European Union has been signed to ensure full synergy between the two institutions.

The FRA has signed a Cooperation Agreement with the European Institute for Gender Equality (EIGE) to increase efficiency, avoid duplications and foster cooperation concerning all kinds of relevant activities. It also has a Cooperation Agreement with FRONTEX and EUROFOUND, and a Protocol for Cooperation with the UNDP. These measures are intended to mitigate the risk of duplication of activities with other institutions, and to allow the FRA to fulfil its mandate more effectively and efficiently.

2.2.1 The FRA's mandate, tasks and long-term objectives

According to Article 2 of its Founding Regulation²⁴ the FRA's 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 support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights.*

¹⁹ Council Regulation (EC) No 168/2007 of 15th February 2007 *establishing a European Agency for Fundamental Rights*, Official Journal of the European Union L 53/1 of 22nd of February 2007 (Founding Regulation).

²⁰ Established by Regulation (EC) No 1035/97 (repealed), OJ L 151, 10.6.1997.

²¹ Article 6, *Consolidated version of the Treaty on the European Union and on the Functioning of the European Union*, OJ C 115, 09/05/2008.

²² Charter of Fundamental Rights of the European Union of 7th of December 2000 as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.

²³ Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe of 18th June 2008, published in the Official Journal of the European Union, L 186/7 of 15.7.2008.

²⁴ Council Regulation (EC) No 168/2007 of 15th February 2007 *establishing a European Agency for Fundamental Rights*, Official Journal of the European Union L 53/1 of 22nd of February 2007.

The activities of the FRA are organised around three main tasks:

- Data collection, research and analysis²⁵;
- Providing independent advice to policy-makers and networking with stakeholders²⁶;
- Developing communication activities to disseminate the results of its work and to raise awareness of fundamental rights²⁷.

As opposed to other actors in the field, the FRA is not a monitoring or standard setting institution such as the Council of Europe, nor is it empowered to examine individual complaints such as the European Court of Human Rights or has regulatory decision-making power. The mandate stipulates that the FRA should formulate conclusions and issue opinions to the European Union's institutions, bodies and agencies and Member States on the situation of fundamental rights in the implementation of Union law. Moreover, the FRA has the capacity to carry out scientific research and comparative analysis, follow cross-cutting trends, raise public awareness and provide advice and guidance to national governments as well as to legislators at EU level. The FRA therefore ultimately aims to contribute to evidence-based policy making across the EU 27 (plus EU accession countries, currently Croatia).

Based on the overall objective, scope and tasks set out in the Founding Regulation²⁸, the FRA's long term strategic objectives set out in its mission statement²⁹ are:

- To identify and analyse major trends in the field of fundamental rights
- To assist the EU and its Member States in decision-making by providing quality and relevant data, facts and opinions
- To inform target audiences through awareness-raising activities and use of data collected in the field providing factual evidence
- To identify and disseminate examples of good practices

2.2.2 Thematic Areas and short term-objectives

The Agency's thematic areas of work have been determined through a five-year Multiannual Framework adopted by the Council after consultation with the European Parliament³⁰. Bearing in mind the objectives of the foundation of the Agency and with due regard to its financial resources, the Agency shall carry out tasks within the following thematic areas:

- Racism, Xenophobia and related intolerance
- Discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities
- Compensation of victims
- The rights of the child, including the protection of children
- Asylum, immigration and integration of migrants
- Visa and border control
- Participation of the citizens of the Union in the Union's democratic functioning
- Information society, in particular, respect for private life and protection of personal data
- Access to efficient and independent justice

The 2007-2012 FRA Mission and Strategic objectives set out a number of short term objectives for each of the thematic areas. These objectives are the basis for specific actions with regard to data collection, research and analysis in selected areas and their dissemination and awareness-raising towards stakeholders.

Both the FRA's Multiannual Framework and 2007-2012 Strategic objectives were revised in 2012, a process which was ongoing at the time of the evaluation.

²⁵ Article 4, (a), (b) and (c) Regulation 168/2007.

²⁶ Article 4, (d) Regulation 168/2007.

²⁷ Article 4, (d), (e) and (h) Regulation 168/2007.

²⁸ Articles 2 – 4 Regulation 168/2007.

²⁹ FRA Mission and Strategic Objectives 2007-2012.

³⁰ Council Decision 2008/203/EC of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-Annual Framework for the European Union Agency for Fundamental Rights for 2007-2012.

2.3 The FRA's development since establishment

Since its establishment in 2007, the FRA has developed progressively into being fully staffed by end 2011/beginning 2012. The establishment plan for 2012 provides for 47 AD staff, 28 AST staff, 25 Contract Agents and five Seconded National Experts (SNEs)³¹, and the total number of staff in February 2012 was 117 employees, with 71 permanent employees, 21 contract agents, three SNEs, 17 interim staff and 15 interns. The evolution of staffing can be seen in the table below³².

Table 2: Staff development in the Agency

Actual staff numbers end of year	2007	2008	2009	2010	2011
AD staff	13	14	26	37	44
AST staff	21	21	22	22	26
Contract Agents	5	10	12	14	19
Seconded National Experts (SNE)	2	2	4	4	3
Interims ³³	4	9	17	17	17
Total	45	56	81	94	109

Every year between 10 and 20 recruitments have been completed, which can be considered a rather rapid growth rate, with a high number of applications received for some posts (according to interviews up to 700 applicants for one recruitment procedure). As can be seen in the table, the increase in staff has mainly been in AD staff and Contract Agents, showing that it is mainly operational staff, which has joined the Agency since its establishment, with only five additional posts for administrative staff.

In interviews with the FRA management and staff it was repeatedly mentioned that the Agency was at almost "cruising speed" with most staff in place, work procedures developed and implemented. It was generally considered that the future would now entail consolidation and fine-tuning of the Agency's work, after a period of fast development.

Since its establishment, the total allocated budget of the Agency has increased overall by approximately 30%. The budget development is indicated in the table below. As can be seen the European Union subsidy amounts to practically the entire budget, which is to be expected since the Agency does not engage in revenue generating activities.

Table 3: Overall development of the FRA's budget in €

Development of the budget	2007	2008	2009	2010	2011	2012
Total budget	14,398,266	15,000,000	17,162,667	20,214,430	20,695,786	20,376,020
Union subsidy	14,191,093	15,000,000	17,000,000	20,09,0010	20,180,020	20,376,020
% Subsidy	99%	100%	99%	99%	98%	100%

More detailed figures obtained from the FRA's administration department show the commitments and outturn. The overview shows that the FRA has had difficulty spending in particular the Title I, staff expenditures, up until 2010, with 25% to 36% of the committed Title I reallocated to Title III Operational expenses. In 2011, the committed budget and outturn were in line for all three titles. The reallocation of resources between Title I and Title III explains also to some extent the challenges in committing the operational budget before the end of the year.

³¹ <http://fra.europa.eu/fraWebsite/attachments/2012Statement-of-revenue-and-expenditure.pdf>.

³² All figures provided by FRA's Human Resources and Planning department.

³³ Interims are formally not part of staff. They often fill vacancies, which is why the same post may be present twice in the yearly figures (for recruitments done during the year).

2.4 The FRA's organisation and management

The overall organisation and management structure of the FRA is presented in the figure below.

Figure 1: Organisation of the FRA, from the FRA website³⁴



2.4.1 Management Structure

The FRA is governed by a Management Board (MB) consisting of independent persons nominated by the Member States, i.e. they cannot be civil servants. Members of the Management Board are required to have knowledge in the field of fundamental rights and high level responsibilities in an independent national human rights institution or other public or private sector organisation. In the MB there are also two representatives of the European Commission and one representative from the Council of Europe. Candidate Countries can participate as observers and this is currently the case for Croatia.

The MB meets twice a year (May and December), and the individuals are nominated for a time period of five years (non-renewable). In May 2012 half of the MB was renewed (including the Chair). The MB elects its Chairperson and Vice-Chairperson and two other members of the Executive Board for a two-and-a-half year term, renewable once. The Executive Board is in contact more frequently and serves as a reference point to the Director in the day-to-day operations of the Agency. In addition, the MB entails a Budget Committee with responsibilities related to financial and budgetary issues. The Budget Committee is informed about the reports of the European Court of Auditors and the Internal Audit Service of the Commission acting as the Agency's internal auditor.

The Scientific Committee is not a management structure per se, but provides advice and opinions on the scientific quality of the FRA's work. The Scientific Committee meets four times per year, but individual members are connected to projects and are in more frequent contact and can also participate in relevant meetings. The mandate of the current Scientific Committee expires and it will be replaced as of June 2013. Currently a selection procedure is ongoing, based on an open call for proposals to the Scientific Committee.

³⁴ http://fra.europa.eu/fraWebsite/about_fra/who_we_are/who_we_are_en.htm.

2.4.2 Organisation of the Agency

The FRA consists of three operational departments (Freedoms and Justice, Equality & Citizens' Rights, Communication and Awareness Raising) and two support departments (Human Resources and Planning, and Administration). The Freedoms and Justice (FJ) department focuses on access to justice; asylum, migration and borders; and information society, privacy and data protection. The Equality and Citizens' Rights (ECR) department focuses on equality and non-discrimination; racism; and the rights of the child. These two departments are often referred to as the two "research" departments. The Communication and Awareness Raising (CAR) department supports the FRA in its role of providing evidence-based advice through consultation, communication and cooperation activities. The two support departments support the operational work of the Agency (Administration) and ensure the standards for the management and development of the FRA's human resources (HR and Planning).

During 2011 an organisational change was undertaken, transferring the tasks of the former External Relations & Networking Department partly to Communication and Awareness Raising and partly to the two "research" departments Freedoms and Justice, and Equality & Citizens' Rights. Project managers who are almost solely members of the two "research" departments are now responsible for the entire project including data collection and analysis, as well as "vertical" stakeholder engagement. This means that their tasks include networking and cooperation with the specific stakeholders of any given thematic FRA project, hence aiming to address Art. 2 of the Founding Regulation (evidence-based advice).

The CAR department is now responsible for the "horizontal" stakeholder cooperation, aiming to fulfil the "cooperation" function of the Agency (Art. 6-10 Founding Regulation), as a way of ensuring effective and close communication with key institutions and partners. CAR has therefore installed liaison persons dedicated to the cooperation with different stakeholder groups, such as the European Parliament, the Council, National Liaison Officers of the EU Member States, civil society (Fundamental Rights Platform - FRP) and national human rights bodies. Another change was to move the scientific editing of final reports from CAR to the research departments (now it is under Equality and Citizen's Rights department). Specific staff in the two research departments are also tasked with horizontal cooperation with key stakeholders.

Cooperation between departments is reported to work well³⁵. In many ways the two research departments function as one, with staff working across departments. Projects are staffed in a cross-departmental manner including staff from all relevant departments (see also further below under coordination and management).

2.4.3 Coordination and management

The work of the Agency is coordinated on an overall level by bi-weekly Management Team Meetings (MT-Meetings), chaired by the Director with all Heads of Departments (HoDs) participating (other colleagues can participate as relevant, and HoDs can second a deputy). The meeting is coordinated by the Directorate. It is formalised, with an agenda and meeting minutes, and of approximately 2.5 hour duration. The aim of these meetings is to review ongoing action points, inform about policy developments from the European Commission, staffing and other management related issues. A regular agenda item is the so-called Director's report, which provides an overview of progress towards milestones in projects, based on MATRIX, with red flags system and checklists. The meetings are reported to work well as means of coordinating the day to day work of the Agency.

Project work is organised in teams, with a team leader and staff allocated to the project from different departments (including CAR as well as ADMIN for procurement and budgetary issues), a so-called integrated project management approach. The heads of departments meet the project team leaders regularly to follow up on project work. In addition to the project work, there are so-called thematic teams with coordinators, who are responsible for following themes and reporting back on relevant policy developments etc. All coordinators meet bi-weekly.

³⁵ Interviews with FRA staff and Heads of Departments.

According to interviews, the integrated project management approach has greatly contributed to increased quality and efficiency in the projects. By including all involved departments from the outset, synergies and knowledge sharing has been improved, and the focus on utilisation of research results in evidence-based advice is considered to be strengthened.

2.4.4 Administration and financial management

The Agency's financial management is governed by the Council's Framework Financial Regulation and is in compliance with relevant procedures of the European Commission. This limits the Agency's flexibility in terms of simplification of administrative procedures. However, the Agency has been working to maximise flexibility of its internal administrative processes with a view to reduce unnecessary bureaucracy by simplifying the financial workflow and reducing the financial actors involved. According to the ADMIN department, in the assessment period the controls for routine administrative expenditure were reduced while at the same time mitigating the associated risks. The workflow of the financial actors is reviewed on a regular basis, to ensure efficient procedures.

To streamline the procurement procedures the FRA has established a Steering Committee that acts as an advisory body in high value tendering procedures. When possible, the Agency participates in the Commission's inter-institutional tenders to reduce costs in human resources. According to the ADMIN department, the Agency closely follows up any changes in terms of procedures, templates etc. proposed by the Commission and implements them accordingly where applicable.

The Agency responds effectively to Audit recommendations and has an objective to follow-up on 100% of audit recommendations during the year in question. Currently 90% of audit recommendations from 2011 have been closed (the remaining recommendations concern the key performance indicators, which are currently being developed in the context of the new Performance Measurement Framework, see 2.4.5 below). Overall there are few audit recommendations, and the IAS and Court of Auditors have expressed general trust in the Agency's procedures and systems in the audit reports. For the 2011 budget discharge procedure the Agency had no comments from the Court of Auditors.

During the assessment period, the FRA has developed its Management Information System (MIS) called MATRIX. In detail, the application consists of several interlinked modules such as:

- the Annual Work Programme module (AWP), which defines the areas of activities for each year (either operational or administrative)
- the Project Management module (PM), which allows for the follow-up of management and implementation of the projects and is linked to the AWP and ABAC, the Agency's financial management system
- the Budget Module, which is linked to the PM and retrieves the financial information. It is used to plan for commitments and payments, and it estimates the total budget by calculating the costs for the salaries based on the staff information provided in the system and summing up other fixed and variable costs
- the Activity Based Budgeting module (ABB), which is linked with the PM in order to record the time worked on operational activities and with AWP to record the time spent on horizontal and administrative activities
- the Tenders and Contracts Maker (TCM), which is linked to the PM and provides a structured way to prepare the documentation necessary to launch a procurement procedure as well as the contracting documentation.

MATRIX is under continuous development. The basic feature of MATRIX is to enable follow up of projects, tasks and the human resources allocated to them, milestones and budget execution, as well as procurement management. Current development plans include strengthening the performance related reporting, in terms of linking activities to specific objectives and ensure that milestones are reported and key performance indicators collected.

While MATRIX provides a good possibility for management reporting, it is considered by the staff to be less useful for project management purposes. This has led to some resistance towards the

system, and during interviews several staff reported that the system was seen more as a burden than a support. Hence, the system is not being fully utilised, and updates etc are not always done in a timely manner. With the current changes being implemented, it is hoped that the value of the system will be clearer to staff and project managers, as it is a core tool for ensuring the most efficient allocation of funds and deployment of human resources.

In addition, the Agency has developed systems for reimbursement claims/mission expenses (MIMA) as well as leave management (LEAMA). Since March 2011, the Agency has started implementing a paperless approach, amongst others CVs are no longer printed when recruiting, but read on tablets bought specifically for this purpose. The intention is to reduce costs as well as waste of resources. This reduced the time needed for the selection procedure, the related printing costs and freed up human resources. According to the Agency's calculations, 500,000 sheets of paper have been saved to date with the new approach.

The financial management system used is ABAC. A monthly Finance, Procurement and Accounting Report is produced, to follow-up on the operations.

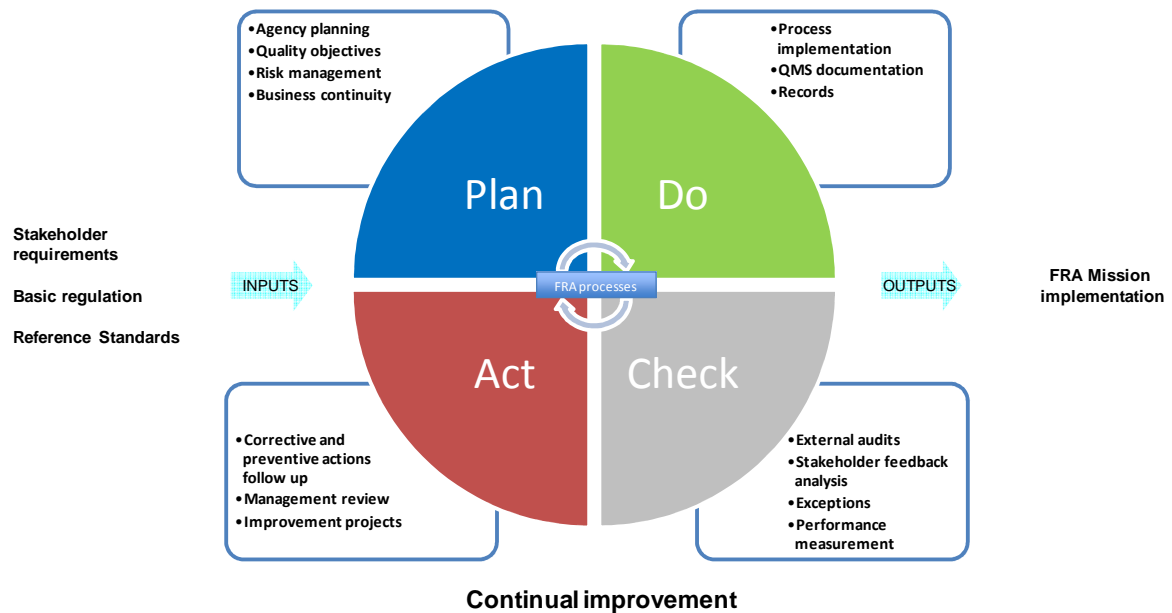
All financial actors are required to attend an in-house training on financial and procurement procedures on a regular basis. The induction training for new staff members and trainees takes place twice a year to ensure a high level of shared skills and knowledge.

The Agency has furthermore implemented a Quality Management System taking into account the Internal Control standards adopted by the Management Board in accordance with the Article 38 of the Agency's Financial Regulation and complementing them on specific quality issues with additional requirements from recognised international standards (ISO 9001:2008).

The QMS involves amongst others the documentation of the processes to ensure appropriate identification of roles and responsibilities, proper competence, control and traceability. All processes are now documented and made easily accessible through the intranet of the Agency.

The QMS has been integrated with the management of the Agency's business risks through the creation of a risk register as well as business continuity plans, which enable the management to track anomalies and risks on a monthly basis. The QMS system is reviewed at planned intervals by the Management team to ensure its continued suitability, adequacy and effectiveness (management review process). The below figure illustrates the QMS cycle, as defined for the Agency.

Figure 2: The FRA's QMS system³⁶



The QMS system uses checks and balances, primarily from audits (Internal Audit Service and Court of Auditors) but also annual self-assessments, which are presented to Management, following up on QMS implementation as well as audit recommendations.

The QMS system is considered to be comprehensive and well-suited to the needs of the Agency. While the QMS is operational, there will be a need to focus on implementation and compliance with the system, as it is still not thoroughly integrated in the day-to-day operations of the staff.

2.4.5 Planning, monitoring and evaluation

Planning, monitoring and evaluation fall under the responsibility of the Human Resources and Planning Department (HRP). The planning and monitoring function has been strengthened relatively recently, with the recruitment of a planning manager in mid-2010. Since recruitment to the planning function, the complete planning process has been defined and documented, outlining roles and responsibilities, deadlines etc.³⁷

The function of planning and monitoring was previously carried out by the finance team within Administration. In the transition from EUMC to FRA, the Annual Work Programme was developed and a new Annual Work Programme (AWP) was introduced and finalised in June 2008. In December 2008, the Agency adopted the AWP for 2009, and was thus "on track" with the planning cycle.

In 2009 the Agency introduced the use of priorities in order to allow the Agency to effectively manage ad-hoc requests from its key stakeholders as well as to exploit the risk of cancelling budgetary surpluses. Therefore, 'first priority' projects were defined as those that mainly follow-up on past work, correspond to key EU priorities and are considered essential to complete work in a specific MAF area. Projects which, although essential, could be postponed to next year were marked as 'second priority'. This allows the Agency to 'trade' second priority projects with ad-hoc requests. Finally, the 'third priority' projects are those that could be implemented in case budgetary surpluses are found. This allows the Agency to increase its effectiveness and added value to the Union.

The concept of the three priorities was praised by the IAS, in its report of 03/11/2009 on Financial Management in FRA, as it "enables a transparent reallocation of resources if requests for unforeseen activities need to be accommodated".

³⁶ From a presentation developed by the FRA's quality team.

³⁷ Preparation and adoption of the FRA Annual Work Programme, FRA Internal working document.

Since 2010 the FRA is operating with an N-2 budget and work plan cycle, meaning that the resources and the activities of the Agency are planned two years ahead. A systematic consultation process has been put into place for the elaboration of Annual Work Plans. The process starts with a needs assessment where key stakeholders³⁸ are asked to provide the FRA with an indication of those fundamental rights issues, which they think are important for the FRA to address in the future Annual Work Programme (AWP). The needs assessment is carried out through an online survey at the beginning of the year (N-2). Based on the needs assessment (and multi-annual ongoing projects) a draft AWP is elaborated, and in a second step, consultations with key stakeholders are conducted. Once the draft AWP is finalised, formal opinions are requested from the European Commission, the Council of Europe and the Scientific Committee, after which the final draft version is submitted to the MB for discussion and ultimately approval.

The move towards an N-2 planning was done in order to achieve a longer term strategic perspective in the FRA projects, with activities spanning over several years. Another aim was to solve difficulties in planning the budget disbursement, where the Agency did not manage to undertake planned procurements and subsequent spending in time, leading to a high expenditure rate in the final quarter of the year as well as substantial carryovers to following year. With the N-2 planning procedure more long term planning for operational expenditures is feasible, and with this the budget execution is spread more evenly throughout the year. According to interviews with the Administration department, in 2011, a total of 72% of the budget was committed by end October, which is a considerable improvement from previous years. This was increased to 84% in August 2012.

A considerable part of the projects included in the AWPs are carried over from multi-year projects with activities planned for several years.³⁹ The Agency has recently also started to receive more requests for work to be undertaken both from the Commission and the Parliament on pertinent or arising issues (for example on the Roma, on data protection, and on matrimonial property regimes). It is a challenge for the Agency to meet these requests, as the planning cycle and resource allocation leave little room for ad hoc additional activities. In an attempt to meet these demands, the Agency has developed a system of prioritisation of projects, and is now exploring the possibility of developing Multi-Annual Work Programmes with Annual Implementation Plans, which could allow for greater flexibility and the possibility to prioritise ad hoc requests from key stakeholders.

To date there has been little structured monitoring activity of the FRA's outcomes and impact. The ongoing monitoring has mainly focused on activities and outputs, through information available in MATRIX on key milestones, commitments and disbursement. The AWPs and project fiches entailed "performance indicators", but these were of output nature (number of downloads, reports published etc.) and have not been systematically reported on in the following Activity Reports (in AR 2010 indicators are reported upon, but the quality is assessed low, with indicators changed, targets not stated etc.)

Different monitoring systems are in place, such as event evaluations and reporting on internet usage and visits to the FRA webpage. The Agency also has a reference database, managed by the CAR department, which includes references made to the FRA's work through various sources. However, for the moment the data collection is not carried out systematically and the database is updated ad hoc and thus cannot be considered to provide a comprehensive or exhaustive picture of the FRA's outreach. It is the evaluators' opinion that there is a wealth of evaluative information available. However, so far the information has not been consolidated or aggregated in a way which enables an overall analysis of the Agency's performance.

To address this issue, work is currently ongoing to implement a Performance Measurement Framework (PMF) to provide the management and stakeholders with information on the FRA's performance towards key performance indicators. The intention is to implement a system which

³⁸ As defined in Founding Regulation.

³⁹ According to interviews app. 50% of the operational budget is committed to multiannual projects.

measures performance on outcome and impact level, with one interim (internal) and one final performance report per year (public). The PMF is structured based on the Multi Annual Framework, thus providing a picture of the FRA's outputs, outcomes and impact per MAF area, on a bi-annual basis.

To implement the PMF, a framework contract has been concluded with service providers to provide support in the design and implementation of the monitoring and evaluation activities. The first pilot report is expected for Q1 2013.

An audit of the planning and monitoring systems was conducted in 2010/2011 by the Internal Audit Service of the European Commission. The audit found the system in place to be adequate and acceptable, while suggesting a number of improvements. In the audit the Performance Measurement Framework was mentioned to be under implementation and ready for piloting. The evaluators have observed that this is now under way. The recommendations for the increased use of the MATRIX system by staff and line management still appear relevant, with reference to the interviews conducted with FRA staff and project managers.

2.5 Activities of the FRA

The following section provides an overview of the FRA's main operational activities and tasks, as presented in Annual Work Programmes, Activity Reports, and by the FRA's staff and management during interviews. As mentioned in the previous section, the Agency's work is undertaken in projects, most of them multiannual and planned in advance, as per the N-2 planning cycle. The overview of projects per Multi-Annual Framework (MAF) area can be seen below, specifying the number and total budget in €.⁴⁰

Table 4: Allocated budget by MAF Area 2009-2012

MAF area	2009		2010		2011		2012		Total €
	Nr	Budget	Nr	Budget	Nr	Budget	Nr	Budget	
Access to efficient and independent justice	1	245,000	7	895,000	2	1,815,300	5	2,250,000	5,205,300
Asylum, immigration and integration	3	695,000	2	930,000	1	100,000	2	240,000	1,965,000
Compensation of victims ⁴¹ ;	0	0	0	0	0	0	0	0	0
Equality and Discrimination	11	1,124,200	9	1,825,000	7	904,335	7	1,822,000	5,675,535
Information society and data protection			1	20,000	1	300,000	3	465,000	785,000
Participation of the EU citizens in the Union's democratic functioning;	2	275,000							275,000
Racism, xenophobia and related intolerance;	2	590,000	5	800,000	5	1,150,000	2	75,000	2,615,000
The rights of the child, including the protection of children;	1	70,000	2	165,000	1	5,000	1	430,000	670,000
Visa and border control;			1	0	2	510,000	2	205,000	715,000
Operational Horizontal Activities	9	1,751,800	15	1,795,392	4	1,940,685	10	1,728,000	7,215,877

In the above table the spending on MAF activities is shown for the financial years as from 2009 onwards. Prior to 2009 the Agency's budget and Annual Work Programme were based on tasks (i.e. research, communication, translation, etc.) and the extrapolation of the funds allocated per MAF area is therefore not possible. As from 2009 the Agency implemented the Activity Based Budgeting (ABB) where the allocation of funds is presented per MAF area.

The overview shows that the MAF areas taking up the highest level of operational resources have been, in descending order; Equality and Discrimination; Access to Justice; Asylum; Racism, Xenophobia and Related Intolerance; Immigration and Integration. One project has been carried out in the field of Participation of the EU citizens in the Union's democratic functioning. In total since the inception of the Agency, the following number and types of publications have been produced (for a complete list of publications see annex).

⁴⁰ All figures are taken from the Annual Work Programmes 2009-2012, and are likely to include carryovers, i.e. the same funds for the same project may be included more than once.

⁴¹ The MAF area of Compensation to Victims has been addressed in the context of other projects that have variously looked at access to justice and victim-related issues. However, this thematic area has not resulted in a project under the specific theme of compensation to victims.

Table 5: Summary of publications by the FRA (only first six months of 2012)

	Reports	Factsheets	Opinion Papers	Working Papers	Magazines	Others
2007	3	0	2	3	2	-
2008	5	0	2	2	2	1
2009	12	4	2	-	-	-
2010	12	7	2	1	1	1
2011	14	6	2	1	1	5
H1 2012	7	7	1	-	1	1
Total	53	24	11	7	7	8

In addition to specific projects within the individual MAF areas, the FRA also carries out so-called horizontal activities covering all MAF areas. These include the FRA's "Flagship Events" namely the yearly Fundamental Rights Conference (FRC), the Annual Symposium and Fundamental Rights Platform meeting (FRP), as well as the Annual Report on Fundamental Rights in the EU. The Symposium and FRC are generally held in cooperation with the Member State holding the EU presidency, and employ a thematic focus which is linked to research conducted by the Agency. As an example, in 2011 the focus of the FRC in Warsaw was on the situation of irregular migrants, in conjunction with the finalisation and publication of results of the FRA's research in the area (see also case study on Fundamental rights of migrants in an irregular situation). An aggregation of events conducted since 2007 gives the following picture (the table does not include consultation or expert meetings within projects).

Table 6: Number of events conducted by the FRA (only first six months of 2012)

	Meetings	Conferences	Events
2007	8	5	2
2008	12	2	7
2009	19	4	3
2010	24	7	5
2011	28	9	5
H1 2012	11	6	1
Total	102	33	23

2.5.1 Providing evidence-based advice

One of the FRA's key responsibilities is to deliver policy advice founded on sound research-based evidence. According to the Founding Regulation, the Agency shall support the relevant institutions, bodies, offices and agencies of the EU and the Member States by providing them with assistance and expertise relating to fundamental rights.⁴² Since 2007, the Agency has experienced an increase in the requests for advice and opinions on a broader spectrum of thematic issues related to fundamental rights. As an example the Parliament and the Council Presidency have asked the Agency to deliver opinions on rights-based issues which was not the case a few years ago. The Agency is able to deliver input to the Commission, the Parliament and Council, upon request as per the Founding Regulation⁴³. The advice, information and suggested solutions from the Agency can then feed into concrete initiatives and action plans from the Commission which are intended to affect the Member States' policies on fundamental rights.

As an example of the above, the work on Roma is a cornerstone in the FRA's research activities and the Agency's work on the fundamental rights of Roma and information about gaps in the implementation of legal rights have been used by the Commission and the Member States in the formulation of national strategies for Roma. Similar examples can be taken from the area of irregular migrants, people with disabilities, and passengers' rights in relation to data protection.

⁴² Regulation 168/2007, Art. 2.

⁴³ Ibid, Art 4 (c).

The Agency is also providing more ad hoc legal analysis based on jurisprudence that can feed into more immediate requests from policy makers.

According to interviews with the staff, the Agency is putting an increasing focus on the advice side of its mandate, by targeting its production and activities on specific themes and target groups. As an example can be mentioned the "Data in Focus Reports" which lift pertinent specific fundamental rights issues in short and to the point publications. FRA handbooks for practitioners are another such example. They have been produced by the FRA in different areas (e.g. on anti-discrimination case law or ethnic profiling). The rationale is to use the wealth of information, which the FRA gathers in a more strategic manner, in order to enable follow-up and increase the likelihood of real policy impact. Another prominent feature of the push towards greater policy relevance is an increased dialogue with stakeholders throughout the projects, in order to both sensitise and ensure that findings are policy relevant. The interviews showed, however, that it is difficult for the stakeholders to assess what input they will need from the FRA in the long-run. In order to solve this issue, the FRA is currently in the process of developing a possibility to consult the key stakeholders annually on their short-term needs from the FRA.

2.5.2 Collecting and analysing data

A concrete way of getting the evidence-base for providing advice to its stakeholders is by collecting and analysing relevant, objective, reliable and comparable information and data.⁴⁴ The Agency undertakes this in a variety of ways – including research on existing material and data, the production of legal opinions, and fieldwork-based research. The collection of data on the situation on the ground with respect to fundamental rights is an approach that the Agency uses in most of its projects – this can range from large-scale quantitative survey research with tens of thousands of randomly sampled respondents (such as the Agency's EU-MIDIS survey or its LGBT survey), to in-depth focus groups and individual interviews. Fieldwork also involves interviews with 'duty bearers' who are responsible for fundamental rights compliance at various levels. Given that the Agency is often working in areas where there is no or very little comparable data at the EU and Member State level, the Agency's primary data collection is undertaken in order to fill a gap in the existing knowledge-base that can serve to inform key stakeholders with respect to the findings.

The Agency is putting considerable effort into ensuring the scientific quality of its research and corresponding data. In general it is perceived by staff that the FRA has a high level of credibility and - unlike national research institutions - the FRA is able to launch primary data collection activities across the 27 Member States. The FRA can either directly engage in the data collection or engage a partner organisation to collect the data. In these cases the FRA will conduct the data analysis. In both instances the Agency will dedicate internal resources to the development of research methodologies and research tools (such as questionnaires for large-scale surveys, or qualitative research components). In particular, the Agency pays close attention to checking the validity and reliability of the data it collects. This also includes the monitoring of fieldwork, which can involve 'shadowing' interviews, the FRA's presence at the training of fieldwork interviewers, and FRA staff observing fieldwork. Given that many staff in the Agency's two research departments have a strong research background, they are well placed to assess the quality of the work undertaken. Internally, the research departments have also established a social scientist qualitative research group that regularly meets to discuss and harmonise ways in which the Agency's non-quantitative fieldwork can be further enhanced and improved. The Agency has a dedicated statistics and surveys team that is responsible for the development and management of the Agency's large-scale quantitative data collection, as well as the Agency's work in the field of data analysis on existing data sets and the development of the Agency's work with respect to fundamental rights indicators.

As part of the quality control oversight, the Agency's Director and all Heads of Department undertake a review of proposed projects (the so-called 'FRAPPE' project review), which is repeated when a project is operational. All final reports are reviewed by an internal committee in the Agency (the so-called 'FRACO' committee), which consists of the Director and the Heads of Freedoms and Justice, Equality and Citizens' Rights and the Communication and Awareness

⁴⁴ Regulation 168/2007, Art. 2 (b).

Raising Department – together with two senior researchers and the team leader for production and editing. Reports often go through several FRACO readings and internal re-drafts before they are considered ready for publication. This work is underpinned by the Agency’s Scientific Committee – which assigns rapporteurs to follow and comment on specific projects (see section 3.1.7 for more detail on the above).

All reports are produced by the Agency itself and in the FRA's name, without disclaimer. The ability to provide pan-European data and comparative analysis, based on this data, was assessed by the FRA staff and some of the interviewed stakeholders as one of the main strengths of the Agency. It was for example mentioned that while some Member States have individually had the relevant data available, the FRA has been able to ensure data availability throughout the 27 Member States and thus facilitate comparative studies and development of best practices.

According to interviews with the FRA staff, the Agency sometimes receives questions from its stakeholders concerning its research methodologies and findings. A number of the projects that the FRA is implementing are addressing controversial issues for the Members States, Civil Society Organisations (CSO) and other stakeholders. In order to handle potential criticism the Agency institutes a thorough internal process where the methodology is discussed and established prior to the data collection. This is supported by meetings at the FRA with external experts from specific fields who have undertaken cross-national research in areas covered by the FRA’s work. Further, the Agency is adopting a highly transparent approach in terms of who has been involved in the data collection and analysis and how it has been carried out so that the stakeholders can see the principles underlying the research. To the extent possible the Agency is also arranging sensitisation events at an early project stage where the research and the methodologies used are presented to enable various and also opposing stakeholders to contribute to the process. These events take considerable time and resources but according to interviews with the FRA staff they constitute a positive step for the projects in the longer-term.

2.5.3 Cooperating with stakeholders

The FRA has an extensive mandate in terms of stakeholders to cooperate with⁴⁵:

- EU bodies, offices and agencies
- Member States via National Liaison Officers
- governmental organisations and public bodies competent in the field of fundamental rights
- the Organisation for Security and Cooperation in Europe (OSCE), especially the Office for Democratic Institutions and Human Rights (ODIHR), the United Nations and other international organisations
- The Council of Europe
- non-governmental organisations and institutions of civil society, via its Fundamental Rights Platform (FRP)

The FRA interacts with its stakeholders in two main ways: on the one hand “vertically”, through regular consultation and cooperation activities of its different thematic projects, and on the other hand on a more systematic and “horizontal” basis through the coordination of networks of stakeholders (Fundamental Rights Platform, National Liaison Officers) and cooperation with other existing networks and its members (National Human Rights Institutions, Equality Bodies, Ombuds institutions). Furthermore, it works through structured cooperation with the Council of Europe, with UN organisations and other EU bodies and Agencies such as EESC (European Economic and Social Committee), CoR (Committee of the regions) and EU Agencies working in related fields.

The different ways of interaction include for example the aforementioned needs assessment for the AWP, but also more targeted communication and cooperation in relation to specific projects and topics.

As mentioned previously, horizontal stakeholder consultation was merged into the department for Communication and Awareness Raising in 2011, in order to strengthen stakeholder cooperation and communication. The CAR department has appointed liaison persons dedicated to the FRA’s most important stakeholders such as the European Parliament (EP), the Council and the National

⁴⁵ Article 7-10, Founding Regulation

Liaison officers (NLOs) appointed by the EU Member States, and a focal point for the cooperation with National Human Rights Institutions, Equality Bodies and Ombudsmen institutions, and with the civil society organisations under the umbrella of the FRP (Fundamental Rights Platform). In addition, in the Freedoms and Justice Department, a person acts as a dedicated liaison contact for the Council of Europe (CoE), and another is responsible for inter-agency cooperation and work in the Justice and Home Affairs cluster of agencies. Due to the frequency of contacts, there is not one single liaison contact for the European Commission (COM), but the various thematic team coordinators and project managers maintain regular contacts with the relevant desk officers at the Commission. The liaison with UN bodies and OSCE lies with the Directorate.

A Stakeholder Review was conducted in 2011, with all the FRA's key stakeholders as defined in the Founding Regulation. The review showed that overall the stakeholders are satisfied with the FRA's events, publications and overall cooperation with stakeholders. However, stakeholders also expressed a need to further increase the cooperation in particular with CSOs at the national level, as well as a stronger presence in the policy process at the EU level⁴⁶. According to the FRA staff, the results of the stakeholder review gave a push for the Agency to develop further the advisory role towards its stakeholders. In part as a response to the Stakeholder Review, but also as a part of the overall development of the Agency's work processes, an increased emphasis is being put on the consultation with stakeholders from the outset of projects, with the aim to provide targeted and relevant evidence-based advice. In the effort to integrate awareness and communication activities in all projects, CAR staff is involved in all projects from the outset.

The Fundamental Rights Platform (FRP) is the Agency's main forum for cooperation with civil society organisations. It is composed of 350 non-governmental organisations dealing with human rights, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and other qualified experts of European and international bodies and organisations.

In 2012 the annual FRP event gathered approximately 230 participants. The main objectives were to encourage a European debate on fundamental rights, to exchange good practices and share experiences from the FRA's and the CSO's work, and to further strengthen the opportunities for collaboration and networking. The event consisted of a mixture of presentations and panel debates on various topics such as victims' rights, access to justice, and discrimination. Further, considerable time was allocated to enable the CSO's and the FRA to inform each other about their work and selected projects.

2.5.4 Communication and raising awareness

The Agency's communication task has three main components⁴⁷:

- 1) communicating and disseminating the Agency's assistance and expertise
- 2) awareness raising
- 3) dissemination of information about FRA work

Overall, the communication activities are guided by a communication strategy (the Communication Framework) which is perceived as a flexible, living document. An annual communication plan sets the more specific goals for the communication and awareness-raising activities each year. According to interviews with the FRA staff, a lot of the standardised material is perceived to be in place in terms of booklets, website and social media, electronic newsletters, a postcards and other promotional material. Workflows and consolidated dissemination lists are also in place. The staff were largely of the opinion that the activities are now moving into a consolidation phase.

During the interviews with the staff it was also highlighted that the FRA's awareness-raising activities are targeted at addressing selected stakeholders (such as police officers, teachers, local authorities etc.) and not general awareness-raising campaigns, since the financial as well as human resources are limited for this type of activity and the impact of general awareness-raising is assessed to be limited. Rather, FRA communication is intended to work in a way that provides

⁴⁶ FRA Stakeholder Review, Prospex bvba/Ecre 2011, Report for the European Agency for Fundamental Rights.

⁴⁷ Article 2 and 4, Founding Regulation.

data, information and templates to key partners so that they can make use of FRA work in their own awareness raising campaigns and efforts.

One of the recent initiatives to improve the communication process is the establishment of a contact database. The database is still in its pilot phase.

A media policy is in place ensuring that responses to the press have been coordinated and discussed within the Agency before giving a response.

3. EVALUATION FINDINGS

In this chapter, the evaluation findings for each of the evaluation questions as specified in the Terms of Reference are presented. The findings are based on all data collection activities carried out during the course of the evaluation and examine the effectiveness, efficiency, utility, added value as well as coordination and coherence of the FRA's work.

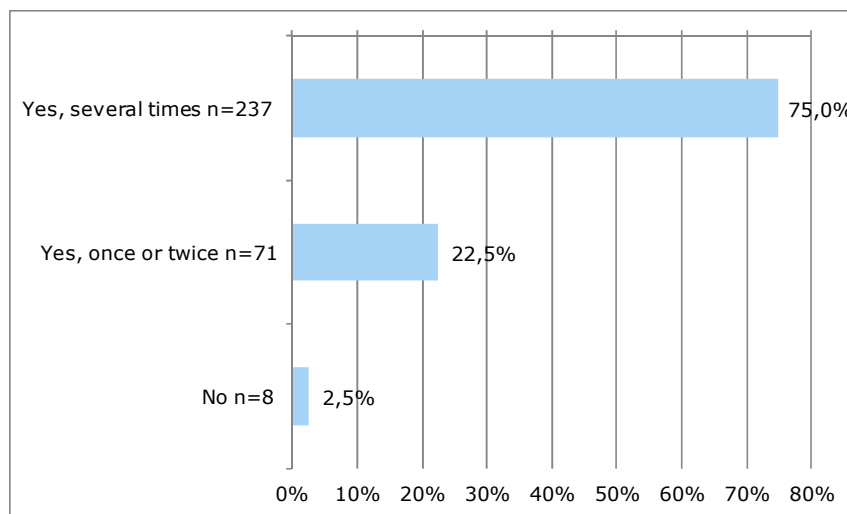
3.1 Effectiveness: To what extent has the FRA been successful in achieving its objective and carried out the tasks established by the Founding Regulation?

3.1.1 To what extent is the FRA issuing timely and adequate assistance and expertise relating to fundamental rights to the relevant institutions, bodies, offices and agencies of the Union and its Member States?

The evaluation question has been assessed by collecting stakeholder opinions in the survey, interviews as well as the case studies. For the survey a "judgement threshold" was set at 70% positive answers. Furthermore the assessment takes into account the outputs produced by the FRA, as presented earlier in section 2.5.

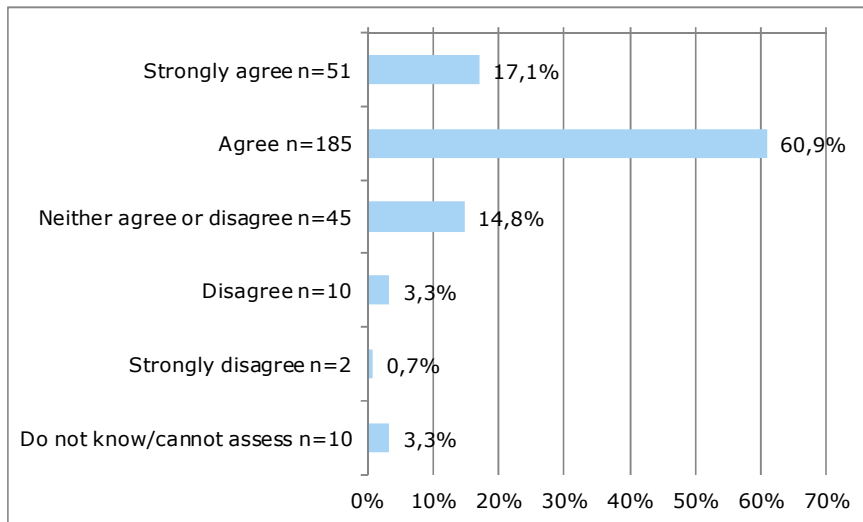
In the **external survey**, almost all respondents (97.5%) had experience with reading the FRA's publications and were therefore well capable of assessing the relevance, timeliness, availability etc. of the publications.

Figure 3: Have you ever read any of the FRA's publications? N=316



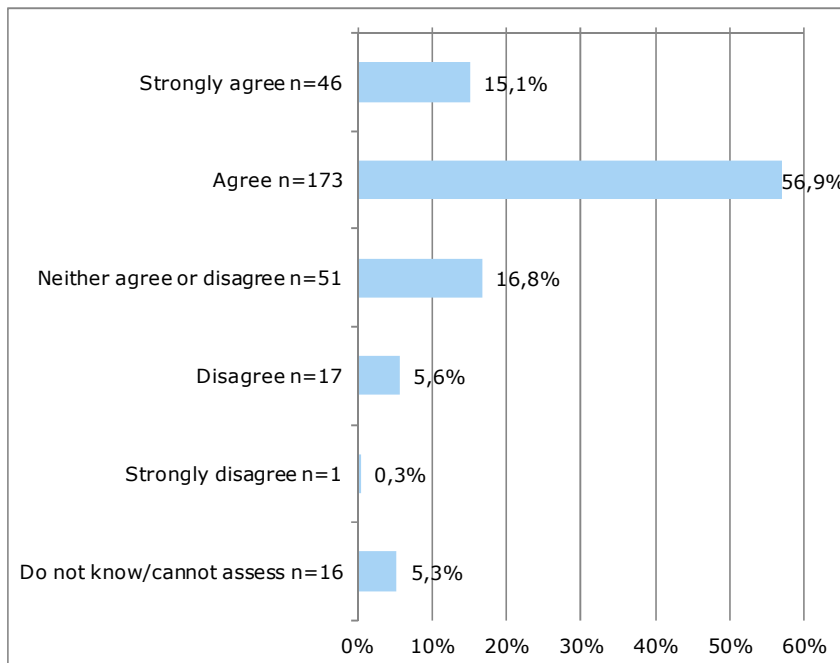
78% of the respondents either strongly agreed or agreed with the statement that "the FRA publications deliver timely data and information on pertinent fundamental rights issues in the EU". Only a handful of respondents (4%) either disagreed or strongly disagreed with this statement.

Figure 4: The FRA publications deliver timely data and information on pertinent fundamental rights issues in the EU N=304



The respondents were also positive concerning the availability of the FRA's research results, which is shown by the fact that 72.4% of the respondents either strongly agreed or agreed with the statement that "the FRA's research results are readily available to all relevant stakeholders". This means that the judgement threshold of 70% positive answers was met for both relevant survey questions.

Figure 5: The FRA's research results are readily available to all relevant stakeholders N=304



The **interviews** confirmed the findings from the external survey, with in particular representatives of the European Commission and the European Parliament expressing satisfaction with the advice and expertise provided by the FRA. From a European perspective, the expertise and research provided by the FRA were considered vital for the development of policies at the EU level, as illustrated by the quote below from a Commission official.

"I think that the reports of the FRA are used by the EU institutions, the Commission, the Parliament and the Council. It is not possible to state specific themes, but rather specific types of reports that are particularly relevant. These are the reports that provide comparative and reliable data covering all the Member States. These types of reports are very much appreciated by the EU institutions. These types of reports compare the factual situation in different Member States and support policy-making on the EU level."

The cooperation seems to be working well, and the open, informal and direct contacts between staff in the different institutions were specifically mentioned as an advantage in several interviews. In general policy officers working in specific fields know and are in direct contact with the relevant FRA programme managers.

"In the informal coordination process Commission employees take direct contact to relevant FRA desk officers. The rule of common sense applies in this cooperation. The formal level is not very efficient, and thus one should definitely not try to strengthen this. It is not worthwhile to strengthen a cooperation procedure that is not working efficiently. The informal processes work very well, and they are sufficient for my needs."

As in the external survey, interviews with Member State representatives revealed a more mixed picture, with National Liaison Officers expressing less interaction with the FRA. To some extent this can probably be ascribed to the fact that NLOs often are generalists, and thus have more of a channelling function, coordinating the inputs and contacts between the FRA and Member State civil servants. NLOs interviewed also expressed that the role of NLOs had changed and developed over the years, and that the FRA is now more actively working to engage with the Member States. Still, as the quote below from an NLO illustrates, the cooperation and assistance need to be further developed.

"They are putting more efforts now into trying to assist us (Member States). It could be more useful for the Member States to know all the rules for what kind of assistance they could provide us. Until now this has not been very concrete (what kind of assistance they are able to give us and we could ask for). We still don't know more concretely what the FRA budget for this is, what assistance they have given to other Member States or institutions etc."

Another interesting quote from an NLO interview points to the challenges the FRA faces in trying to live up to the mandate.

"They are doing relatively well. There is a general problem – not of the Agency, but of the current status of the Agency, they are in a special situation in an institutional environment within the EU. They have to strike the right balance between supporting EU institutions, national governments and NGOs. This is a delicate situation and this is perhaps why one might have the impression that they are not really suited for their tasks. From the point of view of the national government they look more suited to EU and civil society, from the point of view of the CSO they are more suited to work with the governments – they are in the middle of the battle field. They have to balance between different kinds of interests. Under these circumstances they do a relatively good job."

The **case studies** mirrored to a very high extent the earlier findings, and also illustrated further the "gap" which seems to exist between MS and EU level policy development. In all the cases, the comparative research conducted was seen as more useful at the EU level than at the national level. The main reasons stated were the specificity of the national contexts, and the need for more specific information on root causes and mechanisms to enable development of effective policies on the ground.

Overall, the evaluation findings point towards a clearly favourable assessment in terms of the timeliness and adequacy of the FRA's assistance and expertise relating to fundamental rights. While the findings are very strong among the EU level institutions, the picture is somewhat more mixed at the national level. It is clear that the relation goes two ways, and while the FRA needs to work on ways to be more relevant for Member States, the demand and receptiveness from Member States also needs to improve.

- 3.1.2 To what extent has the FRA successfully fulfilled its mandate to collect, record and analyse relevant, objective, reliable and comparable information and data relating to fundamental rights issues in the European Union and its Member States when implementing Union law? To what extent has this data been collected across all Member States?

The evaluation question has been assessed by taking into account the outputs produced by the FRA, and to what extent these outputs consist of comparative research. The question is also assessed through stakeholder opinions in the external survey and interviews. For the survey a "judgement threshold" was set at 70% positive answers.

The majority of the FRA's research projects cover several or all Member States. The Annual Reports developed by the FRA cover by default all Member States, and are based on comparative research. Since its inception and until the end of 2011, the Agency had carried out and published reports related to the following specific projects with coverage of *all Member States* (several of the projects have led to several publications, please refer to complete list of the Agency's publications in annex IV).

Table 7: Overview of research covering all Member States.

2008	2009	2010	2011
Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States Part I – Legal Analysis	EU MIDIS –European Union Minorities and Discrimination Survey	Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity	Fundamental rights of migrants in an irregular situation in the European Union
	Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States Part II - The Social Situation	Detention of third-country nationals in return procedures	Access to justice in Europe: an overview of challenges and opportunities
	Antisemitism Summary overview of the situation in the European Union 2001-2008 (updated version February 2009)	The right to political participation of persons with mental health problems and persons with intellectual disabilities	Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the EU Member States
		Racism, ethnic discrimination and exclusion of migrants and minorities in sport: the situation in the European Union	Antisemitism – Overview of the situation in the European Union 2001-2010
		The asylum-seeker perspective: access to effective remedies: the duty to inform applicants	Migrants, minorities and employment - Exclusion and discrimination in the 27 Member States of the European Union (Update 2003-2008)

National Human Rights
Institutions in the EU
Member States

The legal protection of
persons with mental
health problems under
non-discrimination law

Data Protection in the
European Union: the role
of National Data
Protection Authorities

Antisemitism Summary
overview of the situation
in the European Union
2001-2009

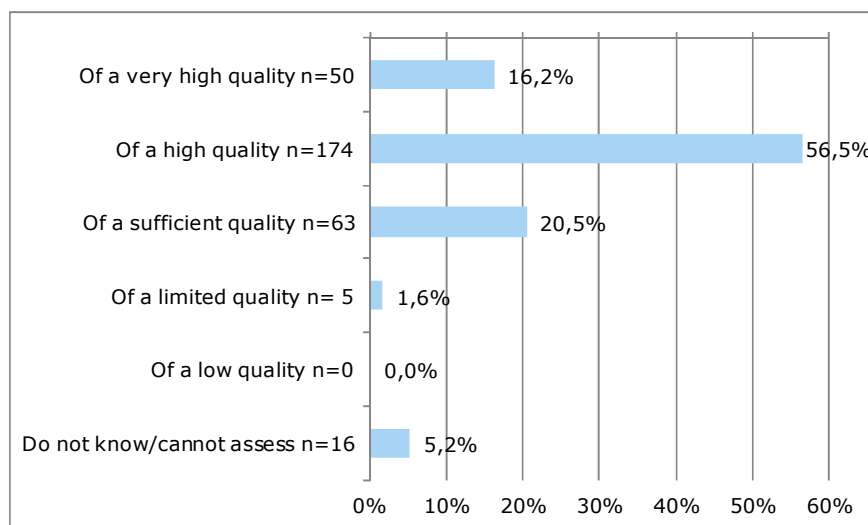
In the research projects, legal analyses generally cover all Member States, while fieldwork is either based on a sample or, in some cases, all Member States. Often a combination of methodologies is employed in larger projects, to generate the best possible evidence based on available resources. An example of this approach is the research on irregular migrants, which combined different approaches to generate the following publications:

- Fundamental rights of migrants in an irregular situation in the European Union (November 2011) – coverage EU 27
- Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States (July 2011) – sample 10 Member States
- Migrants in an irregular situation: access to healthcare in 10 European Union Member States (October 2011) – sample 10 Member States

While the overview clearly shows that the FRA has been fulfilling its mandate to collect, record, and analyse data relating to fundamental rights issues in the European Union and its Member, the **external survey results** also showed that the research is considered to be of high scientific quality.

The scientific quality of the FRA's research was considered to be either of a very high quality or of a high quality by 72.7% of the respondents. No respondents considered the scientific quality to be low. This means that the survey threshold of 70% positive answers was met.

Figure 6: How would you assess the scientific quality of the FRA's research? N=308



In **interviews** European level stakeholders clearly expressed a satisfaction with the comparative research conducted by the Agency, as is illustrated in the quote below from an interview with a representative of the European Parliament.

"The FRA takes national laws and compares them to EU level texts, they take the EU standards and give us the comparative analysis with regard to the level of adherence of national legislation with EU wide laws and international standards. Staff members in the different policy departments use FRA reports in drafting their policy document. The evidence that is now being provided is much more reliable than before, due to the comparative data that the FRA produces."

Likewise, the assessment from the Commission stakeholders was largely positive, emphasising the fact that information from the FRA is seen as highly reliable and objective.

"Speaking from the Commission's point of view, the studies and reports presented by the FRA are seen as relevant and timely. They are made known through bi-lateral exchanges between the EC and FRA. From time to time the website of FRA is also consulted, together with press or media releases. The EC treats all sources of information equally, although when it comes to FRA's evidence, the reliability is seen to be higher than for other sources but the difference is not regarded as considerable. At the same time, FRA's overall quality is not put into doubt, and the EC fully trusts the FRA as a reliable source."

The interviews with the European Commission revealed also some more negative comments regarding too few research projects covering all Member States, while at the same time acknowledging that improvements were being made.

"I think they have never produced a study with comparison based on data on 27 Member States yet. They have made reports covering 27 MS, but often with secondary sources of information rather than primary data. There is certainly room for improvement of these types of products. Apart from this, step by step the Agency is delivering better and better products, not all are very good, but I have a feeling that they are progressing in the right direction."

(Note that primary research has been conducted in EU 27, notably in the EU MIDIS and the Homophobia surveys and is currently being carried out in the violence against women-survey)

Positive assessment also came from Member States, where the research provided by the FRA was seen as unique in its comparative socio-legal approach. Some critical voices were also present, related to methodology and the fact that most research covering all Member States is based on secondary sources, rather than primary data. As can be seen in the quote, the communication and comments made by Member States are perceived to be listened to by the Agency.

"We have experienced some problems with the methodology of FRA; some of the reports are done based on NGO information and this may not always be correct, we think that such information should be supported by official statistics as well. The 2010 Annual Report was done predominantly on NGO sources and most of our remarks were taken on board. Several MS had remarks on the report, and as a follow-up to this, the FRA changed the whole process of working with their reports. Now the annual report is produced mainly in-house by FRA, not by NGOs. This is a very good example of a deficit that has been addressed due to MS comments."

(Note that according to the FRA the Annual Report 2010 was primarily done by RALEX/FANET and only a smaller number of NGOs)

Other stakeholders, such as international and civil society organisations, also gave a largely favourable assessment of the Agency's outputs, in terms of objectivity and reliability.

Based on the findings, it can be concluded that the FRA fulfils to a high extent its mandate to collect, record and analyse relevant, objective, reliable and comparable information and data relating to fundamental rights issues in the European Union and its Member States. There is a common opinion that the Agency progresses steadily and that its outputs are becoming better and better, with just few critical voices regarding methodologies, sample and scope with respect to specific reports. Regarding comments related to a lack of primary research covering all Member States, this needs

to be interpreted in relation to the costs and resources required for such activities, but it should also be acknowledged that such research has been and is currently being carried out.

3.1.3 To what extent has the FRA developed adequate methods and standards to improve the comparability, objectivity and reliability of data among the 27 Member States?

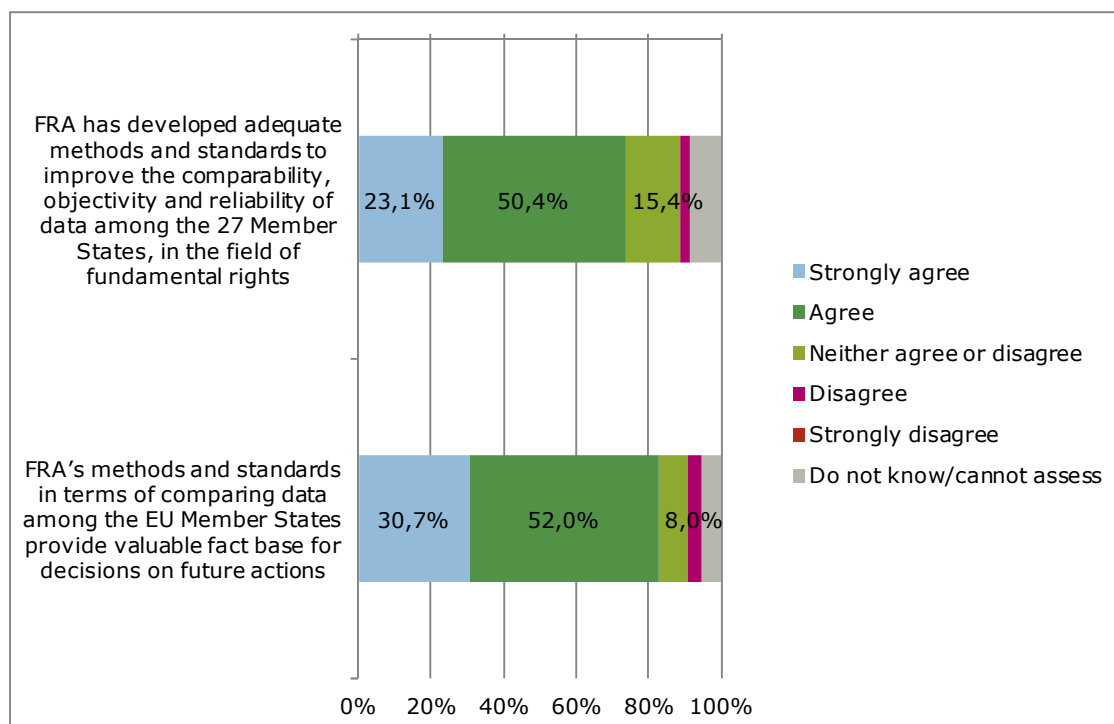
The assessment has been based on responses in the internal survey, as well as interviews with FRA staff and external stakeholders. For the survey a "judgement threshold" was set at 70% positive answers.

The methods and standards to ensure objectivity and reliability of data employed by the Agency are mainly related to each specific research project and research field. The standards consist mostly of work and quality control procedures, rather than specific methods, such as the internal pre-publication reviews, the Scientific Committee and expert consultations.

Concerning the methods and standards to improve the comparability of the data, secondary data from Member States is rarely comparable, which means that most comparative research has to be done by primary data collection. The comparability (and methods and standards to improve it) depends highly on the engagement by the Member States, including their statistical offices, regarding the FRA projects. Certain projects have as an objective to improve the comparability and availability of information, such as a project on child rights indicators, an antisemitism overview (study of available information in EU Member States on incidence of antisemitism, followed by a survey), and a report on hate crime based on a critique of existing data collection in the Member States. Currently (2012) the Agency is working with the Member States (ad hoc pilot working group) to support them in developing monitoring mechanisms for their National Strategies for Roma integration. In addition, the Agency is developing common indicators on Roma integration, which can be collected and aggregated at the EU level.

The respondents to the **internal survey** of the FRA (FRA staff, Scientific Committee and Management Board), were of the opinion that the Agency has developed adequate methods and standards, with 73% and respectively 83% strongly agreeing or agreeing to related questions. This means that the survey threshold of 70% positive answers was met in both relevant survey questions.

Figure 7: Internal Survey Methods and Standards N=117



While this is the opinion of internal stakeholders, **external interviews** showed a similar picture. In general, the assessment was positive across the board, as illustrated by the quote below from a representative of a UN body.

"As a researcher I can evaluate the technical skills and sincerity in carrying out high quality research; I think they are doing a wonderful job especially in the statistical field, the reports are setting new standards. This is a very difficult area, there are no off-the-shelves solutions, but the FRA set rigid standards and criteria for doing the research, surveys, listen for outside advice, ask for stakeholder inputs. They have been doing a good job in that sense."

However, there were also some critical voices in the interviews, pointing to the fact that research is often based on a mix of information sources, with insufficient references to whether it stems from official or unofficial data, primary or secondary data collection. Some of the stakeholders were of the opinion that reports tended to be too "narrative", by mixing subjective and objective information and drawing conclusions based on opinions rather than facts. However, there were also indications that improvements have been made to this regard, as illustrated by the quote below from an official at the European Commission.

"Where they can improve is in not producing reports that are narrative products, pages and pages of long sentences, instead of having tables, data, figures or very concrete examples. There is a tendency to have very long narratives, which simply are not very useful, they are subjective, statements by the person editing text, and we lose something in these reports, where the quality is not that high. My feeling is that they have improved quite significantly in the last years."

However, in other interviews the combination of legal and social research was pointed out as a strength in the Agency's work, bringing something new to the picture by putting a focus on the individual behind the statistics.

A limited number of stakeholders expressed a wish for the FRA to take a leading role in developing the methodological abilities of the Member States to collect comparable data in the field of fundamental rights. Building a knowledge-base among, for example, the national statistical offices for carrying out primary data collection at the national level in the specific fields covered by the FRA was seen to be beneficial in the longer term.

Based on the findings, it can be concluded that the FRA has developed adequate standards and methods to improve the comparability of data across EU Member States. However, this is mainly done through the specific research projects, rather than as a part of a harmonisation process of data collection and statistics in general. Ideally, the FRA could support the Member States in setting up comparable systems of data collection, but this would require a considerable commitment and effort from the Member States.

- 3.1.4 To what extent has the FRA fulfilled its mandate to develop a communication strategy and promote dialogue with civil society, in order to raise public awareness of fundamental rights, and actively disseminate information about its work?

The evaluation question has been assessed through a review of communication and cooperation strategies, as well as questions in the external and internal surveys and interviews. For the survey a "judgement threshold" was set at 70% positive answers.

As mentioned in section 2.4.5, the communication activities are guided by a communication strategy (the Communication Framework) which is to be perceived as a flexible, living document. An annual communication plan sets the more specific goals for the communication and awareness-raising activities each year.

The FRA aims to raise public awareness of fundamental rights and to disseminate information about its work for example through the following means⁴⁸:

- speeches and presentations by the FRA Director and staff at external events
- printed publications (FRA Booklet, FRA factsheet etc)
- information stands
- online communication channels (website and social media)
- FRA newsletters (InFRA, monthly e-Newsletter)
- Handbooks etc. aimed at guiding professionals
- Awareness raising trainings (journalists, police officers, border guards,...)
- Charter app.

The electronic newsletter InFRA is distributed weekly via an e-mail list to around 400 key FRA stakeholders, containing information on the coming events and important developments. The monthly more comprehensive FRA Newsletter has around 4,000 subscribers, a figure that has increased during the second half of 2012.⁴⁹ The FRA also carries out more general awareness-raising activities such as the S'Cool Agenda (a calendar aimed at young people, containing targeted information on Fundamental Rights and the FRA). The S'Cool Agenda has been among the most downloaded items on the website of the FRA in 2012.⁵⁰ A lot of standardised material is in place such as booklets, postcards, electronic newsletters, social media (Twitter, Facebook and LinkedIn), the website and other promotional material.

The FRA is also open for visitor groups as a method of, for example, raising awareness, increasing the visibility of the Agency and strengthening the Agency's accountability, openness and transparency. In 2009-2012, between 348 (2010 – the year with least visitors) and 624 (2009 – the year with most visitors) persons have visited the FRA annually. 61% of the visitors have considered the visit to the Agency to have been excellent; 33% very good and 6% average.⁵¹

An interesting example of a FRA output directed at raising public awareness about fundamental rights is the Diversity Toolkit, which was developed in cooperation with the European Broadcasting Union. The toolkit has been disseminated broadly among European journalists and a high number of European journalists have received training on the topic and it has been referenced as good practice by for example Council of Europe.⁵²

Concerning the promotion of dialogue with civil society, the FRA is in the process of developing a method paper on how to develop further the engagement with civil society organisations at FRA project level. The FRA communicates and works together with civil society organisations before, during and after its projects for example by identifying experts or panellists from the CSO; consulting with the CSO during the project design phase; including CSO as experts, researchers or a contact point towards specific communities; and by for example promoting project results to the CSO, or even *by* the CSO.

With respect to the promotion of dialogue with civil society, the **internal survey** showed that the FRA staff perceives the cooperation with civil society to be close, with approximately 80% responding positively regarding the cooperation.

As can be seen below in Figure 8, in the **external survey** 71.9% of all respondents and 83% of the respondents representing the Fundamental Rights Platform (who mainly represent the civil society) agreed to some degree that the FRA has been successful in terms of promoting dialogue with civil society. While the assessment was overall positive, a significant part of the respondents answered "to some degree" (42.3% of FRP respondents). Considering "to some degree" to be a positive statement, the survey threshold of 70% positive statements was met.

⁴⁸ European Union Agency for Fundamental Rights: FRA Visitor Groups.

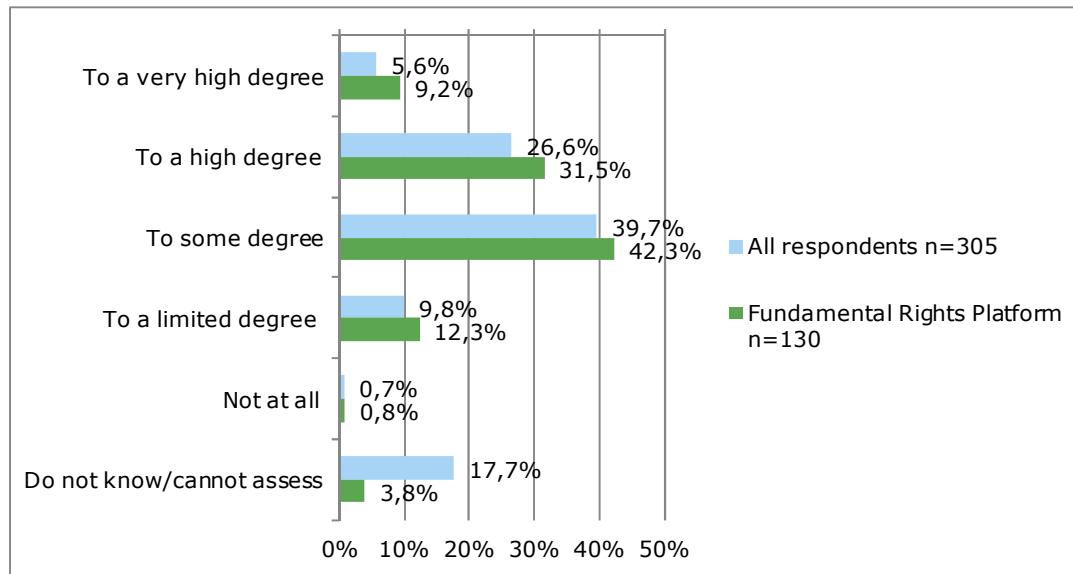
⁴⁹ European Union Agency for Fundamental Rights: FRA Monthly Newsletter subscription statistics 2012.

⁵⁰ European Union Agency for Fundamental Rights: Report on FRA website traffic and usage statistics for 2012.

⁵¹ European Union Agency for Fundamental Rights: FRA Visitor Groups.

⁵² European Union Agency for Fundamental Rights: A Diversity Toolkit for factual programmes in public service television – Evaluation report 2012, draft.

Figure 8: To what extent has the FRA been successful in terms of promoting dialogue with the civil society? N=305



The survey responses probably reflect the fact that it is rather difficult to arrange an active dialogue with all involved organisations in the FRP, as they are highly diverse and cover all possible fields of fundamental rights issues. Still, regarding the dialogue, there seemed to be a general satisfaction among the stakeholders interviewed from the FRP, although from the organisations themselves it was highlighted that it was difficult to create and maintain a momentum in the cooperation.

Furthermore expectations differed to a large extent among stakeholders, and in **interviews** with civil society representatives the role and mandate of the FRA was sometimes put into question.

"[I] was hoping for a more independent status of the FRA, which could intervene when infringements [occur], with power to issue binding opinions. Apart from this, the FRA lives up to the mandate as it is today, and produces reports of high quality [...] certain MS object to third pillar work, which makes FRA restricted."

Regarding awareness-raising and dissemination activities, the FRA's awareness-raising activities are targeted activities addressing mainly key stakeholders and not general awareness-raising campaigns. The targeted activities are generally related to specific projects and the Agency aims to create the maximum impact and awareness, as illustrated by the quote below.

"The FRA regularly engages with MEP, Fundamental rights platform, NGOs. Through the LGBT Survey, engagement with networks platforms and the MEPS is exactly what allowed the research to be relevant and timely. The FRA has done an excellent job to provide the users of its research with the data that they need, when they requested it. Furthermore, they have engaged with ILGA, TGEU, MEPs, they, in turn, have signalled to the FRA several issues or types of discrimination which the FRA has further explored."

In the larger projects, there is evidence of outreach beyond key stakeholders. As example can be mentioned the recently published survey on Roma and Travellers, where a number of newspapers and media across Europe picked up on the results presented in the report⁵³.

An important aspect of awareness-raising, in particular towards the actors working in the field of fundamental rights are the FRA flagship events. Statistics collected by the FRA show that in

⁵³ See for example <http://www.economist.com/blogs/easternapproaches/2012/05/europe%E2%80%99s-biggest-societal-problem>; <http://www.bbc.co.uk/news/world-europe-18176450>.

2001-2012, 42.5% of the participants have found the flagship events to be excellent, while another 47.2% have found them to be good.⁵⁴

Overall, the findings indicate that the FRA is working actively in order to fulfil its mandate to raise public awareness of fundamental rights through its communication strategy and by actively disseminating information about its work. While it is difficult to assess the impact, the Agency is actively using electronic and social media to reach the general population as well as stakeholders. Specific project results are disseminated to a wider public, through European and national media picking up on publications. The user evaluations are in general positive, which points towards a positive evaluation result.

With respect to promoting dialogue with civil society in order to raise public awareness, the actual cooperation is considered moderately successful on the part of the respondents from FRP organisations. In specific projects, the cooperation appears to be functioning well.

3.1.5 To what extent has the FRA contributed to the development of effective information and cooperation networks among EU-level and national stakeholders active in the field of fundamental rights?

The evaluation question has been assessed through a review of communication and cooperation strategies, as well as questions in the external and internal surveys and interviews. For the survey a "judgement threshold" was set at 70% positive answers.

The FRA develops information and cooperation networks both around its thematic work, as well as in its "horizontal" cooperation work.

Within thematic areas, the FRA enables a platform where different stakeholders can meet around an issue, and in this way it aims to connect relevant actors and to enhance their information exchange. This happens both at the project level (stakeholder meetings on specific issues) as well as within the FRA "flagship events", such as the annual EU Fundamental Rights Conference, the FRA Symposium, or the Presidency Seminar, which are always focused around one specific issue, aiming at bringing stakeholders together who might otherwise not be able to connect. –

The FRA has also set up, or works with specific networks, across *different* themes:

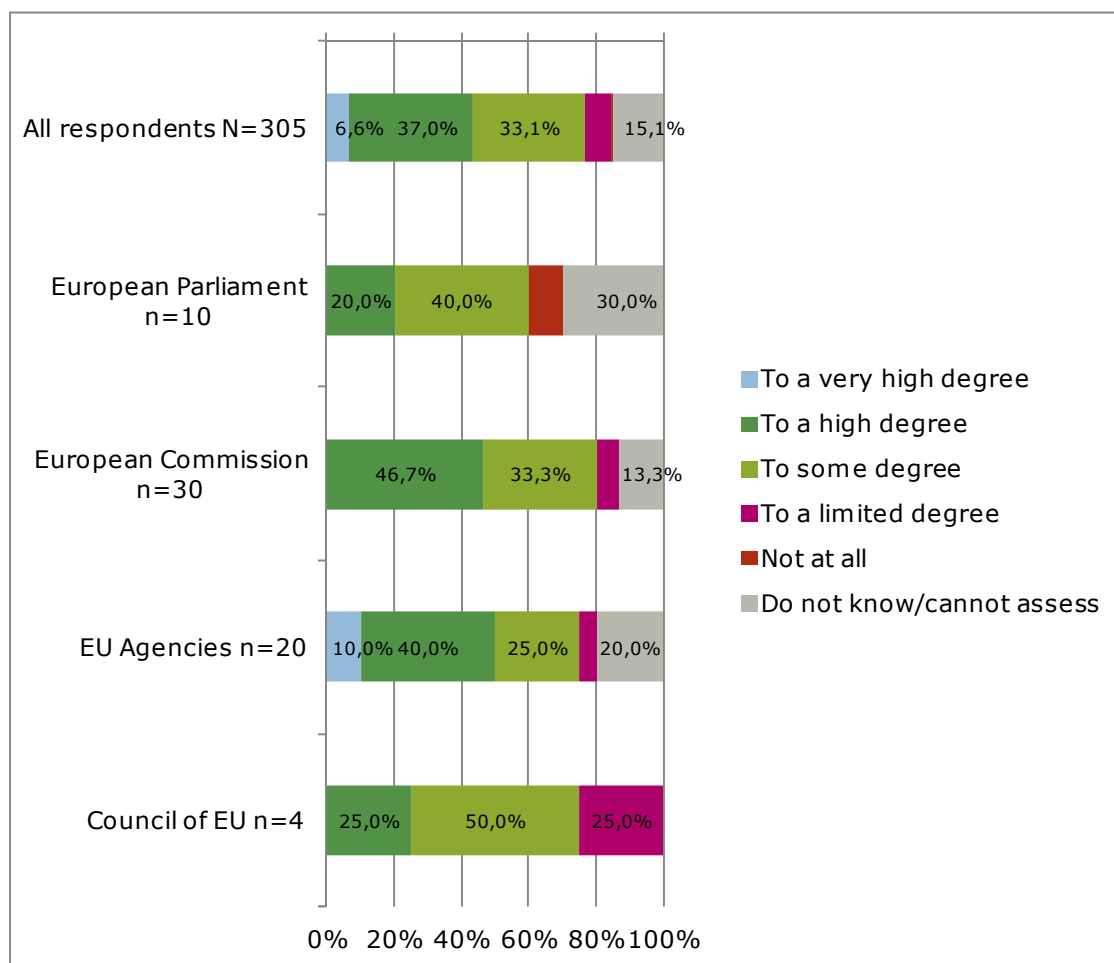
- The FRA conducts a two-day meeting with all **National Liaison Officers** twice a year, and has bilateral contacts with the NLOs in between the meetings. Personalised and tailor-made information is sent to all NLOs. The FRA has also appointed among its staff an NLO network coordinator.
- The cooperation with **Equality Bodies** and **National Human Rights Institutions** (NHRIs) is organised through umbrella organisations, annual meetings, and also bilateral contacts. There is a regular dialogue through monthly conference calls with Equinet and the Chair of the European Group of NHRIs. Personalised and tailor-made information is sent to all NHRIs and Equality Bodies, including the weekly InFRA, a list of FRA project managers, timeline of FRA launch of publications and events and FRA Annual Work Programmes. The FRA has appointed among its staff a focal person for communication and cooperation with the above actors. The FRA has also begun to develop its cooperation with **Ombuds institutions**.
- The FRA works with (networks of) **local authorities** through its "Joined-up governance" project.
- **The Fundamental Rights Platform** (FRP) is the Agency's main forum for cooperation with civil society organisations. It is composed of 350 non-governmental organisations dealing with human rights, trade unions and employer's organisations, relevant social and professional organisations, churches, religious, philosophical and non-confessional organisations, universities and other qualified experts of European and international

⁵⁴ European Union Agency for Fundamental Rights: Overall satisfaction in FRA flagship events (2011-2012).

bodies and organisations. The FRA has appointed among its staff an FRP coordinator. The cooperation between the FRA and the FRP is outlined in a framework document which has been elaborated by the FRA and the FRP in consultation. It outlines the FRA-FRP cooperation overall and in specific projects, the modes of cooperation, regular meetings as well as consultation procedures related to strategic planning. The document is comprehensive and well structured, and should provide a good basis for future development of the FRA-FRP cooperation.

In **the external survey**, in particular the European Commission (80% responded at least to some degree) and the EU Agencies (75% at least to some degree) were positive concerning the FRA's ability to develop effective information and cooperation networks. Again, the survey threshold of 70% positive answers was met.

Figure 9: In your opinion, to what extent has the FRA contributed to the development of effective information and cooperation networks among EU-level stakeholders in the field of fundamental rights? N=305

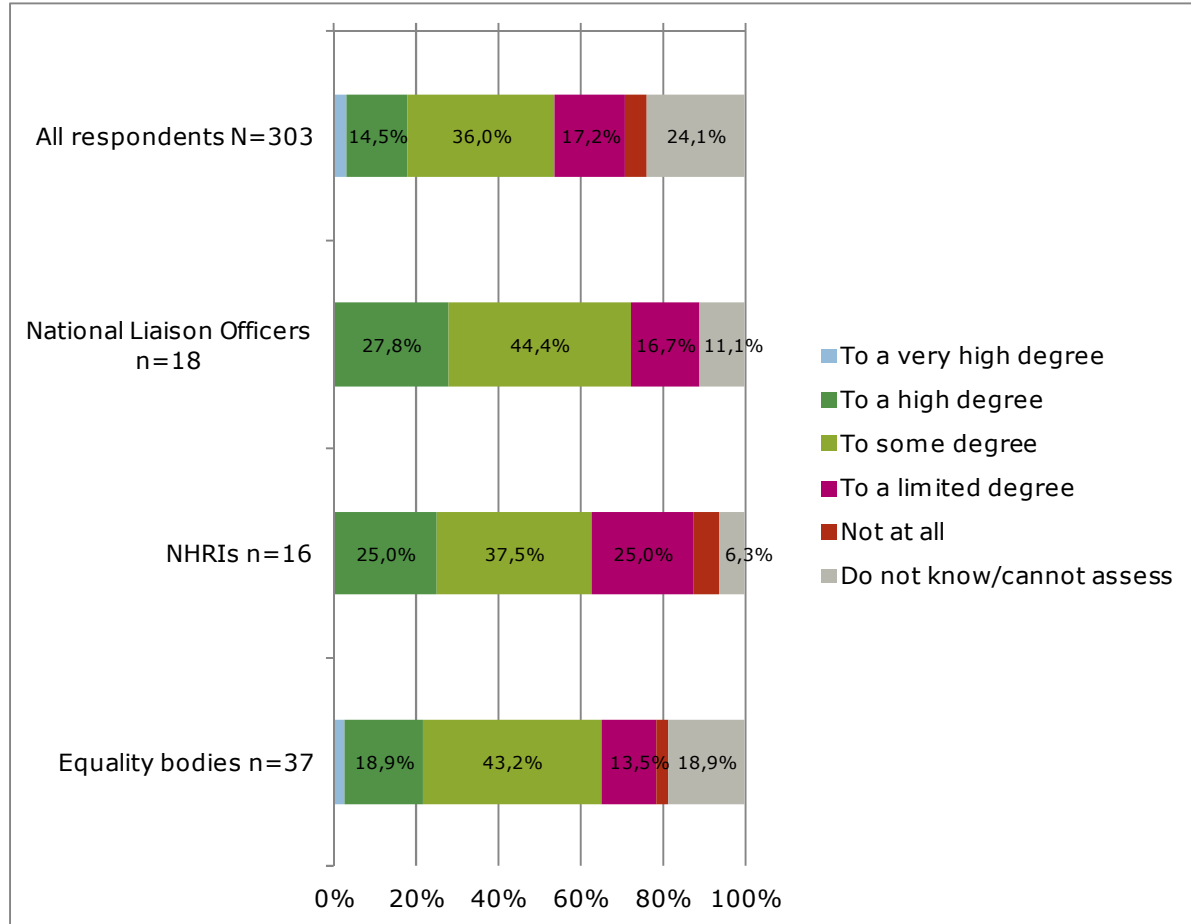


The survey respondents were less positive concerning the FRA's ability to contribute to the work at the Member State level. Whereas the FRA's mandate includes setting up and coordinating information networks and using existing networks, drawing on the expertise of a variety of organisations and bodies in each Member State, only 53.8% of all respondents assessed the FRA to have been effective at least to some degree to this end (see Figure 10). This means that the survey threshold of 70% positive answers was not met.

The results look different when assessing the responses of the national level stakeholders, where 72.2% of the National Liaison Officers, 62.5% of the NHRIs and 64.8% of the equality bodies assessed the FRA to have been effective at least to some degree with respect to this. It should, however, also be noted that the share of the respondents representing national level

stakeholders and answering "do not know/cannot assess" was relatively high, with 18.9% for the equality bodies, 11.1% for the NLOs and 6.3% for the NHRIs.⁵⁵

Figure 10: In your view, to what extent has the FRA contributed to the development of effective information and cooperation networks among national level stakeholders in the field of fundamental rights? N=303



Also the EU level cooperation was assessed to function best in relation to specific projects and topics, rather than general information and cooperation networks. **Interviews** clearly showed that the FRA's cooperation strategies are having an impact in terms of creating commitment from key stakeholders in particular in projects.

"An area of particular strength [of the FRA] is to be able to link different institutions and organisations involved in human rights agenda. You don't have to be the best in conducting surveys or different analysis, you can outsource everything, but unless you have the ability to reach out to different audiences, the surveys and analysis are useless. The FRA is able to do this and to reach audiences from NGOs to international organisations."

Some more critical voices were also heard, in particular with respect to the follow-up of the work that the FRA is doing in terms of developing networks:

"Currently it is not possible to see what the impacts of the work of the Agency are in terms of bringing different stakeholders together, for example at the NGO platform. We perfectly understand that it's necessary to involve the different NGOs and actors, but what is the real impact of this? [...] We don't really know what the results of these events are, except to gather different organisations and create a forum to give the impression to the organisations that they are in a network."

⁵⁵ Here the relatively small number of respondents should however also be reflected, and for example among the NLOs only two respondents represent 11.1% of the total of 18 respondents.

However, in terms developing and maintaining general networks, meaning establishing links between the various networks for example by bringing together the NLOs with NHRIs, has so far not been a prioritised focus of the Agency. Considering the focus that has been placed on creating well-functioning coordination and cooperation between the FRA and its stakeholders since the establishment of the Agency, the evaluators consider this prioritisation to be understandable and relevant.

Based on the findings it can be concluded that the FRA has contributed to the development of networks at the EU and national level. This contribution is mostly in relation to specific projects, where the Agency has an inclusive way of working, which takes into account the knowledge and needs of different stakeholders and users. The FRA does not engage in more general networking or information/dissemination (apart from newsletters and alike), which is assessed adequate and relevant. The FRA does, however, also engage in more general, "horizontal" networking, meaning the general coordination and cooperation with the stakeholders in the Founding Regulation. The FRA has established effective procedures for coordination and cooperation which ensure coherence of policies and activities with stakeholders at all levels, which is assessed an adequate and relevant strategy by the evaluators.

3.1.6 To what extent is the FRA effectively providing its services to emerging issues and ad hoc requests from the European Parliament, the Council or the Commission?

The assessment has been based on documentation of services provided by the FRA and on interviews with external stakeholders.

The Agency has not systematically registered all requests received since 2007, which is why no complete record exists. Broadly speaking the different requests for FRA support and input can be categorised into the following types:

- Non-legislative support – input to reports, presentation of findings, technical expertise and alike
- Pre-legislative phase – informal consultations on planned legislative initiatives
- Legislative phase – formal opinion on legislative proposals, informal consultations and expert input
- Post-legislative phase – follow-up of implementation, reports
- Ad hoc requests from Member States

Up to date, most requests have been received from the European Parliament. Recently a database has been developed to follow-up on requests (formal and informal) received from the European Parliament, and the FRA plans to also develop a database for other stakeholders.

With respect to the FRA's role in terms of services concerning emerging issues, the Agency is developing so-called "incident reports". An incident report "is the result of a situation which requires further examination to assess whether fundamental rights have not been respected for whatever reason and to identify the relevant information that may result in future action by the Agency or EU institutions."⁵⁶ These reports are assessed to be an important tool to follow-up on the rule of law in the European Union and according to some interviews, these could be used more in the future to take up issues of specific importance in the field of fundamental rights.

From the European Commission, few formal requests have been received and the advice provided is mainly through day-to-day contact with responsible desk-officers at the Commission. There is an awareness that it would be difficult for the FRA to respond to any major requests as shown in the following interview with a Commission official.

⁵⁶ See for example: <http://fra.europa.eu/en/publication/2010/incident-report-violent-attacks-against-roma-ponticelli-district-naples-italy>.

"[...] because they are not able to deliver on short notice, we know that. This is not really an issue for us, it is not necessary. We have actually never asked them. What FRA is doing is something that runs over a longer period of time."

According to **interviews** with FRA staff there is currently a trend with increasing requests coming from the European Parliament as well as other stakeholders. This constitutes a challenge to the Agency, since the planning is done beforehand and most staff are fully engaged in projects. Since the requests are considered a priority, members of staff have to reorganise their activities to respond to the requests in a timely manner. As requests increase, this may become an issue in terms of resources.

In **external interviews**, it was generally considered that the Agency is highly responsive to requests and inputs, easy and open to cooperate with.

One issue that came up in several stakeholder interviews concerned the FRA's role as a provider of expertise and advice also without a specific request to do so. Some interviewees referred to the fact that following the coming into force of the Lisbon Treaty, no official human rights institute exists in the EU. However, it was mentioned that the FRA could play such a role in particular with respect to the legislative process of the EU. The Principles relating to the Status of National Institutions (Paris Principles), which were adopted by the UN General Assembly resolution 48/134 of 20 December 1993 discuss the role of national human rights institutions in provision of opinions, recommendations, proposals and reports to the law-makers. While the FRA is officially not such an institution, some interviewed stakeholders referred to the role of the FRA as the human rights institute of the European Union, and that its role could be compared to the role that national human rights institutes have vis-à-vis the national decision-makers. For those areas, the Paris Principles state as one of the roles of NHRIs to "submit to the Government, Parliament or any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights [...]".⁵⁷

Interviewed stakeholders mentioned for example that:

"I was hoping for a more independent status of the FRA, which could intervene when infringement, with power to issue binding opinions."

"EU could make more use of FRA's opinions and advice when drafting new legislation."

"FRA should be consulted in all future legislative processes in the EU in any case".

Not all the stakeholders agreed with this view, and there were voices stating that the current role of the FRA as a provider of expertise (i.e. developing research and new information for the use of the policy-makers) is sufficient. This is illustrated by the following quotes:

"No, think it is important for the FRA to be a research based organisation, and not a watch dog function."

"If FRA was to conduct monitoring it would lose momentum, the added value of the Agency is the research and knowledge base which has been created and its focus on the experience of the citizen."

⁵⁷ Principles relating to the Status of National Institutions (The Paris Principles). Adopted by General Assembly resolution 48/134 of 20 December 1993.

It can be concluded that the Agency responds to requests to a considerable extent, and so far the amount of requests have been manageable. As the amount of requests increases, they may become difficult to cater for. The fact that requests are increasing can be seen as a positive proxy indicator for the Agency's relevance to stakeholders, as the demand increases for the expertise provided.

Concerning the FRA's role in providing input to the legislative process, there are some voices in support of an increased role in providing opinions on future legislation on a more regular basis.

- 3.1.7 To what extent are the quality control mechanisms in place effective in ensuring high scientific quality of the work done and outputs produced by the FRA?

The assessment has been made through an assessment of the quality control mechanisms in place, questions in the surveys, and interviews with stakeholders. For the survey a "judgement threshold" was set at 70% positive answers.

The Scientific Committee of the FRA provides advice and opinions on the scientific quality of the FRA's work. The Scientific Committee meets four times per year to discuss and review the scientific output, but individual members connected to projects are in more frequent contact and can also participate in relevant meetings. As mentioned previously, the members of the Scientific Committee are selected based on a call for proposal, where interested individuals apply to become members of the Scientific Committee based on rigorous selection criteria.

In an effort to ensure quality and consistency in reports for publication, which are based on the Agency's project work, an internal committee has been established in the Agency to peer review and critique deliverables in preparation for publication. The Committee (which has the acronym 'FRACO' - FRA Opinions Committee⁵⁸) consists of the Director, the Heads of Freedoms and Justice, Equality and Citizens' Rights, and Communication and Awareness Raising departments, and two senior members of research staff who act as the Committee's secretariat. Reports are forwarded by the responsible project manager to his/her Head of Department, who then decides if the report is ready to be reviewed in FRACO. When a report is considered as ready for review, it is forwarded to all FRACO members to read in preparation for a first FRACO reading of the report. During that reading, members of FRACO meet with the responsible project manager to discuss the report. Prior to the meeting a standardised fiche is prepared for the reports to be reviewed.

This process is undertaken with a view to ensure a consistent overall quality of FRA reports, and to ensure that their findings are relevant for key stakeholders. Project managers then have to revise the report in line with comments received in FRACO. Most reports go through a second FRACO reading to further sharpen the contents, and in particular to ensure consistency and clarity with respect to the production of opinions and conclusions. The FRACO process serves to provide a system of peer review and quality assurance for all FRA reports, and also presents an opportunity to share knowledge and harmonise the key messages concerning the Agency's findings across the organisation. FRACO meets once a month, and generally several reports are discussed at each meeting. In the FRACO meeting HoDs cannot second a replacement.

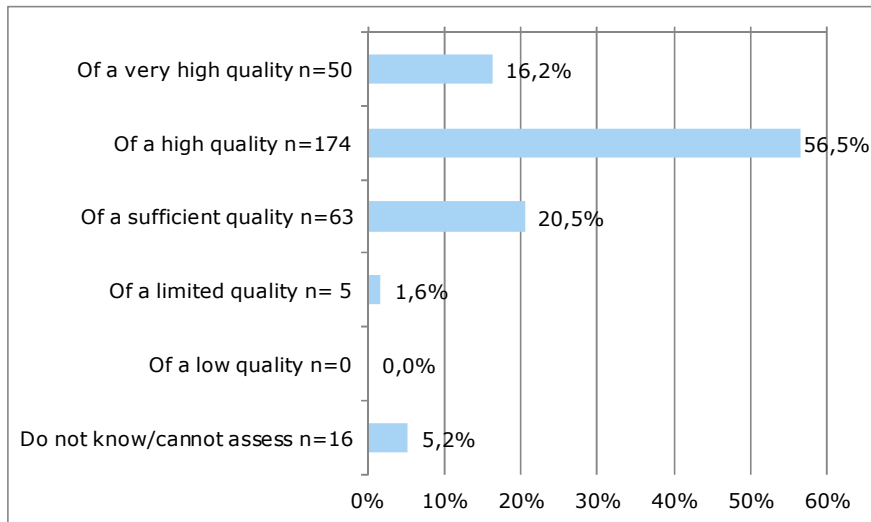
Recently, a new tool, the FRA Project Plan Evaluation (FRAPPE) has been introduced, for an ex-ante interdepartmental assessment of projects (the Director, the HoDs and the FRA Secretariat meet the members of the project team). FRAPPE is intended to discuss project plans at the very beginning of a project life span. The respective Project Manager and the core project team members prepare the draft project plan together and in discussion with the project sponsor, and present the draft plan to the FRAPPE meetings. As this is a new initiative from late 2011, not much experience has been gathered yet, but during interviews it was considered an important

⁵⁸ Decision of the Director, 2-DIR 2010.

complement to ensure synergies and focused stakeholder targeting and communication from the outset of the project.

In the **external survey**, the scientific quality of the FRA's research was considered to be either of a very high quality or of a high quality by 72.7% of the respondents. No respondents considered the scientific quality to be low.

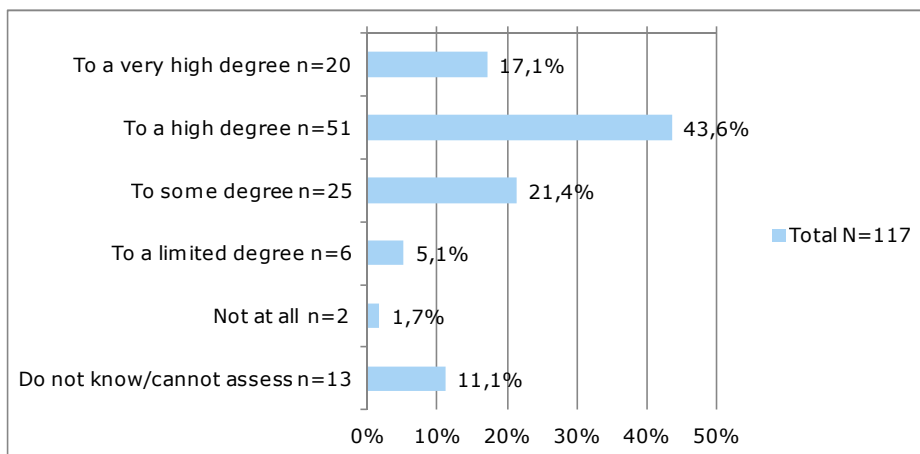
Figure 11: How would you assess the scientific quality of the FRA's research? N=308



The **internal survey** showed that 82.1 % of the respondents were of the opinion that the FRA has to some extent sufficient quality control mechanisms in place (around 60 % to a high or very high degree). In particular AD staff were highly positive, whereas the Management Board and Scientific Committee members were more cautious in their assessment.

Still the threshold of 70 % was well met in both surveys.

Figure 12: In your opinion, does the FRA have sufficient quality control mechanisms in place to ensure a high scientific quality in its work? N=117



The interviews mirrored well the results from the surveys. A majority of interviewed stakeholders were clearly positive about the quality and reliability of the Agency's output, as can be seen in the following quotes.

European Parliament: "It has been an improvement of the data released, and it recently became more reliable, in 2008, some data may have been inexact, but the quality has increased. It is the top resource used in parliamentary work in topics of Fundamental Rights."

Member State: "Information is in general very good. Yes, I think they deliver high quality information and good information. Of course, it could be better, and I can recall that they sometimes present objective data accompanied by a subjective statement on top of the data, contextualising the objective data."

International Organisation: "EU-MIDIS survey is a very good example of setting high standards and doing excellent work, the report provides a lot of policy relevant information and outputs. If you like to work with statistics, it provides very good hard evidence, done on a scientific basis, with good samples and very good methodologies."

While most interviewed stakeholders were highly positive, it was also mentioned that quality had improved in recent years, and that the capacity of the FRA to produce high quality research has increased.

It can be concluded that the current quality procedures are working well in ensuring scientific quality of the FRA's work.

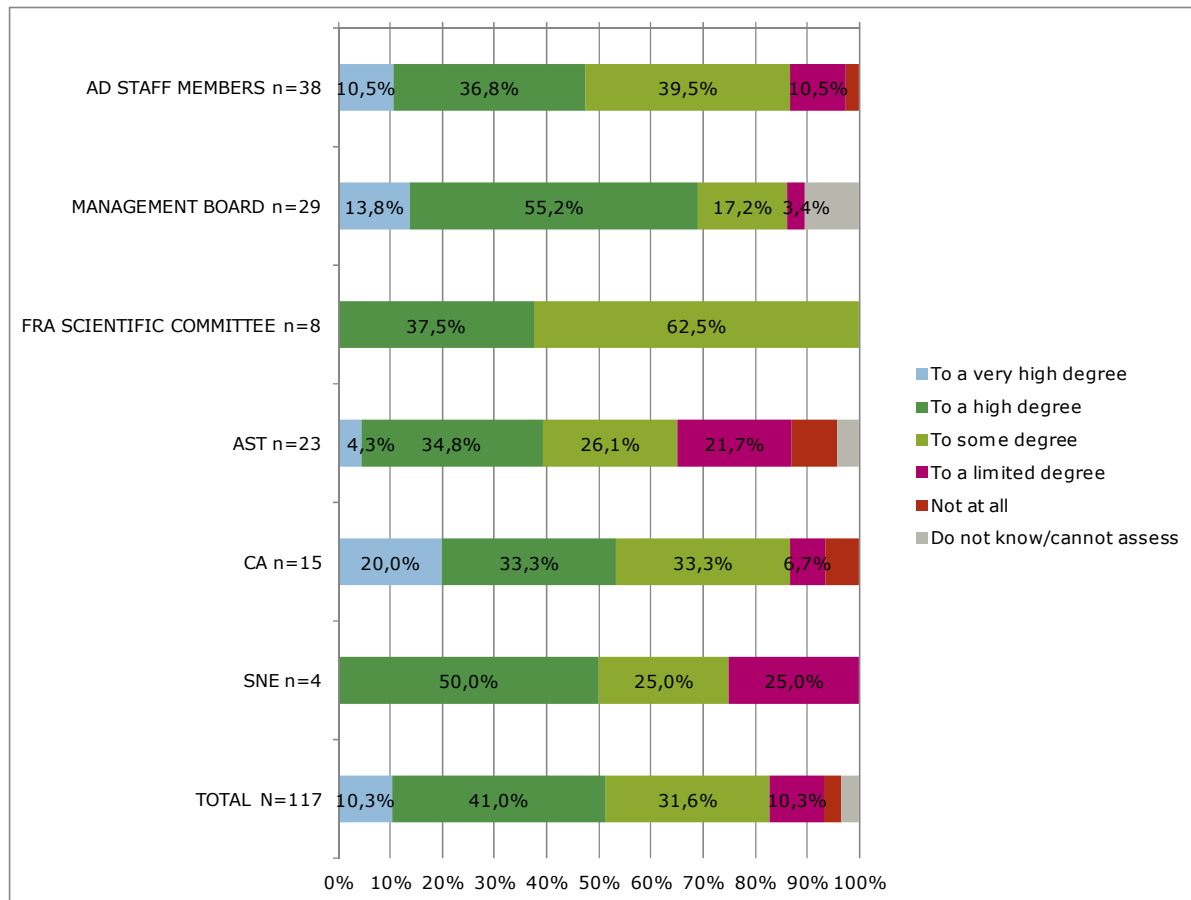
3.2 Efficiency: To what extent has the FRA conducted its activities and achieved its objectives at a reasonable cost in terms of financial and human resources and administrative arrangements?

3.2.1 To what extent have the FRA's internal organisation, operations and working practices, as created by the Regulation, been conducive to its efficiency?

The evaluation question has been assessed by collecting opinions in the internal survey, focus group interviews with the FRA staff and interviews with stakeholders. FRA's organisation is described in more detail in section 2.4.

The **internal survey** respondents were mostly satisfied with the efficiency of the current working practices of the FRA. Overall 83% of the respondents were satisfied at least to some degree.

Figure 13: Do you consider the FRA's working practices to be efficient? N=75



While the open comments to the question revealed several types of proposals for improvements, there seemed to be a general wish for better prioritisation of tasks and a wish to further concentrate on the advisory function of the Agency in accordance with Art. 2 of the Founding Regulation.

During the **focus groups interviews** with the FRA staff, the young age of the Agency and the quick growth in terms of staff were mentioned as reasons for slow establishment of procedures.

A number of staff also pointed out that over the previous years the Agency has benefited from the open system and the high degree of staff motivation. In the opinion of the respondents, this motivation has compensated for the lack of established procedures, however, as developed below in section 3.2.2, a number of issues have been raised with regard to workload.

"It was like a start up. There is a bit of a danger in terms of long-term planning and procedures."

"Lots of staff came in, they also work and create their procedures, we are now imposing a lot of evolution, [...] So it's easy to understand that there is some reluctance, as there are limits to how much change a person can take."

"There might be shortcomings in the procedures. The system is extremely open. People are very motivated and that compensates for the lack of procedures. However, there might be frustrations with work load issues etc."

"[...] the efficiency is due to a very high level of motivation of staff, who do not mind to work extra time and make special efforts to reach a goal, rather than efficient structures/workflows".

On the other hand, the employees were in general of the opinion that the working practices of the Agency had improved significantly during the recent years. It was for example mentioned that the inter-departmental coordination has improved, and the integrated project management approach was seen to be working well. Some employees did point out that the Agency is still a very young organisation, where procedures have only been in place for 1-2 years. The Agency should now begin the process of consolidation, following the very fast development of the recent years.

"When I arrived the structure was not clear. [...] I came back after the restructuring. I have seen a fantastic improvement. More structures are in place now. Work-flows are clear. Previously it was not clear where the need was and how our findings responded to the needs.

In the beginning only a few procedures were in place and they were not in sync with the enlargement of the Agency. Compared to three years ago we made a dramatic improvement. Quality control has now been implemented."

The question was also commented on by external stakeholders during the **stakeholder interviews**, and the organisation received positive comments with respect to the FRA's internal organisation, operations and working practices.

"What is good is that they are not a closed organisation, they are aware of their strengths and weaknesses, they are willing to cooperate and fill the gaps by the way of cooperating with others [i.e other organisations] with these skills and knowledge."

The evaluation findings point towards an overall positive evolutionary trend in terms of the FRA's internal organisation, operations and working practices towards efficiency since start-up until present. The internal procedures and organisational culture take time to develop and establish, and have been dynamic during the start-up years of the FRA. In the future it will be required to find a good balance between clear organisational structures (which respond to concerns regarding workload and uncertainty) and freedom of staff to act and cooperate as needed (which contributes to motivating staff).

- 3.2.2 To what extent are the structure and organisation of the Agency (size, organisation, staff composition, recruitment and training issues, etc.) appropriate for the work entrusted to it and adequate for the actual workload?

The evaluation question has been assessed by collecting opinions in the internal survey, focus group interviews with the FRA staff and interviews with stakeholders. Furthermore a comparison is made between the FRA and selected other EU agencies, on basic indicators such as budget, staff and operational expenditures.

Details on the structure and organisation of the Agency as well as the work entrusted to it are presented in chapter 2.4 of this report.

The benchmarking has been done with three similar EU agencies, EUROFOUND, EMCDDA and EU-OSHA. All the selected agencies work to a varying degree with evidence-based advice, research and data collection as well as awareness-raising.

The year for benchmarking was set to 2010, since it was the most recent year with comparable data. It should be highlighted that the FRA is considerably "younger" than the other agencies, and in 2010 the Agency was only three years into existence.

Table 8: Benchmark agencies, 2010 actual outturn

Indicator	FRA	EUROFOUND	EMCDDA	OSHA
Total Revenue (€)	19,964,636	20,849,171	16,273,483	15,003,466
Budget allocation for staff (€)	8,210,197	10,826,500	8,697,552	5,528,700
Number of Active Staff (permanent AD+AST)	59	101	78	65
Staff costs as % of budget	41%	52%	57%	37%
% of authorised staff posts actually filled	83%	91%	93%	92%
Proportion of administrative staff	28%	23%	26%	22%
Operational efficiency (% of budget approved actually committed)	100%	98%	99%	97%
Operational Expenditure (€)	9,437,232	8,249,815	4,533,815	7,683,366

On basic operational efficiency indicators, such as budget committed by end of year, the agencies are rather similar. In terms of size EUROFOUND is clearly the biggest, with over 100 staff allocated to just above half of the budget. In 2010, the FRA was still in the process of recruiting, and 83% of authorised posts were filled⁵⁹ (end 2011, this figure had increased to 97%). For the other agencies it was just over 90%. The proportion of administrative staff is rather similar, the somewhat higher percentage of the FRA was due to ongoing recruitment (in 2011 the proportion was 24%).

When assessing the efficiency of the organisation, the evaluators have also looked at a few other basic benchmark indicators, related to budgetary execution, over the years. The comparison shows that the FRA has managed to keep up to speed since inception in 2007, in terms of budgetary commitments, with no differences between the FRA and the other more established agencies.

Table 9: Level of Budgetary use (commitments)

Year	FRA	EUROFOUND	EMCDDA	EU-OSHA
2008	95 %	94 %	96 %	95%
2009	99 %	98 %	99 %	94%
2010	100 %	98%	99 %	96%

Agencies may allocate funds from their budget in Year N but make the associated payment to the relevant supplier in Year N+1. Such differences between budgetary commitments and cash expenditure are termed “carry-forwards”.

Table 10: Percentage of Agencies’ operational budget carried forward

Year	FRA	EUROFOUND	EMCDDA ⁶⁰	EU-OSHA
2008	72%	55%	12%	44%
2009	66%	54 %	11%	47%
2010	72%	39%	13%	37%

⁵⁹ In 2010 the FRA reallocated funds from title I Staff to title III Operational

⁶⁰ Uses differentiated appropriations - a mechanism for allocating funds across more than one financial year.

This overview shows that the FRA has a high rate of carry-forwards. The carry forward can be both planned (as will be the case in multi-year projects) and unplanned (when a commitment has been made but the work has been delayed for different reasons). If an Agency does not use its carry-forwards from the previous year, they must be cancelled in the current year. The level of cancellation is indicative of the extent to which an Agency has correctly anticipated its financial needs both in the previous and current years.

Table 11: Cancellation rate of planned carry-forwards

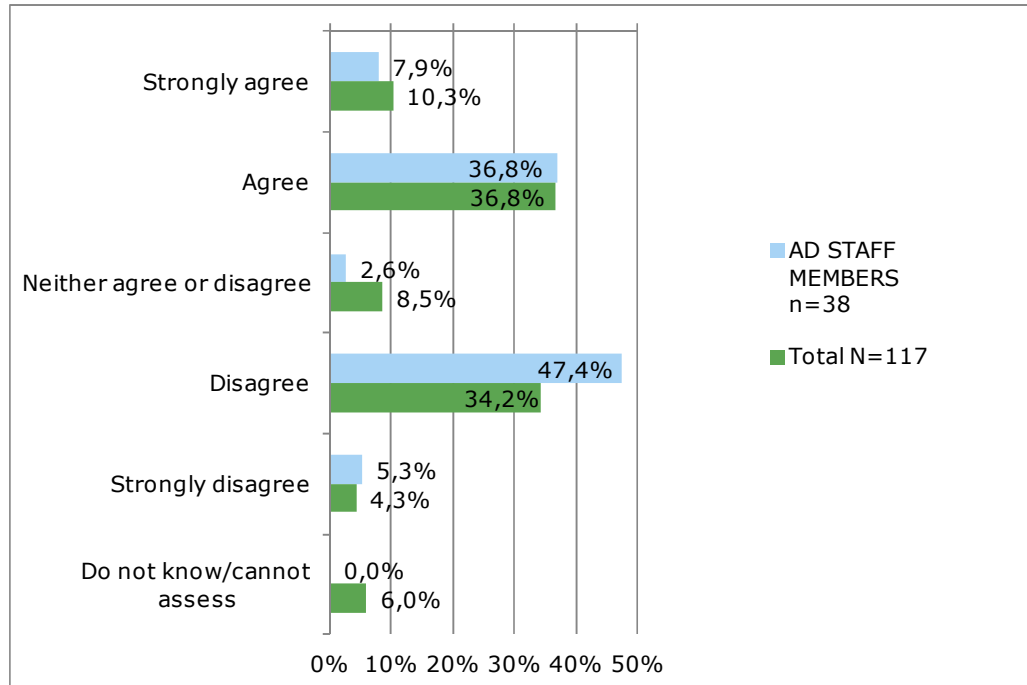
Year	FRA	EUROFOUND	EMCDDA	EU-OSHA
2008	3 %	11 %	10 %	8%
2009	4 %	6 %	15 %	6%
2010	6 %	2%	16 %	3%

As can be seen in the table above the high rate of carry forwards of the FRA does not transmit into a high cancellation rate compared to the other agencies.

The presented figures above were maintained in 2011, with a commitment level of 100%, carry forward of 73% and a cancellation rate of 1 % (current as per November 2012).

In the **internal survey** respondents were asked to assess whether they agree that the size of the FRA is appropriate in relation to the FRA's mandate and the actual workload. As can be seen from Figure 14, the respondents were split in their views concerning this question. While 47% either strongly agreed or agreed that the current size of the Agency is appropriate, a total of 38% of the respondents were of the opposite opinion.

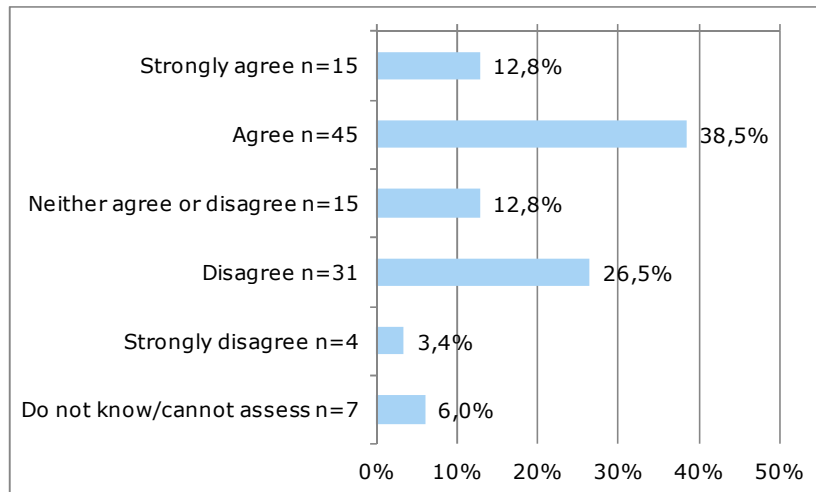
Figure 14: The size of the Agency is appropriate for the work entrusted to the FRA and adequate for the actual workload N=117



As can be seen above, in particular the AD staff seemed to be dissatisfied with the current size of the Agency in relation to the mandate and workload, with 52.7% of the respondents disagreeing or strongly disagreeing with the appropriateness of the size of the Agency. The open answers revealed for example that some respondents, while considering the size of the Agency to be appropriate, thought that the allocation of staff to the departments was inappropriate. Another respondent mentioned that *"The expansion of primary data collection and research is needed, and the workforce is not adapted to these ambitious tasks"*.

When looking more specifically at the staff composition and its appropriateness, the survey showed that in total 56% of the respondents either strongly agreed or agreed with the appropriateness of the current staff composition for the work entrusted to the FRA and the current workload (see Figure 15).

Figure 15: The staff composition is appropriate for the work entrusted to the FRA and adequate for the actual workload N=117



When assessing the responses of the AD staff based on their time of employment at the Agency, it seems that in particular the AD staff who have worked at the Agency for less than a year, are dissatisfied with the current staff composition. The group of respondents is however so small that the fluctuations in the responses are very high (see Table 12).

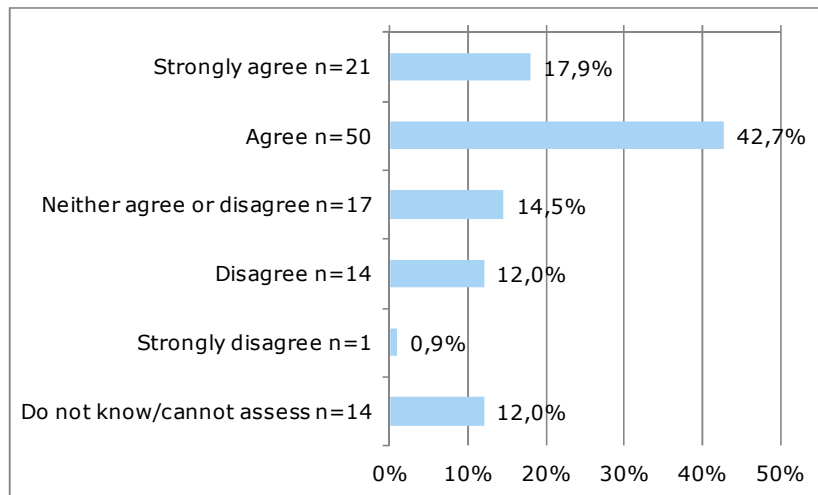
Table 12: The staff composition is appropriate [...] AD staff per time of employment at the Agency N=38

	Less than 1 year	1-2 years	3-5 years	I was working at the EUMC prior to FRA's establishment	Total
	#	#	#	#	#
Strongly agree	0	1	1	2	4
Agree	0	6	4	5	15
Neither agree or disagree	1	1	2	2	6
Disagree	3	3	3	3	12
Strongly disagree	0	0	0	1	1
Do not know/cannot assess	0	0	0	0	0
Total	4	11	10	13	38

It seems that the employees who are unsatisfied with the current staff composition were in particular found among the so-called operational departments; i.e. CAR, ECR and FJ. Respondents from HRP, Administration and the Directorate all agreed with the appropriateness of the current staff composition. The open questions showed that some respondents thought that there is an uneven balance between research staff and policy experts in the sense that researchers outweigh policy experts. This has according to the respondents led to difficulties in providing the EU policy-makers with policy-relevant expertise rather than academic research. Additional junior research/operational staff were also called for to help with the daily non-research related work of the Agency.

The respondents were overall positive concerning the recruitment and training procedures of the FRA (see Figure 16). Approximately 60% of the respondents either strongly agreed or agreed with the appropriateness of the recruitment and training procedures, against 21% who disagreed. In particular the AD staff were satisfied with the current procedures, with 76.4% agreeing or strongly agreeing with the appropriateness of the current system. One respondent pointed out that "Staff recruitment and training are more and more targeted towards improving appropriate staff composition to respond to article 2 of the Regulation". However, some criticism was also expressed, including concerning the job descriptions which were assessed to be too generic.

Figure 16: The recruitment and training procedures are appropriate for the work entrusted to the FRA and adequate for the actual workload N=117



During the **focus group interviews** a very strong message came out from the FRA staff that there is an on-going debate among staff concerning the workload and the ambitious mandate of the Agency on the one hand, and the availability of human resources on the other hand. The following quote from an interviewee illustrates the general picture received during the focus group interviews:

"People feel that they are overloaded, while we increased in size, we also increased in activity [...] Staff are so engaged and committed to what they are doing, that they create work by themselves. Being this ambitious as an Agency, we have a lot of work to do. The management has received the message from staff, stating that it cannot continue as it is now. This situation has been here since we became FRA."

The well-being survey carried out among the FRA staff in the spring 2012 showed that the members of the FRA staff seem to be in general relatively satisfied with their workload. The members of the staff are positive concerning the structure of the work in terms of deadlines, flexibility and working hours. However, there is also some dissatisfaction among the FRA staff concerning their workload. Some needs for improvement were in particular identified concerning the categories "I am satisfied with my workload"; "My family life is not affected by my workload"; "I consider that my Department successfully adapts its work to the human resources available" and "In my Department the work is normally planned in a timely fashion".⁶¹ While these topics scored lower than other workload-related topics, it should however be pointed out that the lowest mean score on the scale of 1-5 was 2.81, which does not seem to be highly alarming in the view of the evaluator.

The sick-leave statistics showed that stress-related reasons do not seem to be a very strong factor in the sick-leaves of the FRA staff. In 2011, four persons out of 92 were on sick-leave due to stress-related reasons, while in 2010 the share was higher with four persons out of 79.⁶²

⁶¹ European Union Agency for Fundamental Rights: Summary report – FRA well-being survey 2012.

⁶² Source: Human Resources and Planning Department.

Staff issues are regularly on the agenda of the FRA management team and focus is put on discussing how to improve the situation.

Overall, there is very little staff turn-over in the Agency. All permanently employed staff have indefinite contracts, which in conjunction with the fairly high salary and benefit levels, provides very little incentives for individuals to change even if they are dissatisfied with their work situation or organisation.

The interviews revealed that several employees considered it necessary for the FRA to be more concrete in terms of prioritising of work so that resources can be directed at a more limited number of topics within the themes covered by the Agency's mandate. The employees were not in favour of narrowing down the mandate of the Agency as such, but spoke of the need to limit the number of projects and topics covered by specific projects. Several employees acknowledged, however, that the FRA staff are very motivated and engaged in fundamental rights, and have sometimes difficulties to prioritise, due to personal interest in the topics that they deal with in their everyday work.

With respect to the organisation of the Agency, positive views were expressed with regard to the effects of the re-structuring activities, the horizontal activities and thematic areas:

"[It is] important to have teams that can follow thematic policy developments from different points of view. I believe that specialisation is very important. Moving to strategically specific areas, we need to develop expertise."

This evaluation question was commented on by external stakeholders during the **stakeholder interviews**, where the comments received were positive with respect to the structure and organisation of the Agency:

"They have a good combination of staff and expertise, the different skills of the staff complement each other. They have people with human rights legal background, expertise in statistical and social science. This kind of a balance could even be an example for our own organisation on how to set up the organisation."

Overall, the evaluation has uncovered that, although the majority of the staff consider the Agency's structure and organisation to be appropriate in relation to the FRA's mandate and the actual workload, there is a concern regarding the workload. The high workload may lead to a negative impact on the employee satisfaction in the longer term and it's important to monitor this development.

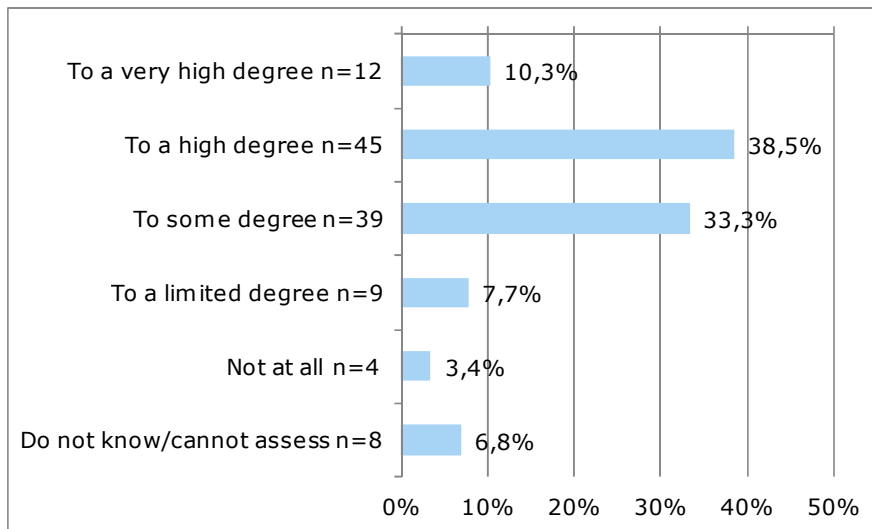
The situation is seen as a result of the ambitious tasks and work entrusted to the FRA as compared to the Agency's size.

3.2.3 To what extent do the Agency's management systems and processes contribute to the effectiveness and efficiency of its operations?

The evaluation question has been assessed by collecting opinions in the internal survey and focus group interviews with the FRA staff.

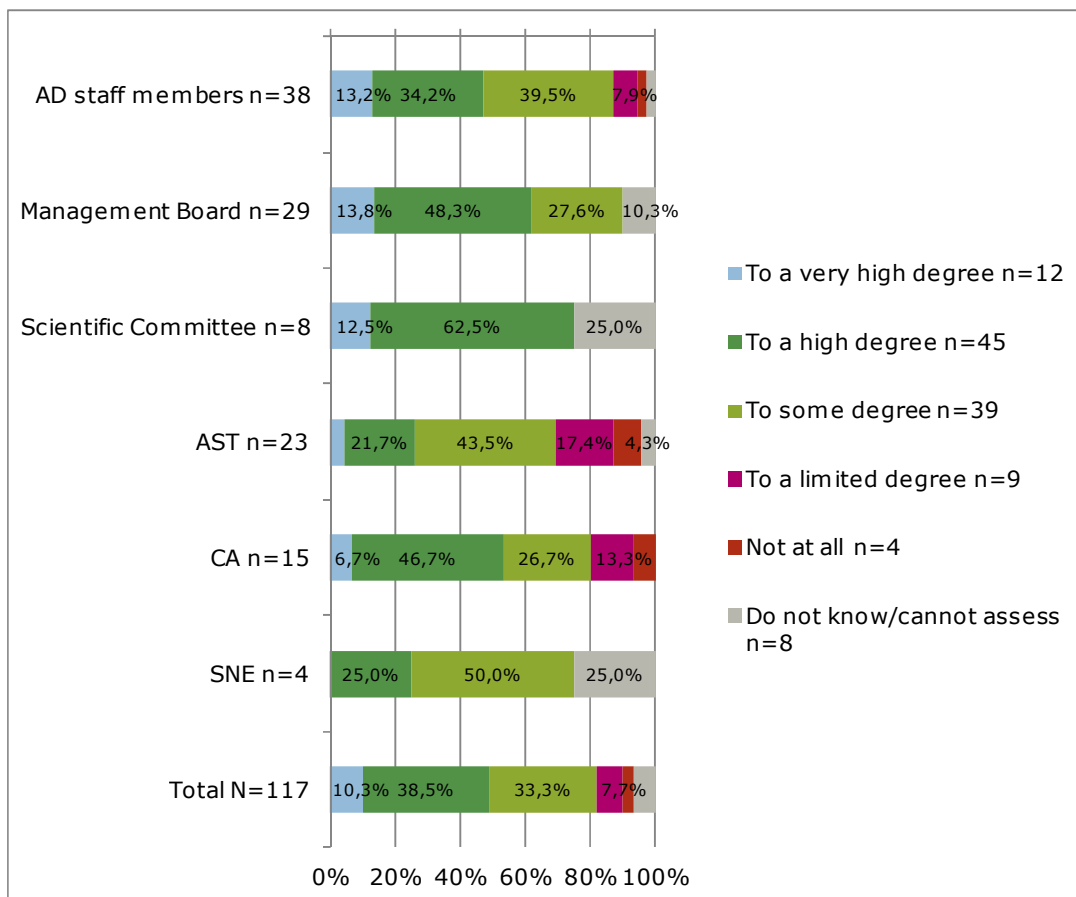
In the **internal survey**, the respondents considered the management systems of the FRA to be efficient, which was indicated by the fact that 86.7% of the respondents considered the management systems to be efficient at least to some degree (see Figure 17 and Figure 18). Despite this generally positive result, some proposals for improvement were given by the respondents. They called for example for improved communication among departments; more long term planning on specific MAF areas; as well as better definition of roles between Heads of Departments, team coordinators and project managers.

Figure 17: To what extent do you consider the FRA's management systems to be efficient? N=117



The breakdown of answers in Figure 18 reveals that 75% of respondents from the Scientific Committee and 62.1% from the Management Board considered the management systems to be efficient to a very high / high degree while the figure for AD staff stands lower, at 47.4%.

Figure 18: To what extent do you consider the FRA's management systems to be efficient? N=117



The **focus group interviews** with the FRA staff revealed a similar pattern: respondents were generally positive with respect to the efficiency of the management systems of the FRA.

The staff raised a number of issues regarding project management such as: trust in the staff members, data protection measures, basic documentation and check-lists and the reluctance of letting go of the research activities.

It was also mentioned that auditors have confidence in the organisation. The auditors' reports do not include many points of criticism, but rather smaller issues to optimise. The auditors mention particularly that the findings in the FRA publications are of high relevance. The overall positive reviews received from the auditors' reports indicate that the FRA has good management systems in place.

In terms of recommendations for future improvement, some respondents acknowledged that a few existing procedures could be made leaner.

The question was also commented in some of the stakeholder **interviews**. With respect to the Agency's management systems and processes, one particular issue was raised with respect to executive management:

"Internally there is a challenge in the management structure, with too much work dependent on the current Director. There is not sufficient senior management resource as all the other senior managers except the Director are also functional managers. This makes it vulnerable and limits the Director's ability to focus on strategic external issues which are important. There is a need to install a deputy director, which can ensure continuity and also handle more of the internal/administrative functions across the organisation."

Several interviewees agreed that the current Director has been a driving force in the development of the Agency, but the instalment of a deputy director did not find strong support among other stakeholders – in particular if this is only to be done to ensure the succession. As mentioned by an interviewee, changes in the management can also be a sign of a healthy organisation.

During the recent years the management team of the FRA (including the Director and the Heads of Departments) has developed initiatives aiming to create a strong, coherent and solid management team. The management team participates in regular coaching sessions every six months and is also taking leadership training together. To illustrate this, the name of the team was changed from the Heads of Departments meeting to Management Team, and it can be said that the management team can function as an institutional memory for the Agency also following the term of the Director.

However, it was acknowledged by some of the interviewees that as the HoD are also actively involved in the research work of the Agency, much of the representative and strategic work does at times lie on the Director.

The evaluation finds that, overall, the management systems and processes in place are recognised by staff to be efficient. While there are areas which can be optimised, these require an optimisation of current procedures and not a general overhaul. It is considered that the developments in the management team are sufficient to ensure continuity also following the appointment of a new Director.

- 3.2.4 To what extent are the mechanisms for monitoring, reporting and evaluating the FRA adequate for ensuring accountability and for an appropriate assessment of performance in the context of the agency system?

The evaluation question has been assessed by collecting opinions in the internal survey, focus group interviews with the FRA staff and interviews with stakeholders.

Planning, Monitoring and Evaluation fall under the responsibility of the Human Resources and Planning Department (HRP). The planning and monitoring function has been relatively recently strengthened, with the recruitment of a planning manager in mid-2010.

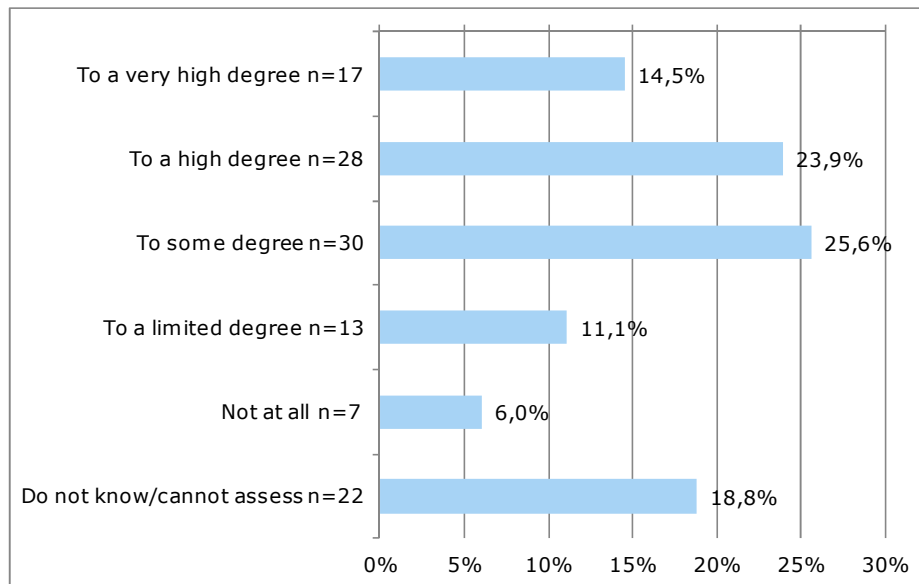
Since 2010 the FRA is operating with an N-2 Annual Work Plan cycle, meaning that the resources and the activities of the Agency are planned two years ahead. A systematic consultation process has been put into place for the elaboration of Annual Work Plans. To date there has been little structured monitoring activity of the FRA's outcomes and impact. The ongoing monitoring has mainly focused on activities and outputs.

Different monitoring systems are in place, such as event evaluations and reporting on internet usage and visits to the FRA webpage. The Agency also has a reference database, managed by the CAR department, which includes references made to the FRA's work through various sources. However, for the moment the data collection is not carried out systematically and the database is updated ad hoc and thus cannot be considered to provide a comprehensive or exhaustive picture of the FRA's outreach. To address this issue, currently work is ongoing to design and implement a Performance Measurement Framework, to provide management and stakeholders with information on the FRA's performance towards key performance indicators. An audit of the planning and monitoring systems was conducted in 2010/2011 by the Internal Audit Service of the European Commission.

The mechanisms for monitoring, reporting and evaluating FRA are elaborated in more detail in section 2.4.5.

The **internal survey** results showed that a majority of 64% of respondents considered that the mechanisms for monitoring and evaluating FRA are sufficient at least to some degree (see Figure 19). It is worth mentioning that 55.2% of the Management Board members responding to the survey consider the mechanisms to be sufficient to a high/very high degree while on the opposite spectrum, only 30.4% and 34.3% of AST and AD staff respectively consider that the mechanisms are sufficient to a high/very high degree.

Figure 19: Do you consider the mechanisms for monitoring and evaluating the FRA to be sufficient?
N=117



This evaluation question was also commented on during the **interviews** with FRA staff. It was recognised by the members of the staff that the FRA as an organisation seems to be open to the inclusion of new monitoring, reporting and evaluation procedures, which is illustrated in the quote below:

"I have not experienced as much resistance as in other agencies when introducing risk management and procedures."

However, the interviews with the staff also indicated, *inter alia*, that the evaluation of outputs and impacts is currently insufficient:

"We should have a better tracking system for FRA publications and their impact, how they are used, and when etc. We should measure more than merely outputs."

"We are about to reach the correct monitoring level and procedures (in two years). One of the best ways of making things smooth is [through] comments from the outside (internal auditors, evaluators). Our target is to implement by the end of the year 100% of the recommendations of the internal auditors."

The question was also commented on by external stakeholders during the **stakeholder interviews**, and the point of view was slightly more critical. This can be illustrated by a quote from an interview with an NLO, who commented that there have not been systematic evaluations of the work of the Agency in the specific thematic fields.

"For example, the Agency is still working on the issue of Roma, publish a lot of reports and surveys about this. What is the use of this? What is the real impact of these reports and surveys? How do these studies have an impact on for example decision-making etc? It is necessary for the Agency to clearly explain the impacts of the specific reports and work. [...] From the moment they are not capable to say what the impact is, the credibility is on the table."⁶³

Overall, mechanisms for monitoring, reporting and evaluating the FRA's work have been lacking since the establishment of the Agency. Currently a Performance Measurement Framework is being tested, designed to provide the Agency with ongoing information on outcome and impact level, with key performance indicators. It will be important for the Agency to make best use of the information provided from the monitoring, so that it can feed into the planning process as well.

3.2.5 To what extent are the working methods and composition of the Executive and Management Board and its Scientific Committee appropriate and efficient?

The evaluation question has been assessed by collecting opinions in the internal survey, focus group interviews with the FRA staff and interviews with stakeholders. For the survey a "judgement threshold" was set at 70% of the respondents agreeing on statements. A benchmark on costs of MB meetings has been conducted with selected agencies.

The MB meets twice a year (May and December), and the individuals are nominated for a time period of five years (non-renewable).

The Scientific Committee provides advice and opinions on the scientific quality of the FRA's work, it meets four times per year, but individual members are connected to projects and are in more frequent contact and can also participate in relevant meetings.

The Management Board and the Scientific Committee working methods and compositions are described in more detail in section 2.4.1 of this report.

The benchmarking data shows that while the FRA's Management Board is smaller than the benchmark agencies, the costs for MB meetings are far higher than in the other agencies. A further investigation into the figures has been conducted, aiming to identify the different cost structure. However, the agencies register and allocate costs differently (travel, translation, interpretation etc), which makes the comparison difficult. Major expenditures related to the FRA's MB meetings are translation of all documents to French (according to the FRA, this account for 65.000 Euro per year) and travel and subsistence costs for members. Another difficulty in the

⁶³ Note that currently the FRA is implementing the Performance Measurement Framework, which is structured around the thematic MAF areas, see also 2.4.5.

comparison is that the differences in the composition (civil servants or not), frequency and duration of meetings is not taken into account.

Table 13: Cost of Management Board 2010

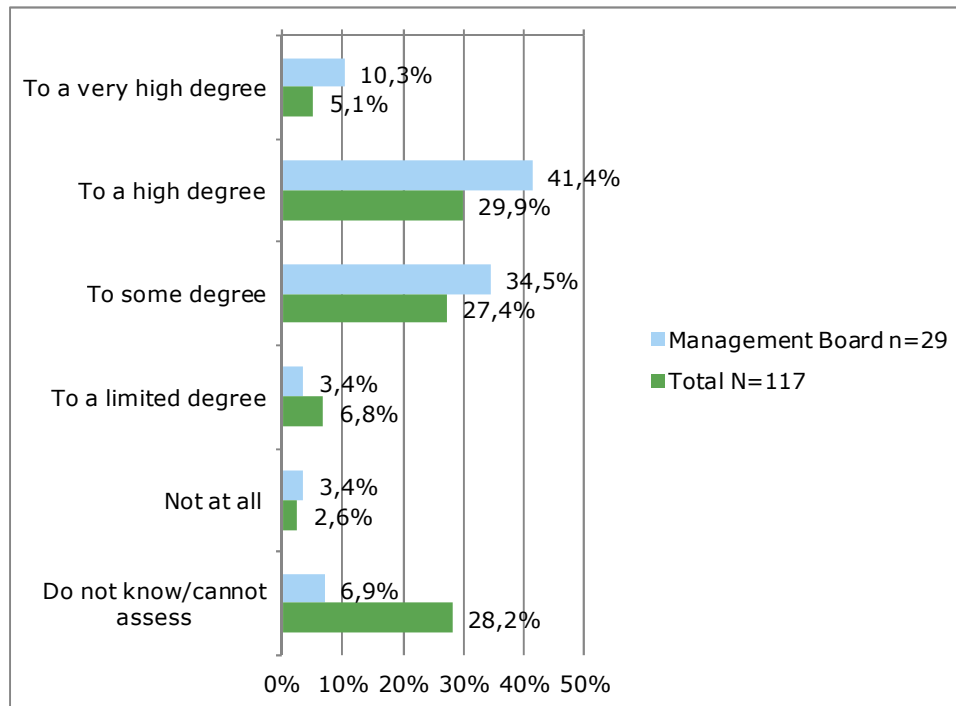
Benchmark Indicator	FRA	EUROFOUND	EMCDDA	EU-OSHA
Number of Management Board (MB) Members	30	84	57	84
Total Costs of MB Meetings (€)	186,964	126,649	76,697	70,537
Average Cost of MB Meeting (€)	62,321 (40,655) ⁶⁴	63,325	38,349	35,269
Number of Members of ExC	6	11	6	11
Number of ExC meetings 2010	5	6	4	4
Total Cost ExC meetings (€)	7,249	24,650	21,211	16,028
Average cost per ExC meeting (€)	1,450	4,108	5,303	4,007

While the costs for Management Board meetings are higher, the Executive Committee of the FRA are held at a considerably lower cost than in the other agencies.

The **internal survey** looked specifically at the efficiency of the working methods of the Management Board. The overall assessment among the respondents was positive. More than 80% (86.2%) of the members of the Management Board considered the working methods to be efficient at least to some degree, and there were almost no respondents who criticised the efficiency of the working methods (see Figure 20). While the corresponding figure among all staff was only 62.4%, this is explained by the fact that almost one third of the respondents did not know/could not assess the efficiency of the working methods of the Management Board, which is understandable concerning the role of the Management Board.

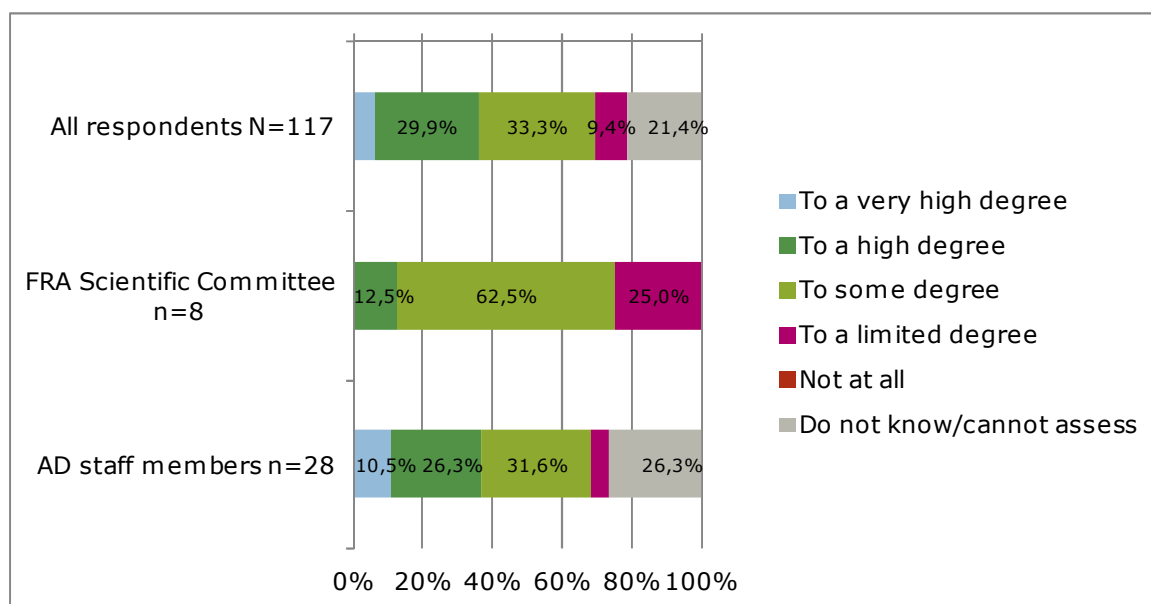
⁶⁴ Excluding translation costs

Figure 20: To what extent do you consider the working methods of the Management Board to be efficient? N=117



The respondents were also asked to comment on the extent to which they considered the collaboration between the Scientific Committee and the FRA to be effective in ensuring high scientific quality. As can be seen from Figure 21 below, most respondents (69.2%) considered this to happen at least to some degree. This means that the survey threshold of 70% positive answers was not met for both questions. Interestingly, the respondents representing the Scientific Committee were not as positive themselves, with the majority only agreeing to some degree. The AD staff seemed to be slightly more positive in their assessment of the collaboration with the Scientific Committee, as the share of those considering the collaboration to be effective to a very high degree was slightly higher among the AD staff than among all respondents.

Figure 21: To what extent do you consider the collaboration between the Scientific Committee and the FRA to be effective in ensuring high scientific quality? N=117



The AD staff were also invited to comment on the role of the Scientific Committee during the **focus group interviews**. Overall, the staff were satisfied with the Scientific Committee's

comments and considered feedback to be highly valuable. It was pointed out that it is challenging to at the same time incorporate several types of expertise in the Committee and provide comments as a collective Committee. Moreover, it was mentioned that more time would be necessary for the work of the Scientific Committee, and face-to-face meetings with the responsible staff to go through the comments would be valuable.

The evaluation question was also assessed by collecting opinions in **interviews** with the management board, SC members and other FRA staff.

The opinions expressed indicated a general positive consideration for the working methods and composition of the MB and the SC. Interviewees were of the opinion that Management Board members and administration work well together, especially in the context of amending the AWP. The MB members pointed out that the size of the MB has raised difficulties with respect to speed (or lack thereof) and ability of members to influence processes unless they get involved very early. It was acknowledged that it would be difficult to change this.

The planning of MB meetings was assessed to be generally good, with documents prepared and an explanatory agenda for the meetings.

The MB members emphasised the importance for them to be independent and stressed that all members have an equal vote in the MB. The difficulty of their work was also mentioned by MB members themselves during interviews:

"The MB is a real challenge; there is the formal side with management and business processes, and then also the content, political side of the Agency's work. Often MB members do not even realise how complex it is, a very diverse group with Civil Society, NGOs, academia etc represented."

In support of the MB, it was pointed out that while the MB is an important forum to discuss strategy, for financial matters a financial committee was set up which has the task of reviewing all the financial information and present them to the MB, and the Executive Board has been engaged in the risk register, in preparing meetings (agenda, papers etc) as well as other strategic initiatives such as the stakeholder review.

An issue that was mentioned during the evaluation concerns the voting rules of the Management Board. As the rules are now, 2/3 of all the MB members have to vote in favour in order for a decision to be taken. This has sometimes led to challenges when not all the MB members are present at the MB meeting.

The Scientific Committee's work was also discussed in more detail. Interviewees considered it to be reliable and quick "top service" and their comments to be, from the legal point of view, very good.

Certain recommendations for improvements were also expressed, these regarded the amount of feedback received, as well as the interaction between the different departments and the SC:

"It would be nice to have meetings with the rapporteurs and discuss things more thoroughly. The cooperation could be given more time."

"[The SC] could play a larger role, now it's commenting on draft reports, but it should be more on scientific methods, [...] [the new SC could have] more methodological skills and be able to advise us early on in the process."

In an interview with one of the SC member, the positive evolution of the situation over time was described:

"In the beginning no one knew what they needed to do but where we are now is quite good. We get involved early on. We can discuss the AWP and whether it makes sense financially. We have an early involvement with meetings when setting up the research. One example is that that we are involved in the design of questionnaires. We also comment on the draft reports."

The structure of the SC (6 lawyers, 4 social scientists and 1 statistician) was also commented by one respondent. It was noted that the lawyers are not experts in data collection and their evaluation of the work of the FRA reflects this fact. The respondent pointed out that the importance of social scientists in the SC was increasing.

On the negative side, it was pointed out by the FRA staff that, while acknowledging the need for diversity of backgrounds in terms of the composition of the SC, this makes it difficult for them to comment as a group. Moreover this problem is augmented by the working method currently used, where one Committee member functions as a "rapporteur" to one specific project and presents the quality assessment to the SC for endorsement: *"Our [FRA staff] way of interacting with them [the members of the SC] does not allow for them to be collective."* It was also mentioned that in order to address this particular issue, a workspace for the SC and more resources could be needed.

Overall, the evaluation findings point towards a favourable assessment of the working methods and composition of the Executive and Management Board and the Scientific Committee. Some challenges are inherent in the set-up, notably different backgrounds in a large Management Board with differing opinions, but the processes put in place seem to have contributed to a constructive cooperation.

3.2.6 To what extent have the administrative procedures supported the operational activities of the FRA?

The evaluation question has been assessed by collecting opinions in the internal survey and internal interviews with the FRA staff. For the survey a "judgement threshold" was set at 70% of the respondents agreeing on statements.

The Agency's financial management is governed by the Council's Framework Financial Regulation and is in compliance with relevant procedures of the European Commission.

During the assessment period the FRA has developed its Management Information System (MIS) called MATRIX. MATRIX is under continuous development. The basic feature of MATRIX is to enable follow-up of projects, tasks and the human resources allocated to them, milestones and budget execution, as well as procurement management. Matrix covers the Annual Work Programme (AWP), project management, budget monitoring, Activity Based Budgeting (ABB) and management of tenders and contracts (TCM)

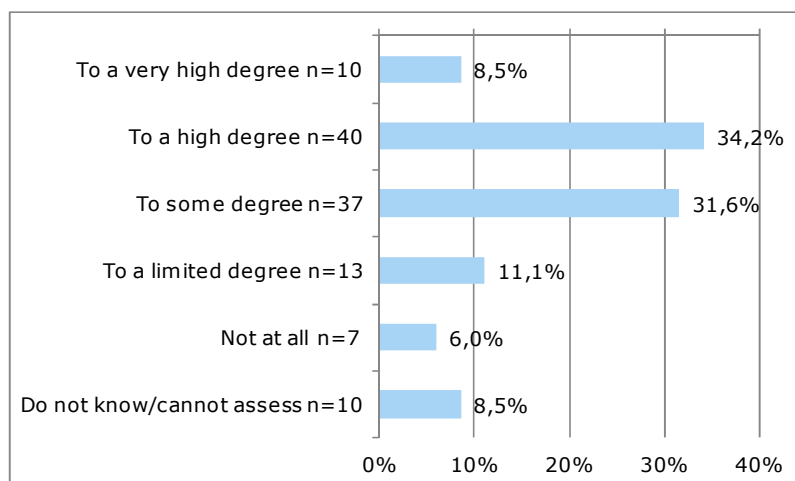
In addition, the Agency has developed systems for reimbursement claims/mission expenses (MIMA) as well as leave management (LEAMA).

The financial management system used is ABAC. A monthly Finance, Procurement and Accounting Report is produced, to follow-up on the operations.

The administrative and financial procedures are described in more detail in section 2.4.4.

The results of the **internal survey** showed that 74.3% of the respondents considered that administrative procedures are at least to some degree supportive to the FRA's operational procedures. The figure was higher (84.2%) among AD staff members, but percentages were stable over all categories of FRA staff, showing also that the survey threshold of 70% positive answers was met.

Figure 22: Do you consider the administrative procedures to be supportive in terms of FRA's operational activities? N=117



During the **internal interviews** several persons expressed views in respect to how administrative procedures are supporting the operational activities of the FRA; views from both administration as well as operational departments are included in this section.

The FRA staff made positive comments regarding the financial procedures in place, the existence of a service approach in the administrative departments, the internal quality check which was recently introduced and is seen as a major improvement, and finally on the integrated project management approach. The issue of Management Information Systems (MIS) was also raised in the interviews:

"We have developed so that we now have more than 20 applications addressing different needs. We are at the stage where not everything is optimised yet. There are still glitches, but I think we are on the right track and people are accepting the new procedures."

In all the focus group interviews the FRA staff also shared negative views with respect to some of the MIS, especially with regard to the use and added value of MATRIX⁶⁵:

"The tools, which are supposed to support management, are hindering. The added value of MATRIX to my daily life is minimal. The management focuses a lot of attention on something that is irrelevant to me [i.e. Matrix]."

"Matrix does facilitate information sharing between people. DMS is not really in place yet. Lack of usage also leads to lack of feedback and lack of results. You cannot use MATRIX if there is lots of lacking data."

"MATRIX is sometimes perceived as a monitoring tool. What I saw in it, is that it was never finished off properly, we were just getting the final input in and there was no management decision to say that from this day we use this. Technical ability is one issue, but mainly a management issue – the Director should tell the HoD that from this day MATRIX has to be used."

"I am using MATRIX now. For me it started making sense when the budget module was included. For the administration of my project it is helpful but not for the planning."

"I was told I needed to use it. MATRIX was hell. Like duplicating work, no one knew how to use it. Financial milestones were awful. We received no proper training. It was like a step backwards. I am using MS project instead for some of the features."

"DMS is a good idea. It offers a way to find documents quickly and track them. But it is extremely slow."

The above statements should be balanced by a recent usability study of the MATRIX carried out by an external contractor. The usability study included hands-on exercises to monitor the participants' actions when using the MATRIX. The selected participants were average and below average MATRIX users to allow a more realistic assessment. The results indicated that eight out of 10 tasks were completed by all the participants in an average time of approx. 2,5 minutes. These tasks included in the exercises represent 90% of the actions needed by MATRIX users to update the project records. It also emerged that the look and feel of the software could become more intuitive and that the requested project information for planning and monitoring should be centralised using MATRIX and not using other means.

However, when looking at the FRA well-being survey, it can be seen that some improvements are still needed for the FRA staff to fully acknowledge the benefits of the administrative procedures in place, as both the statements "I receive the necessary administrative backing to do my job properly" and "I consider that the administrative procedures in place help me to do my job properly" are scoring lowest in the job satisfaction category.⁶⁶

Based on the findings, it can be concluded that administrative systems overall function well. However, it is clear that there is a need for increasing the use of MATRIX as a management system, rather than an administrative system. While the implementation is still ongoing and MATRIX is under continuous development, the usage should be in focus in the next period.

⁶⁵ MATRIX was introduced at the Agency with the use of at least the following measures: introducing its use via a pilot project to collect hands on feedback from users and fine-tune the application; the pilot phase was introduced by the Director and all staff was informed; information sessions and group trainings took place; training materials and hands-on user guides were created; One-to-One trainings took place from 2009 onwards.

⁶⁶ European Union Agency for Fundamental Rights: Summary report – FRA well-being survey 2012.

3.2.7 Is there scope for simplifying existing administrative arrangements and working methods? To what extent is the ratio administrative/operational staff adequate?

The evaluation question has been assessed by collecting opinions in the internal survey and internal interviews with the FRA staff.

The Agency's financial management is governed by the Council's Framework Financial Regulation and is in compliance with relevant procedures of the European Commission. This limits the Agency's flexibility in terms of simplification of administrative procedures. However, the Agency has been working to maximise flexibility of its internal administrative processes with a view of reducing unnecessary bureaucracy via simplifying the financial workflow and reducing the financial actors involved.

To streamline the procurement procedures the FRA has established a Steering Committee that acts as an advisory body in high value tendering procedures. When possible, the Agency participates in the Commission's inter-institutional tenders to reduce costs in human resources.

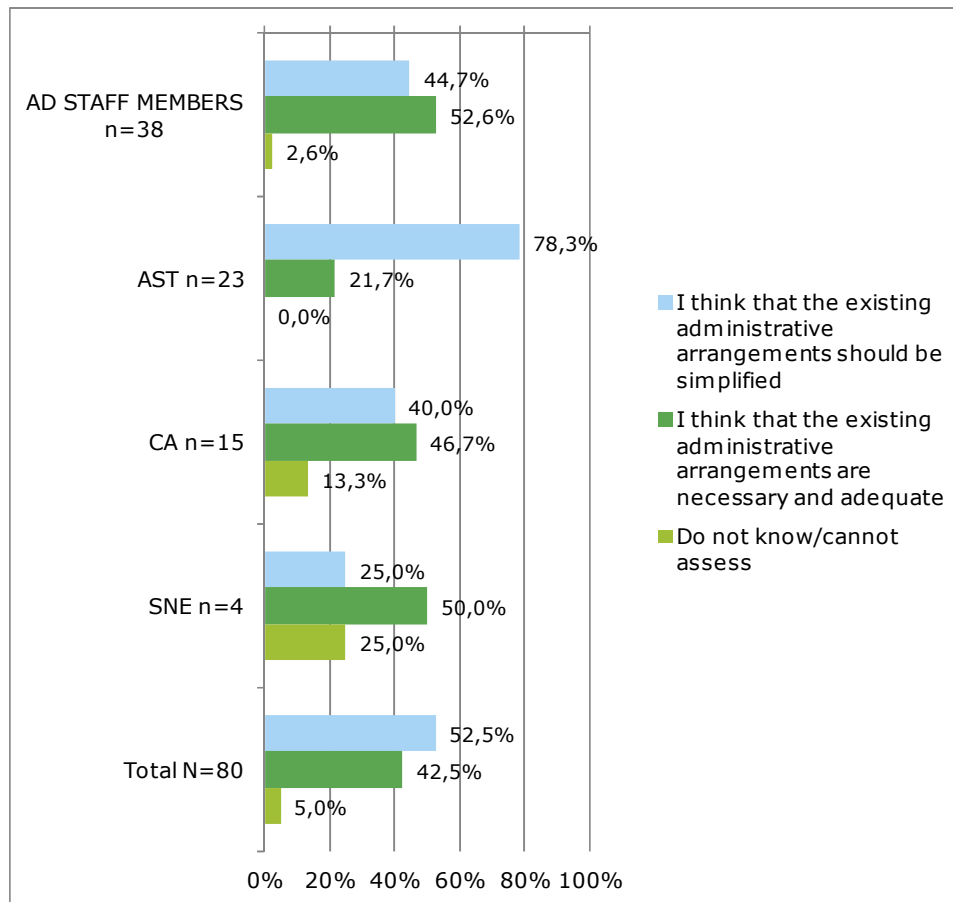
Since March 2011, the Agency has started implementing a paperless approach, amongst others CVs are no longer printed when recruiting, but read on tablets bought specifically for this purpose. The estimation is that approximately 500.000 pages have been saved by this initiative.

The **internal survey** asked all categories of FRA staff⁶⁷ to state their opinions on whether the existing administrative arrangements are necessary and adequate or should be simplified. The results (see Figure 23) showed that overall, the views in this respect were divided, with some more respondents considering that the administrative arrangements should be simplified (52.5%) than considering that the existing administrative arrangements are necessary and adequate (42.5%).

However, if the figure is broken down for each category of FRA staff, in all but one staff group, a majority of respondents considered the administrative arrangements to be necessary and adequate. The only exception was AST staff, a vast majority (78.3%) of which considered that the administrative arrangements should be simplified. This seems understandable, as these perform administrative tasks on a daily basis and are thus most strongly affected by inflexible or time-consuming administrative procedures.

⁶⁷ The Management Board and Scientific Committee are not included in this figure.

Figure 23: How do you consider the administrative arrangements in the FRA? N=80

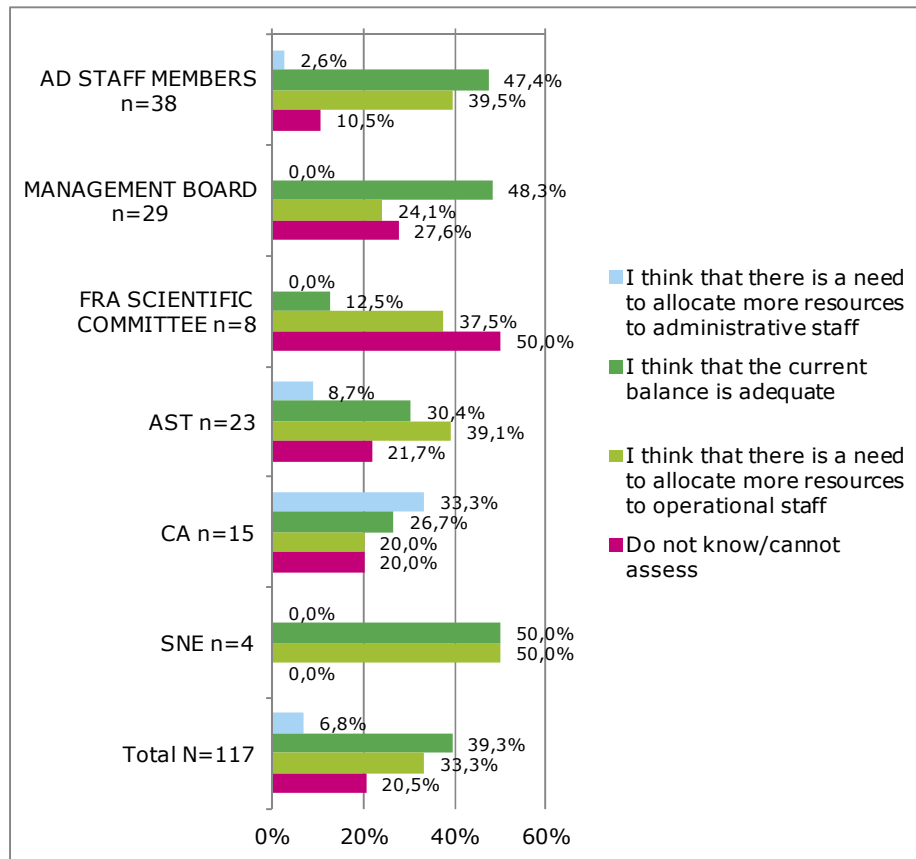


The **internal survey** looked also into whether the current staff allocation between administrative and operational staff is adequate (see Figure 24 below). The results showed that 39.3% considered the allocation to be adequate while 33.3% consider that more resources should be attributed to operational staff and only 6.8% were of the opinion that more administrative staff should be prioritised.

The ranking of the options was different for AST staff and the members of the SC, the majority of respondents corresponding to these categories (39.1% and 37.5% respectively) considering that more resources should be allocated to operational staff.

On the opposite side of the spectrum, the contract agents were the only category which considered that more resources should be allocated to administrative staff (33.3% of CA respondents supported this view).

Figure 24: In your view is there a need to prioritise differently in terms of administrative and operational staff? N=117



The question of simplification of administrative procedures was commented on during the **internal interviews**, where a member of the staff pointed out that the procedures have already been simplified, stating that: *"Project structure used to be so complicated. The budget line has been simplified. You used to have three different posts and sponsors. Now there is only one and one budget line. It used to be more complicated."*

Other employees shared the same opinion and provided positive statements concerning the financial procedures, which have in the view of the following respondent been made quicker and more flexible:

"[the financial procedures are] not a burden – may be seen as such initially, but not really. We try to comply with the rules; we also try to be flexible where we can, for example [we] provide letters by e-mail."

As mentioned in section 2.4.4, since 2010 the FRA is operating with an N-2 Annual Work Plan cycle, meaning that the resources and the activities of the Agency are planned two years ahead. Through this mechanism, procurement processes can be launched at year end minus 1 instead of committing a large amount of the budget in Q4.

From the findings it can be concluded that the staff are divided in their views concerning the existing balance between administrative procedures and the need for checks and controls. More than half of the staff, and in particular those of AST category, consider that the administrative arrangement should be simplified. Some simplification measures have already been taken and although there is certainly a need for continuous work on simplification, it must also be acknowledged that the Agency is bound to follow standards, and thus only have limited means available to simplify procedures.

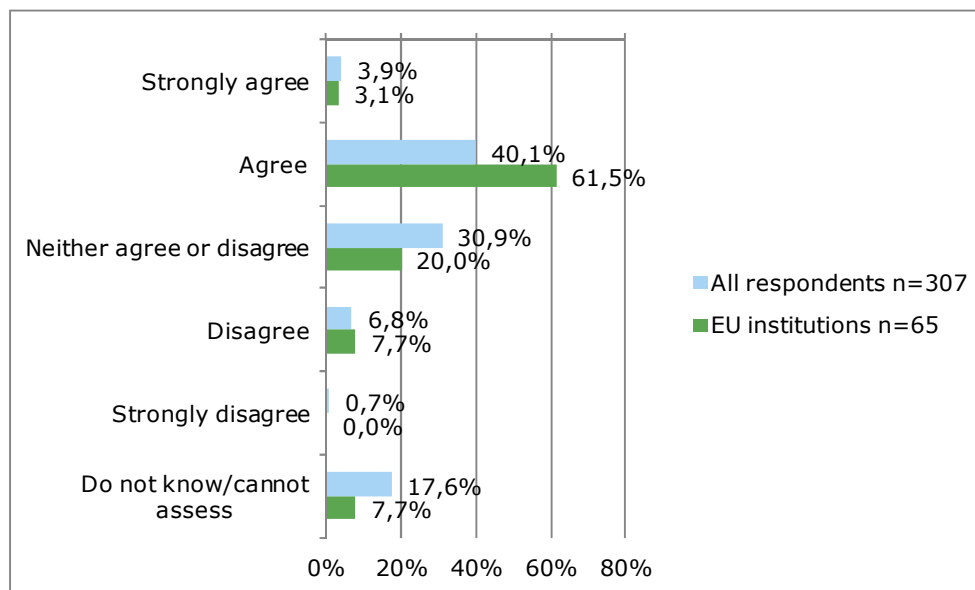
3.3 Utility: To what extent has the FRA been successful in addressing the needs of the European Union institutions and Member states in providing them with assistance and expertise to fully respect fundamental rights in the framework of Union law?

3.3.1 To what extent have the FRA's work and actions effectively helped institutions, bodies, offices and agencies of the Union and its Member States to ensure full respect of fundamental rights in the framework of Union law?

The evaluation question has been assessed by collecting stakeholder opinions in the external survey, interviews as well as the case studies. For the survey a "judgement threshold" was set at 70 % positive answers.

In the external survey, the stakeholders were asked to assess the value of the FRA's work to EU institutions, bodies, offices and agencies by stating to what extent the FRA's work and actions have effectively helped the EU level actors to ensure increased respect of fundamental rights in the framework of EU law. As can be seen from Figure 25 below, 64.6% of the respondents representing EU level actors either strongly agreed or agreed that the FRA's work and actions have been effective.

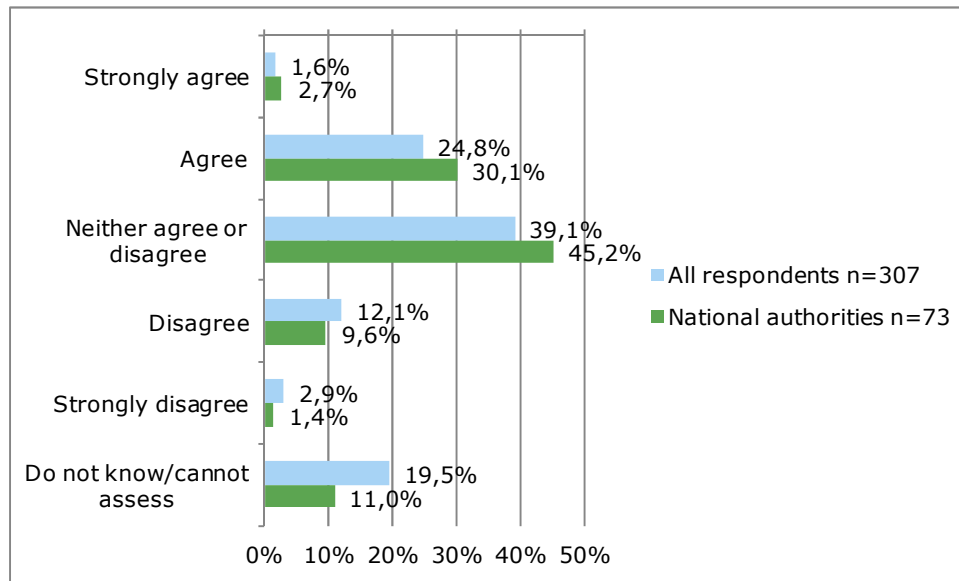
Figure 25: The FRA's work and actions have effectively helped institutions, bodies, offices and agencies of the European Union to ensure increased respect of fundamental rights in the framework of EU law N=307



In the open questions, the respondents mentioned for example that the organisation of timely planned seminars has helped raise awareness about relevant topics. Moreover, the FRA's cooperation with Frontex to help mainstream human rights into the latter's activities was mentioned as a positive example of work, where agencies of the EU were supported by the FRA.

The survey results were less positive concerning the FRA's work at the national level (see Figure 26). While providing support to the Member States in the field of fundamental rights is an important part of the FRA's mandate, only 32.8% of the national level stakeholders strongly agreed or agreed that the FRA's work and actions have been effective to this end. It should, however, also be emphasised that the respondents have found this question difficult to answer, as 58.6% of all respondents (56.2% of national authorities) neither agreed nor disagreed; or did not know/could not assess whether this was the case. However, this means that the survey threshold of 70% positive answers was not met with respect to either question.

Figure 26: The FRA's work and actions have effectively helped Member States to ensure increased respect of fundamental rights in the framework of EU law N=307



This result might reflect the issue that the evaluation question does not specifically differentiate between the role of the FRA as a provider of expertise, on the one hand, and assistance on the other hand, which is according to some stakeholders an important differentiation to be made when assessing the utility of the FRA towards its stakeholders. The open answers provided some more clarity to the situation, as respondents pointed out for example that they considered the FRA to be too young an organisation in order to assess its impact. It also seemed that the stakeholders saw improvement in recent times in the FRA's work and outreach at the national level, but that there is still some way to go to make the FRA well known among the national level stakeholders.

This question was commented on by several stakeholders in **the stakeholder interviews**. Based on the interviews, it seems that the FRA's work and actions have effectively helped in particular the institutions, bodies, offices and agencies of the EU. Interviewees representing the Commission and the European Parliament are highly positive in their assessment of the FRA in this regard.

"MEPs have increased the reliability of their work, because by using the work done by the FRA they were able to better discuss the issues by having reliable data at their disposal. The quality of the overall discussion with all stakeholders has also increased thanks to the development of an EU wide accepted terminology and language."

Interviewees representing the Commission mentioned that the evidence from the FRA has been referenced as an argument in support of the Commission measures, and that in particular the comparative studies are needed. The EU-MIDIS study was mentioned as an example of a study, which has been particularly helpful. The efforts of the FRA to push the fundamental rights agenda forward were also mentioned:

"Another example is how FRA came up with excellent ideas how to communicate actions, and in addition FRA's policy recommendations are good too. They find solutions and try to communicate them out to the relevant actors. They really try to push the fundamental rights agenda forward with their many actions, this is good, but difficult as the Commission is not always cooperative."

The interviews showed that the work and actions have helped the Council to a lesser extent. A Member State representative also sitting in the Council working group FREMP mentioned that:

"The FRA could be more used – goes for both the EU institutions and our national organisations. It's a young agency and I hope that it will become a more active partner for the Council and the Member States as well, and that they will have more data that could be used."

This was also mentioned by representatives of the FRA staff during group interviews, where it was stated that the FRA has not yet found the right entry point to make their work more visible to the Council. However, some Member State representatives considered that the FRA is on the right track in terms of getting more actively involved in the work of the Council, but that the most important thing is for the FRA to make itself known and appreciated among the Member States, and to show to the Member States the value that the FRA can provide.

These findings imply that the FRA's work and actions have not been as effective in providing expertise and assistance to the Member States. It seems, however, that there are some developments taking place, as also mentioned in the survey above. The NLOs have recently discussed with the FRA, how the FRA can further support the work of the Member States.

"Now the FRA has become quite interested in us [the Member States] working with them. Perhaps some Member States have not asked the FRA to work with them. Now the FRA tells us that we should use them more as service providers when we want an assessment on human rights."

Some Member States clearly see the importance of working together with the FRA, for example due to the learning potential that the cooperation gives them. Other Member States state directly that the FRA is not very well known among the national authorities and that the ministries do not have an interest in the work of the FRA.

More specifically, the initiatives that have been taken by the FRA together with the NLOs to increase the usefulness of the Agency towards the national level include:

- Providing more information to the NLO on the provision in the FRA Founding Regulation opening up the possibility of thematic requests from the Council.
- In relation to more direct requests from Member States, the FRA is planning to prepare a short "menu" proposing topics and types of information that Member States could ask for
- Increasing the number of tailor-made tools for specific target groups, such as handbooks for legal practitioners or work of the FRA on the common core curriculum of Frontex
- Exploring how the Agency's expertise can be made more accessible online
- Facilitation of cross-national exchange of practices, for example within the framework of stakeholder meetings, such as the one on "Apprehension of migrants in an irregular situation – fundamental rights considerations".

While acknowledging the importance of increased focus at the national level, several interviewees pointed out that it is also important for the FRA to make sure that the initiatives it works on towards the Member States can benefit a larger group of Member States and not only the one Member State that is requesting advice or assistance. It is the assessment of the evaluator that this aim is visible from the above list of activities.

The challenges to have an impact at the national level were also voiced by a member of the Management Board of the FRA:

"On the EU level it is working well in general, likewise NGOs with a European perspective. National level is more difficult to reach, to find the relevant stakeholders and raise their awareness of FRA and FRA products. NLOs are diverse and come from different settings, their role is a bit unclear as well as the mandate of the NLOs. It is not a decision making body, more a consultative body."

The findings of **the case studies** showed similar trends as the interviews and the survey. In the fields of Roma and travellers, fundamental rights of irregular migrants as well as homophobia and discrimination on grounds of sexual orientation and gender identity, the work of the FRA has been acknowledged by the respective DGs, who have confirmed the usability of the data for the

work of the European Commission. The case studies all showed difficulties in linking the work of the FRA to concrete policy developments at the national level.

Another issue with respect to the FRA's ability to effectively help the Union and its Member States to ensure full respect of fundamental rights in the framework of Union law concerns its mandate with respect to the "former 3rd pillar" questions, i.e. in the area of judicial and police cooperation.

Following the coming into force of the Treaty of Lisbon, and inclusion of the area of Judicial cooperation in criminal matters as an EU competence⁶⁸, there were some expectations among stakeholders and the FRA staff for this "former 3rd pillar" area also to be included in the Multiannual Framework of the FRA as well. The proposal by the Council for the new Multiannual Framework of the FRA for years 2013-2017⁶⁹, Art. 2, however, excludes the area of criminal matters from the competence of the FRA.

While the question was not treated specifically during the evaluation, due to the pending proposal on the new MAF, the potential "gap" in the Agency's mandate was mentioned in several interviews, in particular with the FRA Management Board and Fundamental Rights Platform. The explicit omission in the MAF of justice cooperation in criminal matters was seen to restrict the FRA's work in the field of fundamental rights in the EU. It could thus be discussed, whether it is reasonable for the area of criminal matters to be excluded from the competence of the FRA, who as the Fundamental Rights Agency of the EU has as an objective to support the full respect of the Charter, by providing assistance and expertise to the European Union and its Member States. One example of this challenge concerns the subject for the 2012 Fundamental Rights Conference, "Justice in austerity: challenges and opportunities for access to justice". In this area, discussions have taken place with respect to the topic of Legal Aid, Sentencing and Punishment of Offenders Bill from the UK, and inspired by this, it would be interesting for the FRC to critically appraise how cuts might jeopardize access to justice but also where they may bring opportunities for much needed reform. This shows the difficulty of distinguishing the theme of criminal matters, not included in the MAF, from the theme of access to justice, which is covered by the MAF.

Overall, the evaluation findings point towards a clearly favourable assessment in terms of the FRA's ability to effectively help institutions, bodies, offices and agencies of the Union to ensure full respect of fundamental rights in the framework of the Union law. Even though the judgement criterion of 70% was not quite met among the EU level stakeholders (64.6%), the effects have been positive. The findings are less positive concerning the effects at the national level. It seems that some developments are currently on the way to improve this, in particular with more active communication with the NLOs concerning the needs of the Member States.

3.3.2 To what extent has FRA contributed to a greater shared understanding of fundamental rights issues in the framework of Union law among policy/decision-makers and stakeholders in the EU and Member States?

The evaluation question has been assessed by collecting stakeholder opinions in the survey, interviews as well as the case studies. For the survey a "judgement threshold" was set at 70 % positive answers.

The responses to **the external survey** showed that external stakeholders considered that the FRA has enabled a better understanding of fundamental rights in Europe among the policy/decision-makers and stakeholders in the EU and Member States (see Table 14). This was shown by the fact that 80.5% of the respondents had, at least to some degree, gained a better understanding of fundamental rights as a result of the FRA's work.

⁶⁸ Consolidated Version of the Treaty on the Functioning of the European Union. OJ C 326, 26.10.2012, Art. 82-89.

⁶⁹ Proposal for a Council Decision establishing a Multiannual Framework for the European Union Agency for Fundamental Rights for 2013-2017 - Requesting the consent of the European Parliament, Interinstitutional File 2011/0431 (APP), 31.5.2012.

Table 14: Have you gained a better understanding of fundamental rights in Europe as a result of the FRA's work? N=303

	EUROPEAN PARLIAMENT	EUROPEAN COMMISSION	EU AGENCIES	NATIONAL LIAISON OFFICERS	COUNCIL OF EUROPE	COUNCIL OF EU	FUNDAMENTAL RIGHTS PLATFORM	FRANET	NHRIs	EQUALITY BODIES	Total %	Total #
	%	%	%	%	%	%	%	%	%	%	%	#
To a very high degree	0.0	6.7	5.0	11.1	0.0	0.0	6.9	23.1	12.5	10.8	8.6	26
To a high degree	30.0	40.0	15.0	33.3	25.0	0.0	31.5	46.2	25.0	35.1	32.0	97
To some degree	40.0	36.7	45.0	27.8	41.7	100.0	43.1	15.4	37.5	45.9	39.9	121
To a limited degree	10.0	6.7	10.0	11.1	16.7	0.0	10.0	0.0	25.0	5.4	9.2	28
Not at all	20.0	3.3	10.0	11.1	8.3	0.0	6.9	7.7	0.0	2.7	6.6	20
Do not know/cannot assess	0.0	6.7	15.0	5.6	8.3	0.0	1.5	7.7	0.0	0.0	3.6	11
Total %	3.3	9.9	6.6	5.9	4.0	1.3	42.9	8.6	5.3	12.2	100.0	
Total #	10	30	20	18	12	4	130	26	16	37		303

The respondents provided numerous examples of cases, where the FRA had enabled a better understanding of fundamental rights in Europe. One respondent stated that "[...] I am very impressed by the amount of work which has been done in 5 years time. I think FRA complements well the other bodies, such as the Council of Europe, being often more detailed and targeted on specific issues". More specifically, the respondents mentioned the Annual Reports and conferences, the EU-MIDIS survey, the work on access to justice, and reports on illegal migration. Several respondents did, however, point out that they were professionals working in the field of fundamental rights already before the establishment of the FRA, and had the feeling that they had not gained a better understanding of the field through the FRA's work.

The respondents also agreed that the work of the FRA contributes to a greater shared understanding of fundamental rights in Europe. Some 3 out of 4 respondents (72.5%) either strongly agreed or agreed with the statement. The corresponding share was highest among the respondents representing other EU Agencies (85%), the European Commission (80%), FRANET (76.9%) and the Council of Europe (75%). This shows that the survey threshold of 70% positive answers was met in both questions.

Table 15: The work of the FRA clearly contributes to a greater shared understanding of fundamental rights in Europe N=302

	EUROPEAN PARLIAMENT	EUROPEAN COMMISSION	EU AGENCIES	NATIONAL LIAISON OFFICES	COUNCIL OF EUROPE	COUNCIL OF EU	FUNDAMENTAL RIGHTS PLATFORM	FRANET	NHRIs	EQUALITY BODIES	Total %	Total #
	%	%	%	%	%	%	%	%	%	%	%	#
Strongly agree	0.0	16.7	5.0	11.1	16.7	0.0	10.9	23.1	12.5	21.6	13.2	40
Agree	60.0	63.3	80.0	61.1	58.3	50.0	62.0	53.8	56.2	40.5	59.3	179
Neither agree or disagree	20.0	20.0	5.0	27.8	8.3	25.0	17.8	11.5	25.0	21.6	17.9	54
Disagree	0.0	0.0	5.0	0.0	0.0	25.0	3.9	7.7	6.2	2.7	3.6	11
Strongly disagree	10.0	0.0	0.0	0.0	0.0	0.0	1.6	0.0	0.0	0.0	1.0	3
Do not know/cannot assess	10.0	0.0	5.0	0.0	16.7	0.0	3.9	3.8	0.0	13.5	5.0	15
Total %	3.3	9.9	6.6	6.0	4.0	1.3	42.7	8.6	5.3	12.3	100.0	
Total #	10	30	20	18	12	4	129	26	16	37		302

One respondent pointed out that "FRA keeps reminding the EU about how many different questions are related to fundamental rights. FRA asks the right persons/institutions to participate. They do not try to do all themselves, but are good at using others' knowledge to the best". Moreover, a comment was made that "The work of the FRA clearly highlights the differences in interpretation of the fundamental rights in Europe, which can contribute to promote best practice and reduce the gaps". Another respondent stated that "The work of the FRA is important, as it's currently the only actor which collects and compares data on the EU level." This opinion was shared by several respondents, and it was also pointed out that the FRA's work not only synthesises and assesses situations in the 27 EU Member States, but that the quality of their work also sets higher standards for the areas of fundamental rights, supporting a greater shared understanding of fundamental rights in Europe.

The interviewees were not as clearly positive in their assessment of the ability of the FRA to contribute to a greater shared understanding of fundamental rights issues. The most important finding from the interviews was that the work of the FRA seems to have lifted the quality and reliability of the discussion in the field of fundamental rights, in particular by increasing the knowledge-base of the civil society organisations working in this field. In addition to interviewees representing the civil society, this was also confirmed by a representative of the European Parliament:

"The FRA has clearly improved the level of reliability and quality of the discussion by providing fact based comparative data to the NGOs which can formulate stronger arguments."

Interviewees representing the European Commission and international organisations also pointed to the use of the FRA's work as an information source. In this way the level of understanding of fundamental rights has improved in Europe.

"They have done this through ensuring the availability of data that was not there previously, providing sources for researchers, awareness, conferences and action plans."

The representatives of the Member States were more concerned about the impact of the FRA's work at the national level. The NLOs interviewed pointed out that while there is now a good knowledge-base and interest towards the work of the FRA and the general area of fundamental rights on the level of NLOs, the challenges lie in getting this interest and information disseminated further in the national systems.

"The challenge is on how to get others to see the importance of the FRA, to get them committed to human rights. Our division is very committed, so it's easy for us to see the value, but it's difficult to get others involved."

"The lack of impact is a matter of internal organisation of each MS, and depends on the national decision-making. At the expert level the FRA is in the process of developing this approach. In the working party, we discuss various ways that FRA input could be used."

Comparing these examples from the interviews to the survey findings, it seems however that the reality is somewhat more positive than that exemplified in the two statements above. In the survey more than 60% of the NLOs that responded agreed that the work of the FRA clearly contributes to a greater shared understanding of fundamental rights in Europe.

The case studies showed that the work of the FRA does seem to contribute to a greater shared understanding of fundamental rights issues in some concrete ways. The Annual Report of the FRA is considered to be widely accessible to the main target groups for the report (EU institutions, MS, NGOs and other international organisations). However, there was little evidence concerning the impact of the Annual Report in policy development and decision-making. Another concrete aspect, which has increased the shared understanding in this field, is the Fundamental Rights Conference of 2011, which covered the topic of dignity and rights of irregular migrants. The findings of the case study showed that as this conference was the first of its kind to cover the issue of fundamental rights of irregular migrants, its impact on raising awareness of this topic, together with the three reports published on the topic, was high.

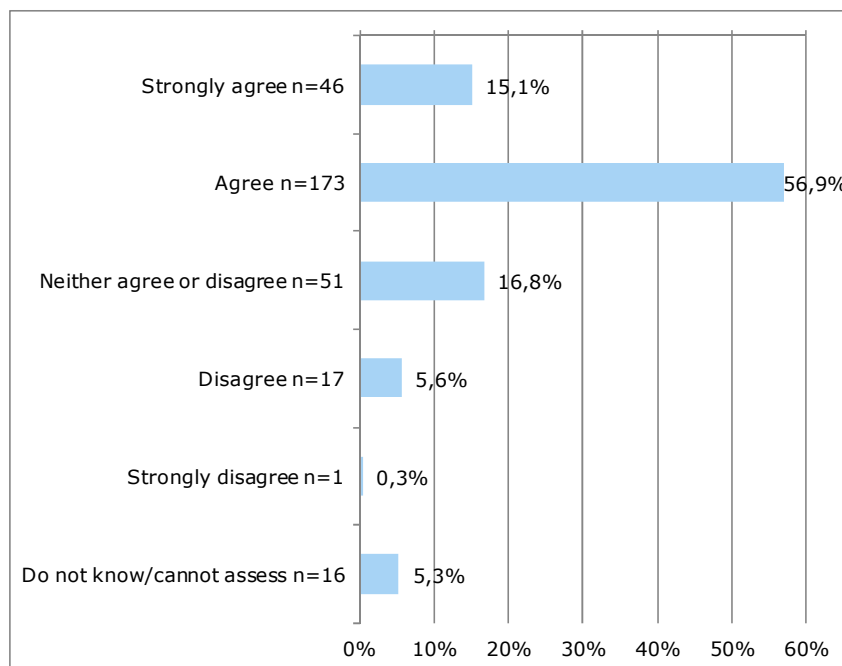
Overall, the evaluation findings point towards a clearly favourable assessment in terms of the FRA's ability to contribute to a greater shared understanding of fundamental rights issues in the framework of Union law among policy/decision-makers and stakeholders in the EU and Member States. The judgment criterion of 70% is met in both relevant survey questions, supported by the findings from in particular the case studies. The stakeholders interviewed were more modest in their assessment, but it seems that the quality of discussions has indeed improved due to the FRA's work. Some work remains to be done in terms of mainstreaming the knowledge from the most involved national authorities and NGOs towards the broader group of decision-makers in the Member States.

3.3.3 To what extent are the FRA's stakeholders identified in the Founding Regulation (articles 6 – 10) satisfied with the responsiveness and availability of the research activities undertaken?

The evaluation question has been assessed by opinions in the external survey and interviews with stakeholders. Furthermore the Stakeholder Review conducted by the FRA in 2011 has been taken into account. For the survey a "judgement threshold" was set at 70% positive answers.

In the external survey, the respondents were also positive concerning the availability of the FRA's research results, which is shown by the fact that 72.4% of the respondents either strongly agreed or agreed with the statement that "the FRA's research results are readily available to all relevant stakeholders". This means that the survey threshold of 70% positive answers was met.

Figure 27: The FRA's research results are readily available to all relevant stakeholders N=304



The FRA conducted a stakeholder review in 2011, which included several questions on the satisfaction of key stakeholders. The results showed that a clear majority of stakeholders were satisfied with the support and outputs provided by the Agency. This applied to ad hoc contacts via e-mail and phone, more structured interaction such as conferences and meetings as well as the outputs, such as Annual Report and Thematic reports.

The **stakeholder interviews** confirmed the picture from surveys, where in general the stakeholders were highly positive regarding the collaboration with the FRA, as shown in the quote below from a Commission Official.

"In my view it is the PEOPLE in the organisation that make the difference. They are really good. And the bosses let them do this – at least in my field we have this good informal direct cooperation. I think they are receptive to take up issues that the Commission recommends. An example could be the update of the detention study. On a scale from 0-10, FRA gets 10."

Likewise representatives of civil society who are in contact with the FRA on a regular basis commended the openness and receptiveness of the organisation. In general there was a high satisfaction also with the events conducted, such as roundtables, expert meetings and conferences.

The communication of research results was increasingly seen as a strong component in the Agency's work, as illustrated by the quote below from an international organisation.

"I think one of the ways in which they are doing this is that they have mastered evidence-based communication. Not going into comprehensive multi-hundred page reporting, but smaller publications with precise messages, opening to future follow-up questions, asking questions is sometimes more important than answering, wise way of doing things."

While the Member State representatives were a bit less cautious as to the use of FRA outputs, the availability was not considered an issue as such. Issues in terms of dissemination of language were mentioned, as the FRA's full publications are available in English, German and French, and only sometimes in other languages, depending on the specific relevance of Report for the country concerned. Due to workload the publication of the German and French versions of the reports can take significantly longer than the publication of the original version of the report in English. The Agency attempts to remedy this by developing shorter so called fact sheets which are translated into the majority of the official languages of the EU and by informing the Member States of their existence, but for certain stakeholders this is not sufficient, as illustrated by the quote below.

"It [the FRA] contributes, but depends on how the Agency makes itself visible. Impact of FRA in [my country] is not very big; most people have not heard of FRA, the Agency is not at all visible in the debate, mainly due to language and lack of knowledge."

Based on the findings it can be concluded that the general satisfaction with the Agency's work is high, and the organisation is seen as accessible and responsive to stakeholders needs. The Agency is actively disseminating and communicating research results and the main barriers to further dissemination seem to be the dissemination channels, i.e. that the publications are effectively disseminated also in the Member States by the NLOs and the publication language.

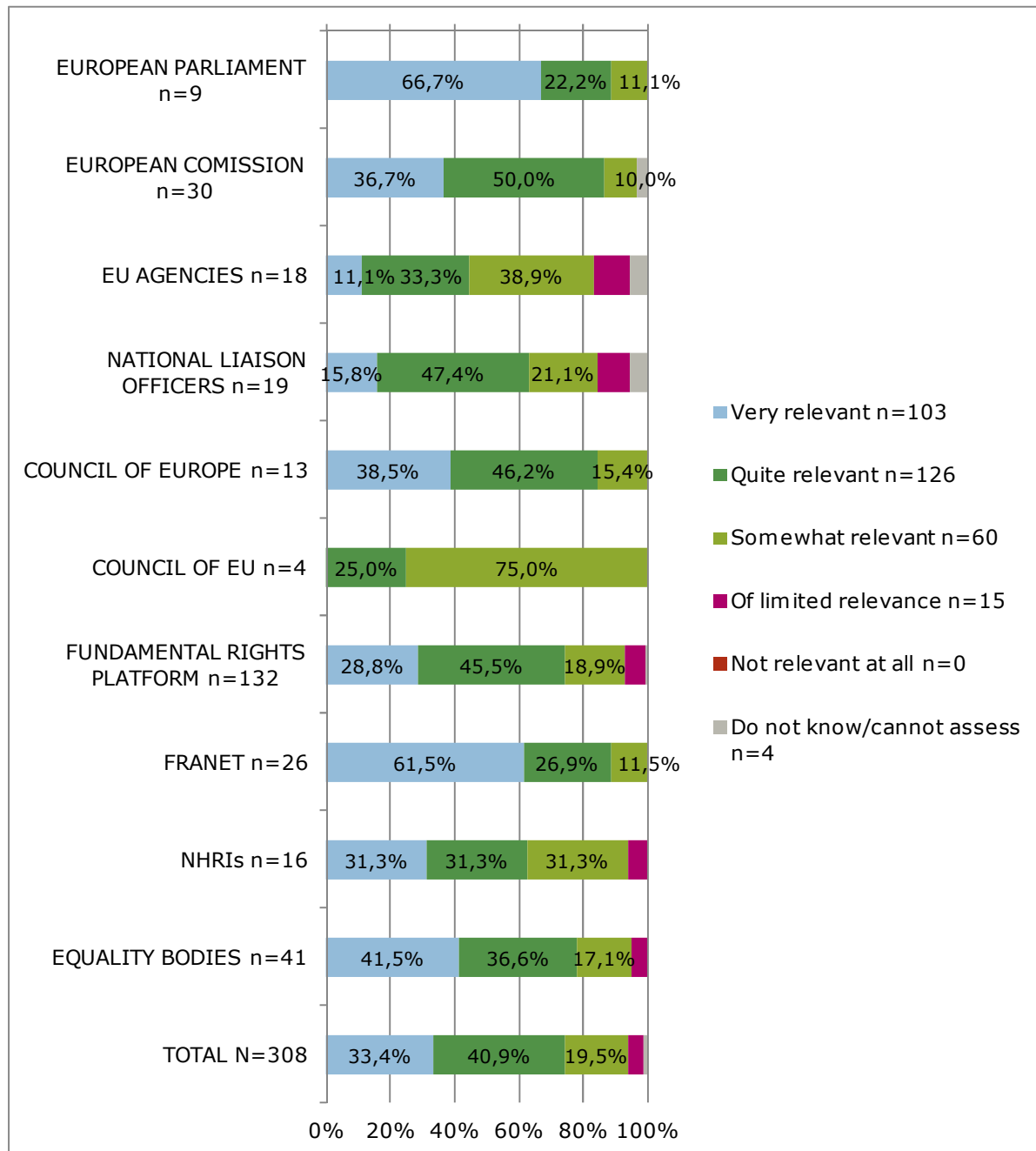
3.3.4 To what extent are FRA's outputs suitable to the needs of its stakeholders in particular of the relevant institutions, bodies, offices and agencies of the Union and its Member States?

The evaluation question has been assessed by collecting stakeholder opinions in the survey, interviews as well as the case studies. The findings have also been assessed taking into account views of the FRA staff collected during group interviews. For the survey a "judgement threshold" was set at 70 % positive answers.

The external survey results showed that, overall, the respondents were very positive concerning the FRA's outputs in the form of publications. As can be seen from Figure 28 below, a total of 74.3% of the respondents considered the FRA's publications to be either very relevant or quite relevant to their work, and there were no respondents to whom the FRA's publications are not relevant at all. This means that the survey threshold of 70% positive answers was met. Looking at the main EU-level stakeholders, it can be seen that the FRA's publications are relevant in particular to representatives of the European Parliament and the European Commission. Moreover, almost 85% of the respondents representing the Council of Europe consider the publications either very or quite relevant to their work. In contrast, the relevance is not

considered to be as high among the respondents representing the EU Agencies (44.4% consider the publications to be very or quite relevant to their work).⁷⁰

Figure 28: How relevant are the FRA's publications to your work? N=308



At the national level, the publications are most relevant for the work of the Equality Bodies (78.1% consider them to be very or quite relevant), but somewhat less relevant to the National Liaison Officers (63.4%) and National Human Rights Institutes (62.6%).

In the stakeholder interviews the FRA outputs received mainly positive comments. Many stakeholders considered that the FRA is indeed able to respond to the needs of the stakeholders with its data. For example, a representative of the European Commission stated that:

⁷⁰ The majority of the respondents representing the EU Agencies come from the Agencies in the field of Justice and Home Affairs with whom the FRA is in close cooperation, but it should be acknowledged the 18 respondents also consist of persons working for other Agencies, that are not expected to be working as closely together with the FRA as the JHA Agencies.

"In general the FRA is able to work in the fields where there is a need for data i.e. they are able to respond to the needs of the stakeholders. The annual work programme is based on consultation and the products are in general useful."

Some concrete areas, where the outputs have responded to their needs and mentioned by the interviewees were the FRA's work in the field of racist crime, joined-up governance and fundamental rights of LGBT persons. Some NLOs, however, also pointed out that the relevance of the outputs differs from one field to another, which is understandable considering the differing national contexts in the Member States. More concretely, on the format of the outputs, it was mentioned that the FRA has developed in terms of providing short newsletters instead of always sending out long reports. This provides the NLOs the possibility to select the important information and forward it in a short format to their colleagues.

As the survey results also showed, more than 70% of the representatives of the civil society found the outputs to be relevant. This was supported by an interviewee, who explained that:

"Having the backing of a reliable and trusted source of information has strongly increased the strength of the arguments that the actors are able to make in their pursuit for the recognition of fundamental rights of LGBT persons. [...] the highest value added is the data itself. "

The FRA staff commented on the usefulness of their outputs to the stakeholders from several different points of view. On the one hand, it was stated that there is a need to concentrate the work of the Agency – not necessarily to limit the mandate, but to concentrate the efforts on the areas, where the Agency can provide the biggest added value. The Agency should thus only concentrate on areas where there are not many stakeholders present providing data as of yet. At the same time, it was mentioned that often information on data gaps and needs only arises once the research has already been kicked off. It was mentioned that the FRA research is also needed in areas, where no gaps have yet been identified, as they may still exist.

The conclusions from **the case studies** showed an equally positive assessment concerning the relevance of the FRA outputs to the stakeholders. In the field of homophobia and discrimination on grounds of sexual orientation and gender identity, all respondents were positive concerning the relevance of the work of the FRA in this area. In the field of fundamental rights of irregular migrants, the respondents were mainly positive, but the relevance of the outputs depended highly on the respondents' concrete field of expertise. What could be seen, however, was that the work in this field was found to be relevant by stakeholders representing EU institutions, international organisations, Member States and civil society.

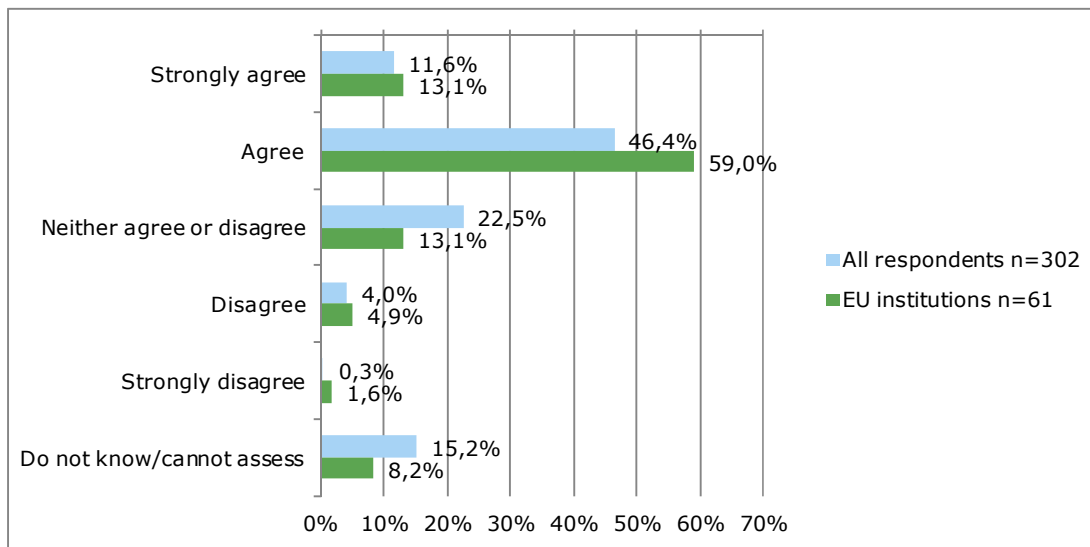
Overall, the evaluation findings point towards a clearly favourable assessment in terms of the suitability of the FRA's outputs to the needs of its stakeholders. The judgement threshold of 70% was clearly met in the stakeholder survey and no respondent considered the publications not to be relevant at all. The positive assessment was also shared by the interviewees in stakeholder interviews and case studies. Some comments indicated that the FRA has changed the format of the outputs, in particular in terms of providing more information in a more condensed format (i.e. tailored newsletters, fact sheets summarising main findings of a report) and directing the outputs of their work increasingly towards the wishes of the Member States.

3.3.5 To what extent have publications on project results been taken into account by relevant EU, national and local actors on Fundamental Rights issues?

The evaluation question has been assessed by collecting stakeholder opinions in the survey, interviews as well as the case studies. Furthermore, the results of stakeholder review organised by the FRA in 2011 has been considered. For the survey a "judgement threshold" was set at 70 % positive answers.

Based on **the survey results**, respondents assessed that the FRA's publications are particularly successful in informing and assisting decision-making at the EU level. This is to a high extent in accordance with the FRA's mandate, which is on the one hand to provide the institutions, bodies, offices and agencies of the Community with assistance and expertise relating to fundamental rights⁷¹. More than half (58%) of the respondents either strongly agreed or agreed with the statement that the FRA's publications inform and assist decision-making at EU level. While this result does not fulfil the survey threshold of 70% positive answers, the positive results were even more apparent when looking more specifically at the responses provided by the EU institutions⁷², whose work the publications should inform and assist. Here 72.1% of the respondents either strongly agreed or agreed with the above statement, which is above the threshold of 70%.

Figure 29: The FRA's publications inform and assist decision-making at EU level N=302



In open answers, the respondents mentioned that access to objective data from the FRA is important for the EU-level decision-makers. The FRA survey on violence against women was provided as an example of research that would probably not be conducted by the other EU institutions or the Member States, but which is important information for policy-makers at the EU level. Other specific mentions were the EU MIDIS survey⁷³ and the Homophobia Report⁷⁴.

The respondents were more hesitant concerning the ability of the FRA's publications to inform and assist decision-making at national and local levels. While the publications were considered to inform and assist decision-making at national level according to 29.4% of the respondents, at the local level this was the case according to 12.3% of the respondents. The results of both questions are presented below, highlighting the views of some of the most relevant respondent groups per question.

⁷¹ Regulation 168/2007, Art. 2.

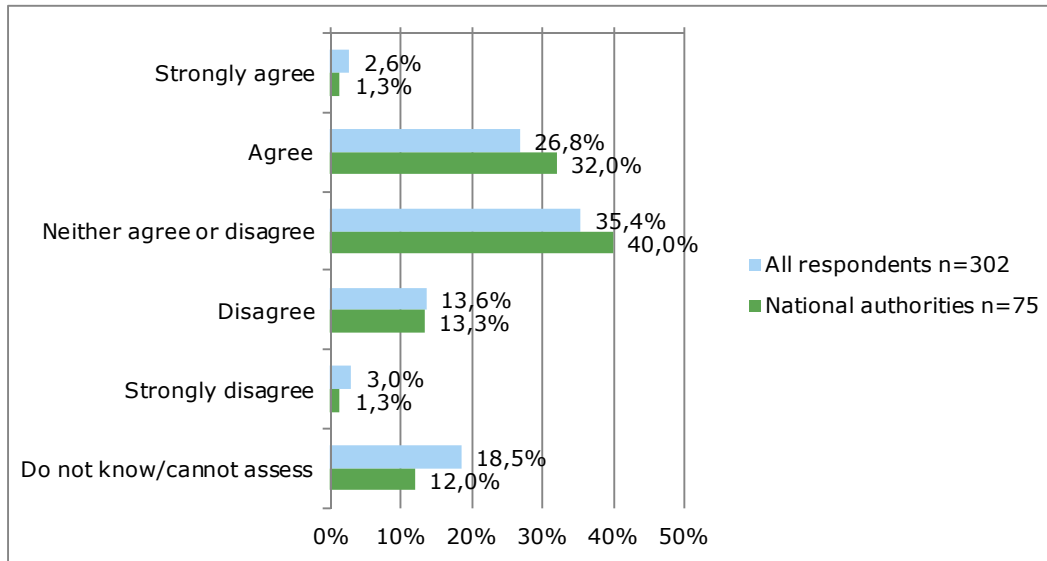
⁷² European Commission, European Parliament, the Council of the EU and the EU Agencies.

⁷³ European Union Minorities and Discrimination Survey. See: http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm.

⁷⁴ Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the EU Member States. See:

http://fra.europa.eu/fraWebsite/research/publications/publications_per_year/fra_homophobia_synthesis_en.htm.

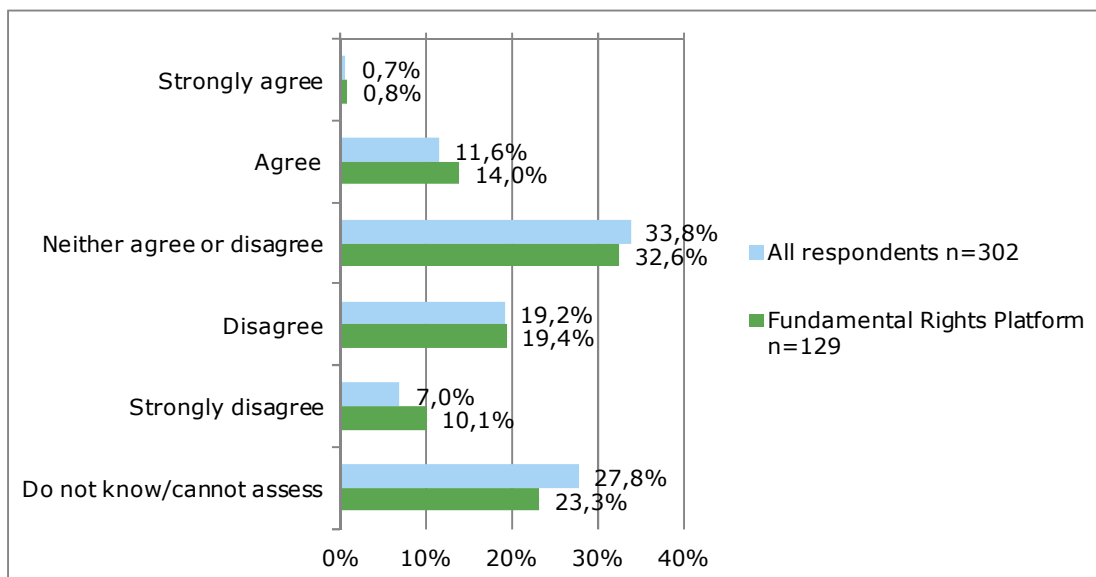
Figure 30: The FRA's publications inform and assist decision-making at national level N=302⁷⁵



While the national level stakeholders were somewhat more positive towards the FRA's ability to inform and assist decision-making at the national level (see Figure 30) than the overall responses, the results indicate challenges for the FRA in providing the Member States with assistance and expertise relating to fundamental rights when implementing Community law. Positive examples of the FRA's ability to inform and assist decision-making at the national level include the EU-MIDIS survey, the Housing Conditions of Roma and Travellers in the EU and the FRA's work in the field of irregular migrants and asylum. On the negative side, respondents mentioned in open answers that with respect to using the results at the national level, the research is untimely, the level of details is not sufficient, or that the publications are not known and read by decision-makers at the national level.

With respect to the ability of the FRA publications to inform and assist decision-making at the local level (see Figure 31), it could be seen that the respondents representing the Fundamental Rights Platform (whose member NGOs can in some cases provide an insight into the local level through their member organisations at the local level) provided a slightly more positive assessment concerning the impact of the FRA publications at the local level than all respondents taken together.

Figure 31: The FRA's publications inform and assist decision-making at local level N=302



⁷⁵ The group "national authorities" encompasses the responses by National Liaison Officers, NHR and equality bodies.

The stakeholders interviewed mentioned some examples of the ways in which the publications on project results had been taken into account by relevant EU, national and local actors. A Member State representative stated for example that

"The handbook on anti-discrimination is very useful – these kinds of products can be of very much assistance for the national level. Also the political participation report was used by our department. As regards their other reports, I would not say that they are not used, but rather say that I don't know to what extent they are used."

A representative of the civil society praised the availability of the data in general, but found it difficult to assess the extent to which the FRA contributes to a more evidence-informed policy.

"The fact that there is much more data available makes it very difficult for decision makers to ignore it when making decisions. The use of evidence is being supported by a lot of voices and it is difficult to pin-point how strong FRA's contribution to this evidence argument is. However, the fact that the evidence is there is a prerequisite for the argument to take place."

The low visibility of the FRA at the local level was mentioned by a member of the Management Board:

"FRA is not sufficiently known or recognised outside of the key stakeholder circle. For example some research could be very interesting for local or regional actors, such as research on education, housing etc, where the services to vulnerable groups are delivered. These stakeholders do generally not know the FRA or their publications, which is a pity since most likely the knowledge could be useful to them."

The case studies provided relatively positive findings concerning the use of the FRA publications on project results by the EU, national and local actors on fundamental rights issues. While the work on violence against women-survey is not finalised yet, all respondents were positive towards the future usability of the work. In the field of homophobia and discrimination on grounds of sexual orientation and gender identity, the work of the FRA was found groundbreaking and it was agreed by the respondents that the existence of such evidence was a pre-requisite for evidence-based decision-making. The work of the FRA in the field of fundamental rights of irregular migrants had been used in particular by the civil society organisations, who stated that the reports are important as they provide more in-depth evidence about the situation in the Member States both legally and in practice. They also found it important that the reports are produced by an EU agency and that the FRA opinions include recommendations for actions by different actors. The work of the FRA had also been used by respondents at the EU and national levels. The case on Roma and travellers showed that evidence provided has been extensively referred to and used in the development of policy documents as well as in the policy negotiations.

In order to balance the findings from the evaluation, the results of the stakeholder review carried out by the FRA in 2011 were also considered. In the survey, the stakeholders were asked to assess to what extent their work had been influenced by the FRA. While this is not necessarily only relevant concerning the influence of the FRA publications, it is interesting to see that 61% of the respondents had been influenced as least to some degree by the work of the FRA. Among the representatives of the institutions and agencies of the EU the corresponding figure is 59.5%, while it is 56.5% among the institutions and agencies of the Member States. The evaluation findings thus show a stronger impact among the EU level stakeholders.

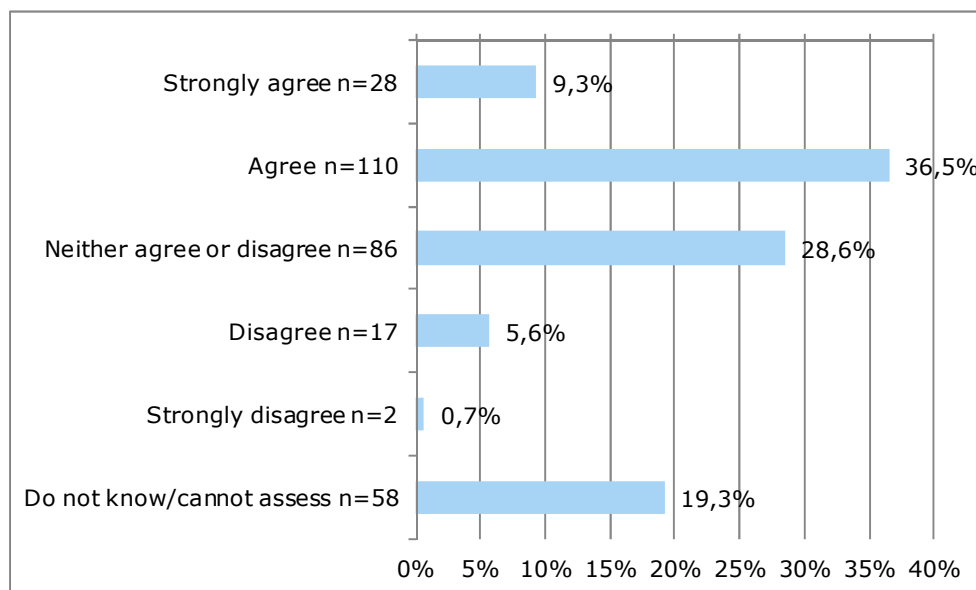
Overall, the evaluation findings point towards a somewhat positive assessment concerning the extent to which the FRA publications on project results have been taken into account by relevant EU, national and local actors on fundamental rights issues. While the judgement criteria threshold was exceeded among the EU-level respondents in the survey, the results were much less positive among the national and local level respondents. The findings are to some extent consistent with the mandate of the FRA, which clearly states that the Agency shall 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 rights⁷⁶. The case studies did, however, show a somewhat more positive picture also concerning the use of the publications by national level stakeholders. Similarly, among the civil society representatives, in particular the EU/international level NGOs are using the work of the FRA, but it does not seem that the results are disseminated actively enough towards the local level.

- 3.3.6 To what extent has general awareness of fundamental rights issues in the European Union and its Member States when implementing Union law been raised among the general public and specific/vulnerable groups?

The evaluation question has been assessed by collecting stakeholder opinions in the survey and in stakeholder interviews. For the survey a "judgement threshold" was set at 70 % positive answers.

In the external survey, two specific questions referred to the increase in awareness concerning fundamental rights among the general public and specific/vulnerable groups. On a more general level, the survey respondents had some difficulties assessing whether issues regarding fundamental rights in the EU are better understood today than before the FRA was established (see Figure 32). Almost half (47.9%) of the respondents neither agreed nor disagreed; or did not know/could not assess whether this was the case. While 45.8% either strongly agreed or agreed, there were only a few respondents who clearly disagreed with the statement. Very few respondents provided open comments concerning their difficulties to assess the situation, with some respondents pointing out that it is still too early to tell, whether the FRA has had an impact to this end.

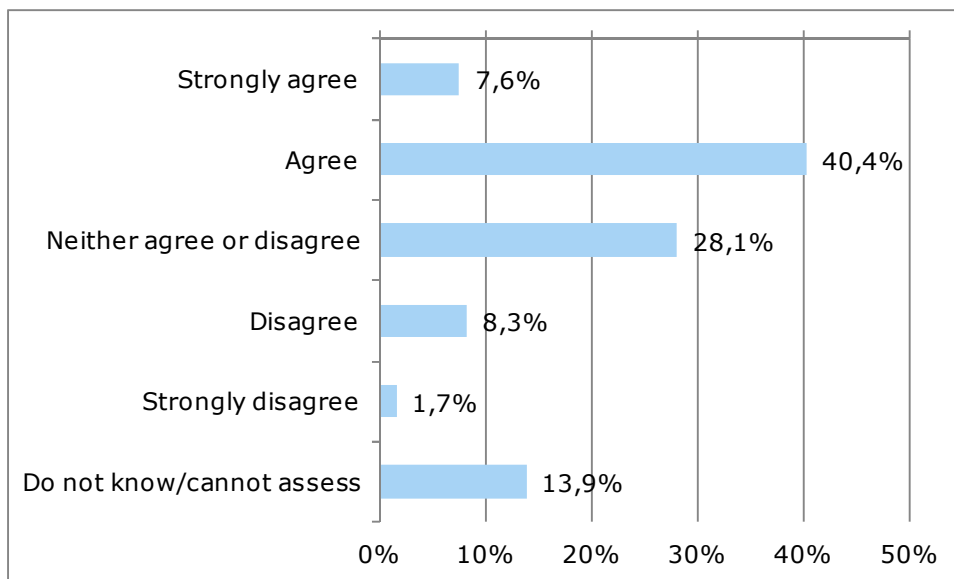
Figure 32: Issues regarding fundamental rights in the EU are better understood today than before the FRA was established N=301



⁷⁶ Regulation 168/2007, Art. 2.

On a more specific level, only 48% of the respondents either strongly agreed or agreed with the statement that the FRA's work has contributed to raising awareness of fundamental rights issues in the European Union and its Member States among the general public and specific/vulnerable groups (see Figure 33). Once again, it could be seen that a high share of the respondents neither agreed nor disagreed with the statement (28.1%) or did not know/could not assess (13.9%). In particular the national liaison officers (22.2%) and the European Commission (22.2%) did not know or felt that they were not in a position to assess the awareness-raising among the general public and specific/vulnerable groups. The share of those neither disagreeing nor agreeing was the highest among the equality bodies (45.9%) and the national human rights institutes (37.5%). This is interesting, as it shows that even the national level stakeholders do not have a clear picture of the contribution of the FRA's work on raising awareness of fundamental rights issues among the general public and specific/vulnerable groups.⁷⁷

Figure 33: The FRA's work has contributed to raising awareness of fundamental rights issues in the European Union and its Member States among the general public and specific/vulnerable groups N=302



Meanwhile, those agreeing most strongly with the statement were the representatives of Council of Europe (75% strongly agreed or agreed) and the EU Agencies (65%). In general, however, the survey threshold of 70% positive answers was not met.

The stakeholder interviews supported the above picture, with several Member State representatives stating that it is difficult to assess, whether the FRA's work has had an impact among the general public and specific/vulnerable groups. The respondents agreed that the FRA and its work is well-known among the national-level stakeholders, but, as a national liaison officer put it, "[...] for the persons outside it's not well known."

Another NLO stated that:

"People do not know that there is a FRA. Now the FRA is one of the most mentioned institutions among NGOs and local governments, but this is seen from the point of view of people who work with human rights and not the general public."

Interestingly, one NLO pointed out that:

"National human rights institutions and the fundamental rights platform are the main avenues from FRA to the general public."

⁷⁷ It should be emphasised that the evaluators refer here to contribution, i.e. whether or not the FRA's work can be one of the reasons for an observed change in the Member States, and not of attribution, i.e. the proportion of change that can be directly attributed to the work of the FRA.

This statement is interesting in view of the findings from the survey, where a high share of respondents representing the human rights institutions (37.5%) and the FRP (30.2%) neither agreed nor disagreed with the statement that the FRA's work has been able to increase awareness of the fundamental rights issues among the general public.

However, taking into account the FRA's mandate, where the general public is not one of the main target audiences, it can be considered that the FRA's task is rather to influence the awareness of fundamental rights through its interaction with and information dissemination among the key stakeholders at the national level. Whether the actors at the national level are successful in their dissemination of the FRA's work and awareness of fundamental rights to the general public and the vulnerable groups in the Member States, should thus not have an impact when assessing the successfulness of the FRA's work. As the findings with respect to the interaction between the FRA and key stakeholders at the national level were clearly positive (see section 3.3.2 above), "spill-over" effects towards the general public in the Member States seem likely.

Overall, it is not possible to conclude that the general awareness of fundamental rights issues has increased in the European Union and its Member States when implementing Union law among the general public and specific/vulnerable groups through the work of the FRA.

The above findings are, however, well in balance with the official mandate of the FRA, where the general public is not one of the main target audiences. From this point of view, it seems reasonable to assume that an increased awareness among the national-level stakeholders will lead to an increased awareness also among the general public and specific/vulnerable groups. The evaluation findings show that the FRA's work has indeed led to an increased understanding of the fundamental rights issues among policy/decision-makers and stakeholders.

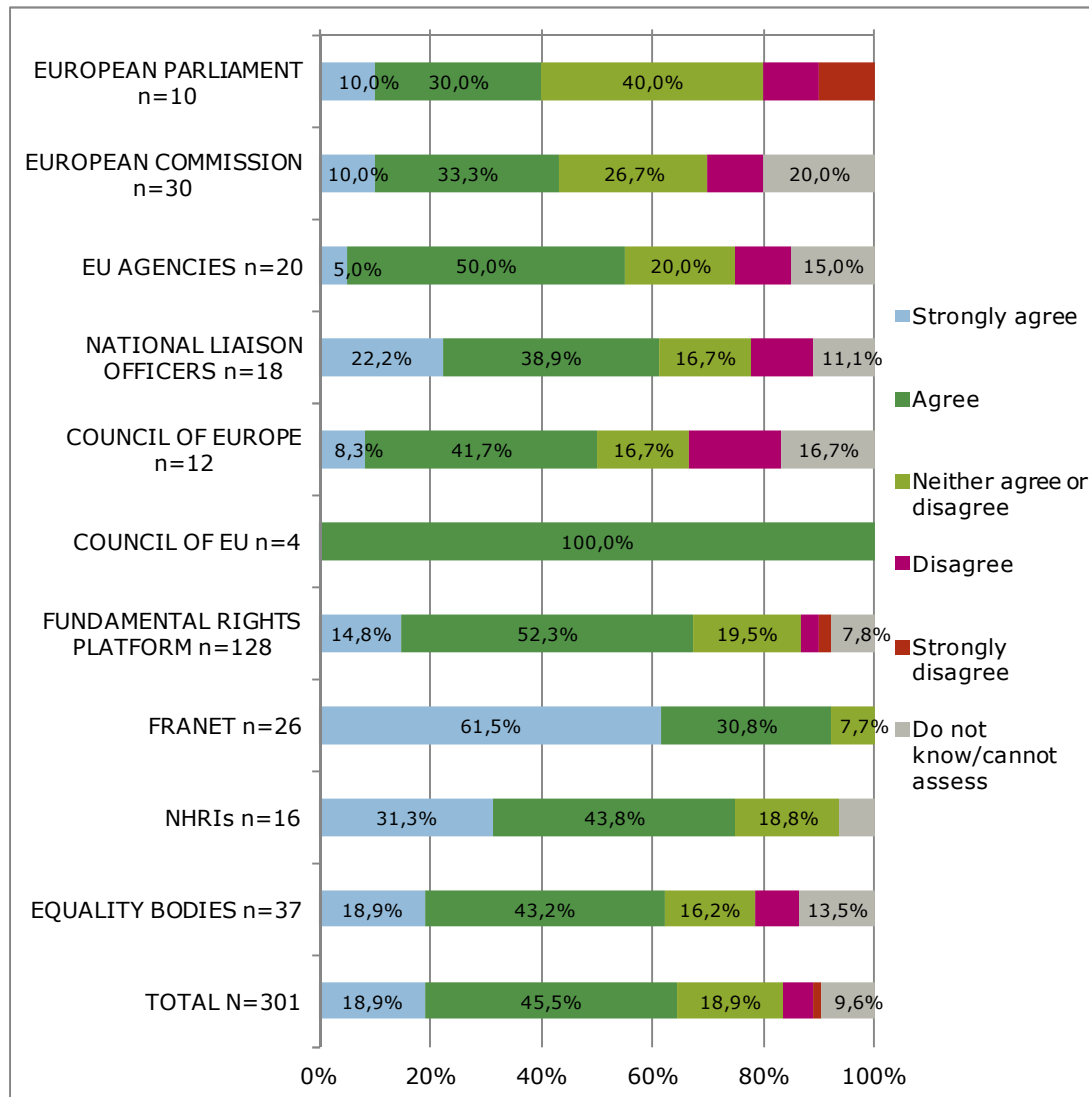
3.4 Added value: To what extent has the FRA been more effective and efficient in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements?

3.4.1 To what extent has the FRA been more effective in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements (e.g. implementation by the Commission itself, an executive agency, other agencies and organisations, the Member States, as well as by other non-institutional stakeholders active in the field of fundamental rights) in the light of the Agency's specific mandate?

The evaluation question has been assessed by collecting stakeholder opinions in the survey, interviews as well as the case studies. For the survey a "judgement threshold" was set at 70 % positive answers. Furthermore the assessment takes into account self-assessments by FRA staff collected through group interviews.

The results of **the external survey** showed that the majority of the survey respondents (64.4%) were of the opinion that if the FRA did not exist, similar EU level data on fundamental rights in the EU would not be collected (see Figure 34). Even though this result does not reach the target of 70%, it can still be considered a relatively positive finding.

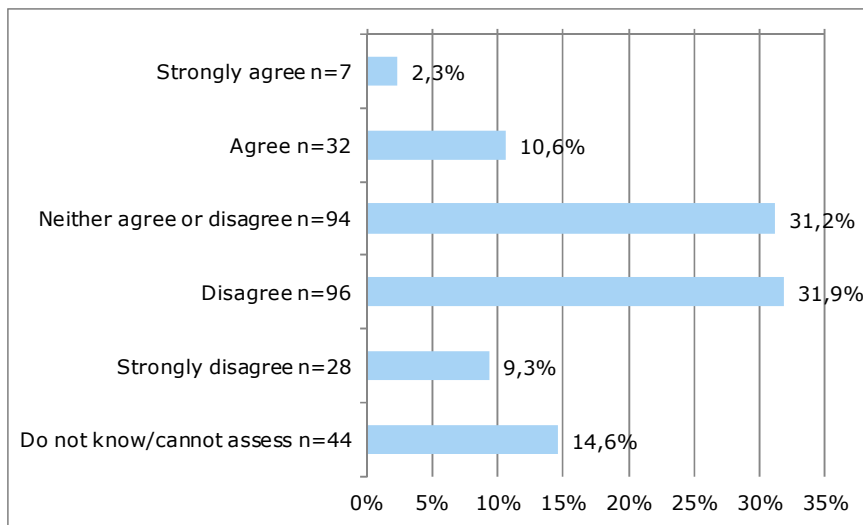
Figure 34: If the FRA did not exist, similar EU level data on fundamental rights in the EU would not be collected N=301



The respondents who were positive about the FRA's added value stated for example that "[...] without the FRA these issues would be "forgotten" and not prioritised by any other body, in particular as regards taking the holistic and Europe-wide approach to fundamental rights." Another respondent stated that "The continued focus by the FRA on collecting comprehensive data is welcome. Limited data collection and dissemination activities by the FRA in 2011 left a noticeable "hole" in certain information areas." There were, however, also respondents, who did not see the added value in the FRA's work. One respondent pointed out that "Data collection could also be carried out by academic and/or national human rights institutions, pooling their resources and benefitting from external funding". Another respondent stated that there are other organisations in the area of disabilities, which are already collecting better and more comprehensive data.

However, despite some negative statements, only 12.9% of the respondents either strongly agreed or agreed with the statement that other existing institutions could most likely carry out the data collection of the FRA as well or even better with additional funds, as Figure 35 below shows. 41.2% of the respondents either disagreed or strongly disagreed. A large share of respondents neither agreed nor disagreed (31.2%) or did not know/could not assess (14.6%).

Figure 35: Other existing institutions could most likely carry out the data collection of the FRA as well or even better with additional funds N=301



There were no concrete trends in terms of which groups of respondents assessed the added value of the FRA more positively and which more negatively.

The interviews showed a more positive picture concerning the added value of the FRA than the survey. In particular, the ability of the FRA to conduct comparative studies, covering the whole of the EU was considered to be unique. None of the respondents considered that this task *should* be carried out by any other actor in this field. This view was shared by representatives of EU institutions, Member States and international organisations, and supported by the FRA staff. An interviewee representing an international organisation pointed out that

"In terms of making comparative research and providing information on the European level there is no other organisation that is strong enough to do that. Another possible place would be the Council of Europe but they don't have the capacity to do the work that the FRA does."

Another point made by the interviewees was the more general need for an EU agency working in the field of human rights. Several interviewees pointed out that an organisation, such as the EU, needs a separate agency working in the field of fundamental rights if it wants to highlight and emphasise its commitment towards fundamental rights.

"It's important to have an organisation that is concentrating all activities in one place, one stop shop in the area of human rights. It improves the level of professionalism, the weight of the message."

A limited number of respondents questioned the role of the Agency, in particular with respect to its impact at the national level in the Member States. In some countries, where there is no clear focus on using European comparative studies in the development of national policies, the work of the Agency is not found as useful as in some of the Member States.

"We have no reliable indicator showing the usefulness of the Agency's work in [...]. Not because their work is not interesting; the point is that we have many official and unofficial organisations that publish reports about these topics in [...]. We have a Ministry in charge of people with disabilities. The [...] stakeholders consider in their activities that they don't need the data of the Agency. Our concern is to spread information from the reports, to give information to organisations, in order to increase the awareness of the Agency."

However, even though some respondents stated that the functions of the FRA *could have been* taken up by other organisations, the comments were often balanced by acknowledging the risk that the focus on fundamental rights and the European comparative perspective would be lost.

The interviewed FRA staff provided some examples of their views on the added value of the Agency, which are well in line with the above findings. It was for example mentioned that being an EU Agency is an advantage when collecting data on many of the topics, and using an EU logo in the research gives it an added emphasis. The comparative research was also mentioned:

"We have the ability to collect evidence on the ground. Many areas where we collect data some countries have done good work and others not at all, so we bring them to the same level and then provide the EU comparison."

The findings of **the case studies** strongly supported the positive findings from the interviews. For example in the field of LGBT rights, the respondents considered the work of the FRA to be groundbreaking, and saw the FRA as a unique (or one of the very few) source of information with regard to providing comparative information of the legal and social situation of LGBT people in the EU. In the field of irregular migration, it was mentioned that it is crucial from a European point of view to have an agency with the rights-based perspective on irregular migration, as the political perspective is often more that of enforcement and migration management. An interviewee pointed out that the FRA brings solid research to the issue of fundamental rights of irregular migrants and that it is important that the FRA continue to have the freedom to do objective reporting. Having both an official mandate and being objective is, according to this interviewee, unique. It was also pointed out that the FRA has a lot of credit as an EU institution and that this helps to bring up the issue in the Member States as well. It was also mentioned that the FRA should indeed play an important role in the communication and distribution of good practices between the Member States. In the field of violence against women, the Commission's point of view was that the topic would in the long run be more suitable to the remit of the European Institute for Gender Equality (EIGE), but as the EIGE was not ready to carry out such a large piece of work yet, the decision by the FRA to take up the topic is highly appreciated by the Commission. This decision was taken following discussions between EIGE and the FRA.

Overall, the evaluation findings point towards a favourable assessment in terms of the FRA being more effective in achieving its results and impacts compared to other existing or possible national-level and EU-level arrangements. While the 70% judgement criterion was not met in the survey, the stakeholder interviews were highly positive concerning the ability of the FRA to reach this objective.

The FRA is considered to be in a unique role as a provider of comparative, EU-wide studies. The FRA concentrates on topics that are not covered by other similar actors, and its role as an EU institution gives its work additional backing. Some limited voices, in particular at the national level, do consider that the work of the FRA could to some extent be carried out by other institutions.

3.4.2 To what extent have the effects been achieved at lower costs because of the Agency's intervention?

The evaluation question has been assessed by collecting stakeholder opinions mainly in interviews, but also to some extent in the case studies.

Most interviewees could not point to concrete cost savings that have been reached in achieving effects in the field of fundamental rights due to the Agency's intervention. Some examples were however mentioned, where the lack of duplication of work has led to smaller costs in the European Commission, in the Member States or in an international organisation.

The work of the Agency has for example been used as background data in the development of a national policy of a Member State, and the availability of this data has led to cost-savings.

"We used a lot of the work of the FRA when developing one of the corner-stone documents of [...] policy in the field [...]. Some of the studies, such as EU-MIDIS, gave us a lot of information and helped us put the picture in place to do a strategy and develop policy options. You could say this has led to cost-savings as the data was available to us."

The data collected by the Agency and their inputs to relevant reports by international organisations are also proving helpful and lead to some cost-savings.

"Provision of inputs and data – we don't need to hire a consultant to retrieve the data and this is helpful."

The Commission representatives also acknowledged the positive effects when duplication of efforts has been avoided:

"Yes, it is cost saving that different services work together and use the same data."

The case studies did not provide any evidence either for or against the statement that effects had been achieved at lower costs because of the Agency's intervention. As the analysis of the previous subquestion shows, the FRA is working in many fields in a way that is not possible for other institutions. There are also some savings to be found in the lack of duplication of efforts. The FRA is undertaking comparative, EU-wide research in areas where often no other research is being undertaken (such as EU-MIDIS or the work in the field of homophobia).

The statements above do not provide sufficient evidence to conclude that the effects in the field of fundamental rights have been achieved at lower cost because of the Agency's intervention. There is some evidence concerning the lack of duplication of efforts, where the work of the FRA has been used by the stakeholders. On the one hand, without the work of the Agency such research would not exist (meaning that there is no risk for duplication of efforts) and on the other hand the work of the FRA in these fields is seen to be of relevance, which is why this can be interpreted to be a cost-saving for those using the FRA's work in these fields.

3.5 Coordination and coherence: To what extent has the FRA ensured appropriate coordination and or cooperation with the stakeholders identified in the Founding Regulation (articles 6 – 10)?

3.5.1 To what extent is FRA coordinating with relevant Union institutions and bodies, offices and agencies of the EU active in the field of fundamental rights or carrying out similar tasks?

The evaluation question has been assessed by collecting stakeholder opinions in the survey, interviews as well as the case studies. For the survey a "judgement threshold" was set at 70 % positive answers.

The FRA has developed formalised cooperation and/or coordination relationships with:

A. European Parliament

The Agency consults and cooperates with the European Parliament primarily through its committees, in particular the Committee on Civil Liberties, Justice and Home Affairs (LIBE). The FRA participates in committee meetings, hearings and public seminars, where it provides fundamental rights expertise to assist ongoing policy and legislative debates. It responds to queries by members and staffers at the EP, and also presents the findings of its research to relevant Intergroups, such as the Intergroup on LGBT rights, Disability or Anti-Racism and Diversity.

The EP can make a specific request for a FRA Opinion concerning a legislative proposal from the Commission or positions taken by the EU institutions in the course of the legislative procedure. For example, the FRA delivered an Opinion on the draft Directive regarding the European Investigation Order and an Opinion on the proposed EU law on the property consequences of registered international partnerships in response to requests from the EP.

Each year, FRA presents its annual report on fundamental rights to Members of the European Parliament in the LIBE Committee.

The FRA has appointed a European Parliament Liaison Officer dedicated to establishing and developing the Agency's relations with the European Parliament.

B. Council of the European Union

The Agency regularly communicates the results of its work to Council working parties and committees, in particular to the Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP).

Every five years, the Council of the European Union adopts the FRA Multiannual Framework (MAF), which lays down the thematic areas of the Agency's activities over the period. The results of FRA's data collection and research feed into the discussions of relevant Council preparatory bodies - working parties and committees, including the Asylum Working Party, the Social Questions Working Party, the General Affairs and Evaluation Working Party. Each year, the FRA presents its annual report on fundamental rights to the Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP).

When requested by the Council, FRA issues opinions on issues related to fundamental rights aspects of legislative or non-legislative files. For example, in 2008 the FRA submitted an Opinion on the proposal for a Council Framework decision on the use of Passenger Name Record (PNR), at the behest of the Council.

Apart from cooperation and contacts at expert level, the Director of the FRA often participates in both informal and formal ministerial meetings of the Justice and Home Affairs Council (JHA) and the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO).

The FRA has appointed a Council of the European Union Liaison Officer dedicated to establishing and developing the Agency's relations with the Council of the European Union

C. European Commission

Commission representatives sit on the FRA's Management Board (together with independent members who are appointed by each Member State and the Council of Europe). The MB is responsible for adopting the Agency's work programme, approving its budget and monitoring its work. Through its participation in the Management Board's discussions and its right to deliver an opinion on each draft annual work programme, the Commission can help inform the Board about current EU legislative and policy processes, thus ensuring the Agency's work focuses on issues of priority. There is also a Commission representative in the FRA's Executive Board, which assists the Management Board in all its work.

FRA staff are in constant contact with the relevant departments at the Commission. In this way, the Commission can readily draw on the Agency's assistance and expertise when developing, implementing and evaluating EU policies and legislation. The close coordination also serves to ensure that reports and research initiated by the Commission are taken into account in the Agency's work, and vice versa. FRA works particularly closely with the Directorate-General for Justice and its Directorate for Fundamental Rights and Union Citizenship.

D. EU Agencies

European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)⁷⁸

The purpose of this Cooperation Arrangement is to establish a cooperation framework between the FRA and FRONTEX with the overall objective of strengthening the respect of fundamental rights in the field of border management and in particular in Frontex activities, including, *inter alia*, joint border operations, risk analysis, training on fundamental rights for border guards and FRONTEX staff, exchange of information and, where appropriate, collaboration on upcoming research activities of mutual concern, collaboration on return and forced removal with a view to ensure full respect of fundamental rights and consultations to ensure that activities of common interest are reflected in their AWP. More concretely, the cooperation between the FRA and Frontex has resulted, for example, in the following:

- Substantive input by the FRA to the content of Frontex's Common Core Curriculum for border guards;
- Development and initiation of training components for Frontex border guards;
- FRA-Frontex cooperation and liaison during the development of and fieldwork for the FRA's project on the treatment of third country nationals at the EU's external borders – involving research in the Mediterranean and at selected airports;
- FRA-Frontex cooperation concerning the recruitment of the first Frontex 'Fundamental Rights Officer' post and FRA's appointment as the Chair of the new Frontex Consultative Forum.

The European Institute for Gender Equality (EIGE)⁷⁹

The agreement includes a general framework for cooperation, which establishes a common approach to gender mainstreaming, exchange of information on upcoming research activities of mutual concern, communication, dissemination of information, networking activities and common events. The Agreement also mandates the establishment of contact points in relevant areas. As an example:

- The FRA has invited an EIGE representative to attend relevant expert meetings concerning the development of the FRA's EU-wide survey on violence against women;
- The FRA has provided staff to assist EIGE in the development of administrative procedures, including FRA's participation in selection panels for the recruitment of staff to EIGE.

European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)⁸⁰

The cooperation agreement aims at facilitating the direct mutual access to the two organisations' work through close collaboration in research, communication and networking projects and through the development and application of innovative research and learning tools. Specifically it mentions the following areas of cooperation: EU-wide surveys, the situation of social risk groups and minorities in Europe at the workplace and in all life domains and the setting up of joint networks.

Other agencies

In addition, the FRA works closely with

- the European Asylum Support Office (EASO), with whom a Memorandum of Understanding is under preparation
- the European Centre for Disease Prevention and Control (ECDC), with whom a Memorandum of Understanding is also under preparation

The FRA is a member of the general network of EU Agencies, consisting of app. 30 agencies. The FRA Director will chair the network from March 2014 to February 2015 and will therefore

⁷⁸ Cooperation arrangement between FRONTEX and the FRA of 26 of May 2010.

⁷⁹ Cooperation agreement between EIGE and the FRA of 22nd November 2010.

⁸⁰ Cooperation agreement between EUROFOUND and the FRA of 8th October 2009.

participate in the so-called troika of EU Agencies as of March 2013. Furthermore, the FRA is a member of the formally established network of Justice and Home Affairs Agencies (the JHA Agencies Group). The participation of the FRA in this group of traditionally more security-based group of agencies can be considered a positive development in terms of inclusion of fundamental rights in a broader perspective of the Union's work. The FRA has taken the lead in coordinating the Communication Teams of the Justice and Home Affairs Agencies and has as such coordinated a joint exhibition at the European Parliament. The FRA is also member of the general network of EU Agencies (app. 30 agencies).

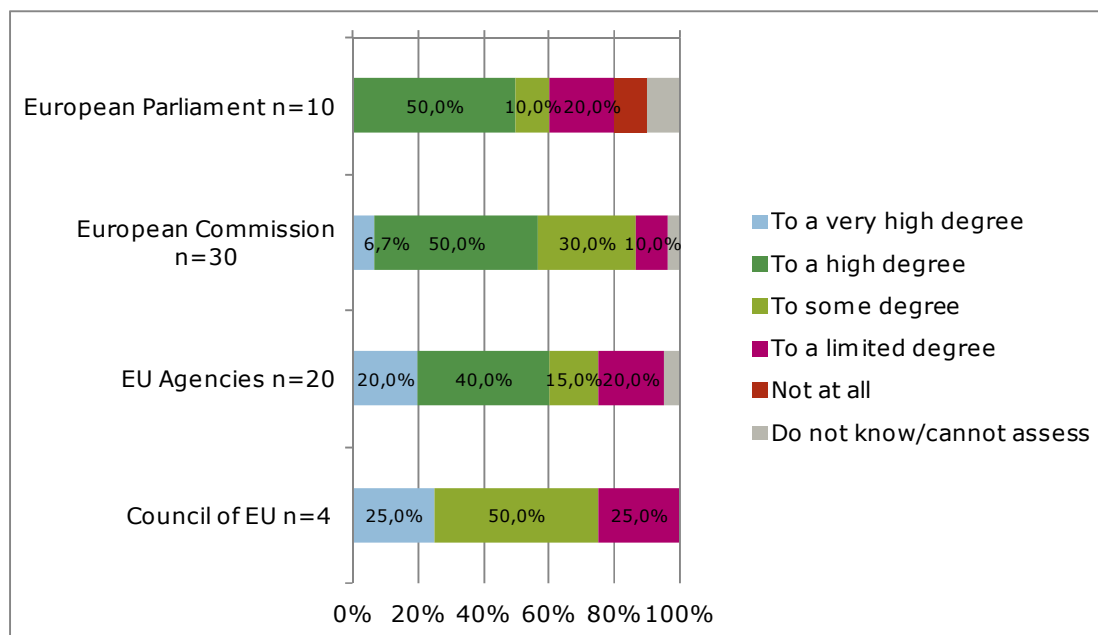
E. Other actors

In addition to the above actors, the FRA is also cooperating closely with the European Economic and Social Committee, the Committee of Regions and the European Ombudsman.

In the survey, respondents from relevant EU institutions (Commission, Parliament, Council) as well as offices and agencies of the EU active in the field of fundamental rights considered the collaboration/networking activities organised by the FRA to be of some value for their organisation. Figure 36 below presents the breakdown of these responses. The results indicate disparities between the levels of cooperation with different institutions.

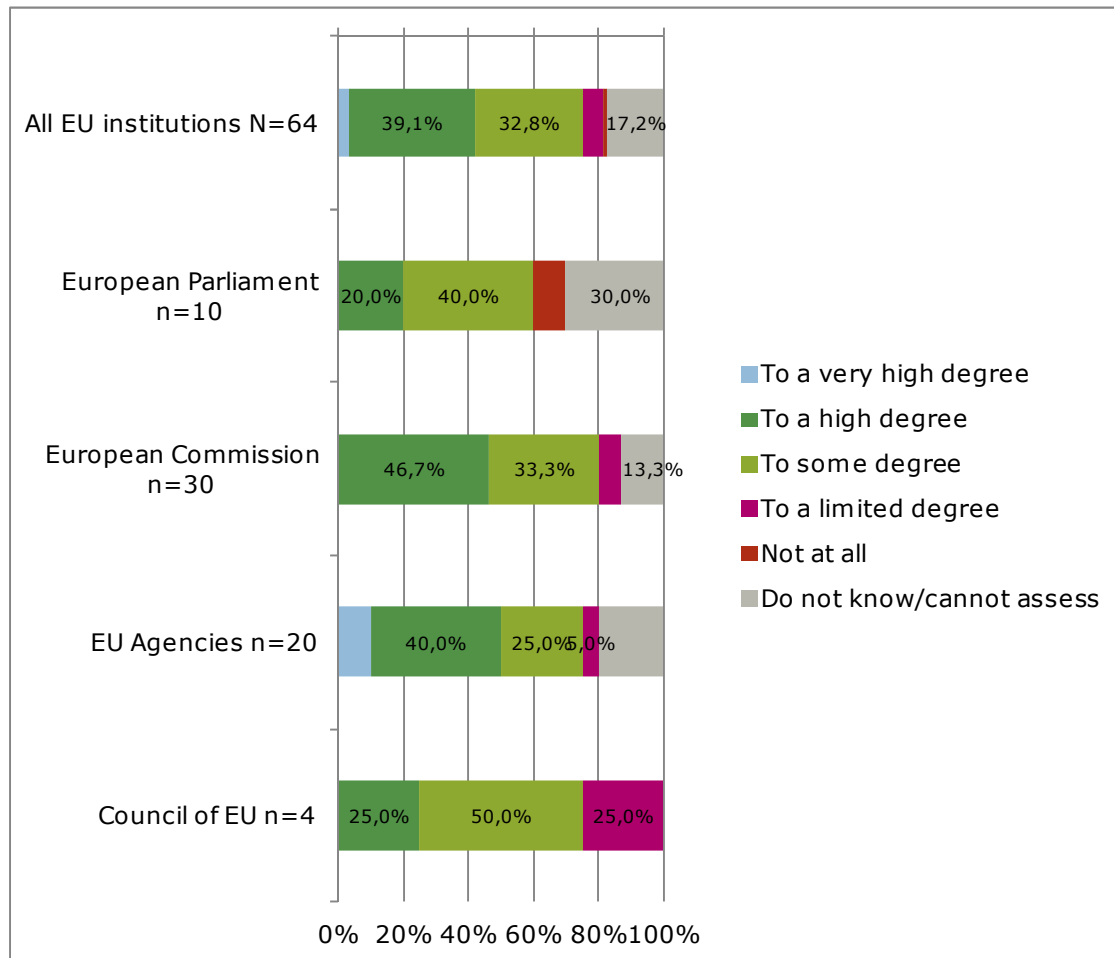
Particularly, the collaboration/networking activities bring high value to the Commission and the other relevant EU Agencies but lower value for the Council. 50% of the respondents from the EP valued the FRA's networking/collaboration activities to a high degree.

Figure 36: How valuable are the networking/collaborating activities organised by the FRA to your institution/organisation? N=64



In addition to collaboration with the FRA, respondents from relevant EU institutions considered that the FRA has contributed to the development of effective information and cooperation networks among EU level stakeholders. As can be seen from Figure 37 below, 42% of the respondents considered this to happen either to a very high or to a high degree:

Figure 37: To what extent has the FRA contributed to the development of effective information and cooperation networks among EU-level stakeholders in the field of fundamental rights?⁸¹ Respondents representing the EU institutions N=64



This question was commented on in **the stakeholder interviews**. Several stakeholders emphasised advantages of informal cooperation in comparison to formal cooperation.

"[...] at least in my field we have this good informal direct cooperation."

The FRA cooperates with the EIGE *inter alia* by looking into gender identity discrimination only in as far as it *deals with issues relating to discrimination based on sex only as part of, and to the extent relevant to its work, to be undertaken on general issues on discrimination referred to in Article 2 point (b)*⁸². This division of tasks between EIGE and the FRA has been challenged as inappropriate by one stakeholder organisation.

"The FRA works in agreement with EIGE on "gender identity", thus acknowledging that it is actually falling in the competence of the Gender Institute. While the FRA has been content-wise very supportive of and beneficial for the struggle of trans [trans-gender persons] equality, placing "gender identity" under the "wrong" ground [sexual orientation discrimination] is counter-productive on the long run."

⁸¹ Answers shown for respondents representing the Commission, European Parliament, Council of the European Union, Relevant EU Agencies.

⁸² Council Decision 2008/203/EC of 28 February 2008, (FRA MAF) Article 2 (b) discrimination based on sex, race or ethnic origin, religion or belief, disability, age or sexual orientation and against persons belonging to minorities and any combination of these grounds (multiple discrimination).

The findings of **the case studies**, in particular the case study on Homophobia and discrimination on grounds of sexual orientation and gender identity analysed closely how the FRA engages in collaboration and coordination with some of the EU institutions (Commission, Parliament and EU Agencies). It was found that, within this thematic area, the engagement with MEPs and Commission staff has been sufficient and productive for both parties.

Overall, the evaluation findings point towards a favourable assessment in terms of the FRA's coordination with relevant Union institutions and bodies, offices and agencies of the EU active in the field of fundamental rights. The relevant EU Agencies, the Commission and the Parliament expressed positive views with regard to the collaboration with the FRA.

It seems that the main benefits of collaboration are being reached through informal channels, with direct contact between respective staff in each institution, who do a good job of keeping each other informed and creating synergies between the work conducted.

3.5.2 To what extent is the FRA acting in close cooperation with the Council of Europe to avoid duplication and in order to ensure complementarity?

In addition to the four sources of primary data – stakeholder opinions in the survey, interviews, case studies and the internal survey results – another relevant source has been taken into account: the views of the CoE's appointee on FRA's MB concerning the co-operation between the Council of Europe and the FRA.⁸³

The FRA has developed formalised cooperation and coordination relationships with the Council of Europe through a written agreement between the European Community and the Council of Europe.⁸⁴ The agreement establishes a general cooperation framework in order to avoid duplication and to ensure complementarity and added value through:

- the establishment of contact points in each organisation,
- the invitation of CoE representatives to sit on FRA's Executive Board and MB as observers,
- the possibility for FRA's representatives to attend CoE intergovernmental committees as observers,
- exchanges of information and data,
- regular consultation concerning FRA's AWP, Annual reports, cooperation with civil society,
- the appointment by CoE of an independent person to sit on FRA's MB,
- temporary exchanges of staff.

The issue of cooperation and avoidance of duplication of efforts between the FRA and CoE has been treated on both the formal, political level, as well as in the implementation of the actual work conducted.

With respect to the political level, the FRA's Founding Regulation states that: *The Agency shall coordinate its activities with those of the Council of Europe*⁸⁵. This stipulation is also made in the Agreement of June 2008 between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe⁸⁶.

⁸³ Speech by Mr Guy de Vel, 'independent person appointed by the Council of Europe to sit on the Management Board and Executive Board of the European Union Agency for Fundamental Rights' (GR-EXT – 10 April 2012).

⁸⁴ Agreement between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe of 18th June 2008, published in the Official Journal of the European Union, L 186/7 of 15.7.2008.

⁸⁵ Article 9, Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights.

⁸⁶ Paragraph 12 of the Agreement of 18 June 2008 between the European Community and the Council of Europe on cooperation between the European Union Agency for Fundamental Rights and the Council of Europe.

The issue was further taken up by the adoption, in March 2011, of the Committee of Ministers' response to Parliamentary Assembly Recommendation 1935 (2010) on the 'Need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights'⁸⁷. In its response, the Committee acknowledged that significant advances had been made since the creation of the Agency, not only in avoiding duplication but also in encouraging synergies.

In his speech held on 10th of April 2012, the CoE appointee to FRA's MB shared his views on the cooperation of the FRA with the CoE. His main points were that there has been a positive evolution with respect to cooperation and coordination between the two organisations since FRA's establishment.

"The tensions and, to some extent, wariness that surrounded and followed the creation of the Agency in 2006 and 2007 have gradually subsided, giving way initially to the establishment of contacts, then to cooperation and genuine cross-pollination, and ultimately to joint projects."

On the practical level of the implementation of the agreement of 2008, a short summary of his speech indicates that:

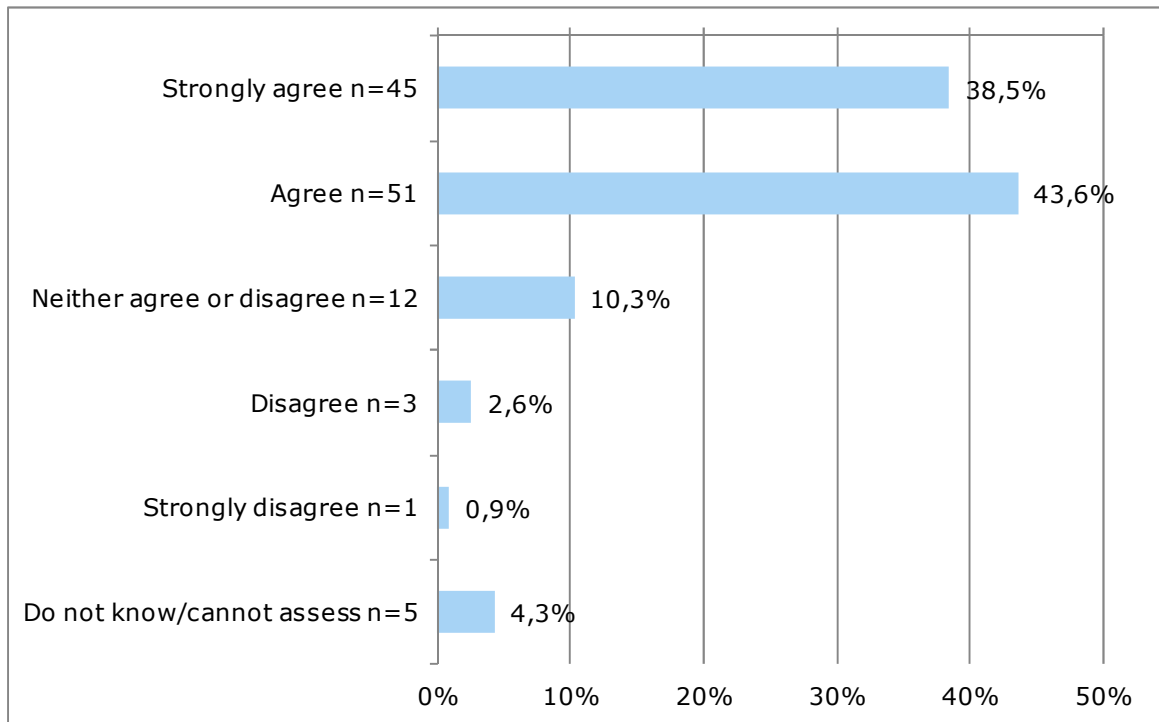
- Representatives of the Council of Europe Secretariat have played an active part as observers in all the meetings of the Agency's Management Board.
- A practice has been established of including on the agenda, once every year, a specific item regarding cooperation with the Council of Europe, to review regularly the objectives, priorities and methods of cooperation between CoE and FRA and their joint activities.
- Observers from the Agency take part in meetings of various committees of experts and in public events held by the Council of Europe.
- The 'contact persons' appointed under the Agreement by the Council of Europe Secretariat and by the Director of the Agency to deal specifically with matters relating to their cooperation have proved extremely useful.
- *"Contacts between senior staff of both bodies and regular routine consultations occur at all levels of the secretariats on matters ranging from the creation of projects to their implementation. They have established a 'culture' of cooperation, which is illustrated by the reviews of cooperative activities that are distributed to you [Ministers Deputies' Rapporteur Group on External Relations] every year."*
- *"The Agency's reports and programmes contain many references to the standards and work of the Council of Europe."*
- *"The Commissioner for Human Rights of the Council of Europe occupies a special place in its cooperation with the Agency, as has been demonstrated by joint activities, especially those relating to sexual minorities. The newly elected Commissioner will no doubt continue to pursue the same line."*
- *"While the Agreement of 2008 provides for the possibility of temporary exchanges of staff, this option has not yet been exercised."*

Additionally, Mr De Vel referred to the consultation with the Council of Europe on the 2012 Annual Work Programme to be exemplary and acknowledged that there has also been excellent cooperation on the implementation of the programme, particularly in the areas of children, Roma, violence against women, data protection and access to justice.

The **internal survey** conducted showed that in the opinion of the FRA staff participating, the FRA is acting in close cooperation with the Council of Europe to avoid duplication and in order to ensure complementarity, with 82.1% of respondents agreeing with this statement.

⁸⁷ Parliamentary Assembly Recommendation 1935 (2010) – The need to avoid duplication of the work of the Council of Europe by the European Union Agency for Fundamental Rights.

Figure 38: The FRA is acting in close cooperation with the Council of Europe to avoid duplication and in order to ensure complementarity? N=117



In the external survey, out of a total of 12 respondents representing CoE, 11 stated that they perceive the FRA's networking/collaborating activities to be of at least some value for their organisation, nine of whom assessed this value to be high/very high.

This question was also commented on by several stakeholders in **the stakeholder interviews**, with the majority of comments being positive. The interviews with CoE staff indicated that the fears and doubts that existed at the establishment of the FRA, have proven unfounded as the practical cooperation has taken place without any incidents.

"You can hardly find two organisations working more closely than we are: FRA is good at delivering evidence-based advice. We [CoE] monitor on compliance on existing regulation. The evidence provided by FRA helps us to identify crucial questions. [...] We both intervene in most of each other's activities. We have joint projects, joint financing, i.e. case reports, asylum etc."

As recommendations for the future, it was proposed to establish procedures or guidelines for the cooperation between FRA and the CoE in case of large-scale data/research projects. The procedures/guidelines should cover the following issues: responsibilities; calls for tender; transactions and services, also on behalf of the other institution; sources for funding; and publication of the results.

The issue of collaboration between the FRA and the CoE was also raised in the thematic case study on Homophobia and discrimination on grounds of sexual orientation which looked into whether the FRA is engaging with other stakeholders. The case study showed that the FRA is involved with both the Commissionaires office as well as with the other units of the CoE in order to address LGBT issues. Synergies between the work of the FRA and the CoE have resulted in expansion of the work of the FRA to all CoE Member States:

"The studies of FRA into the legal and social issues relating to LGBT rights conducted in all EU MS have been expanded by CoE to cover all Council of Europe's Member States."

Overall, it has been found that the FRA works in close cooperation with the Council of Europe, no duplication of work has been cited and the two organisations create strong possibilities for complementarity of work. All sources of information point positively towards this.

As further improvement of this collaboration, in order to provide clarity on the practical aspects of collaboration and make cooperation easier it has been suggested that certain procedures/guidelines for collaboration on large scale projects could be established.

3.5.3 To what extent is the FRA acting in close cooperation with the UN to avoid duplication and in order to ensure complementarity?

The evaluation question has been assessed by collecting stakeholder opinions through internal and external interviews as well as through the opinions expressed in the internal survey conducted among FRA staff.

The formalised cooperation agreement⁸⁸ between the UN and the FRA prescribes that the cooperation will take place in the areas of data collection and research, networking and common events, communication and awareness raising activities, and capacity development. This includes the following forms of cooperation:

- Coordination of data collection and analysis
- Participation in relevant expert meetings
- Collaboration in research project surveys or forthcoming publications
- Coordination of respective research methodologies to enhance comparability of project results
- Joint efforts in identifying common stakeholders
- Exchange of information on respective stakeholder interaction
- Cooperation in implementing networking activities
- Joint organisation of events
- Dissemination of information on relevant subjects to their respective stakeholders and partners
- Joint efforts in building up a pool of experts in the Fundamental Rights fields.

In addition to the above, the Agency has several joint publications in the pipeline with UN organs and some publications have already been released.

In **the stakeholder interviews** representatives from the United Nations Development Programme (UNDP) and the Office of the High Commissioner for Human Rights (OHCHR) expressed positive views in regard to the collaboration with the FRA. The interviewees pointed out that the collaboration is strengthened by direct personal contact between staff at meetings and conferences.

The interviewees provided examples of avoidance of duplication and explained how synergies between the work of their organisations and the work of the FRA are achieved:

"The FRA and the UNDP developed two surveys independently from each other in the field of Roma. As often happens, different DGs do not talk to each other, unless external actors bring them together. The UNDP and FRA were the common denominator with the two DGs involved. If this was not done, we would have two separate surveys addressing the same population, at the same time, both of them slightly overlapping to the extent that you can have two datasets contributing to confusion – this would lead to the question of which one is the correct one. Waste of public money, bad public reputation, frustration on the side of people who are supposed to be supported (Roma community). This could have happened. But we managed to create cooperation instead."

⁸⁸ Protocol for Cooperation Between the United Nations Development Programme (UNDP) and the European Union Agency for Fundamental Rights (FRA).

With regards to the synergies with the UNDP, it was pointed out that the two agencies have promoted in parallel a more comprehensive approach in the field of fundamental rights based on development.

"For decades we were trying to promote the idea that nominal rights are not sufficient, they need to be matched with structural and other changes that people can execute their rights and materialise their opportunities. This is disposed in the concept of human development that UNDP is advocating. The FRA has evolved to this direction. We also benefitted – now we are much more sensitive to the human rights framework. So we both are getting closer to each agency's approach and understand it better. It is a sound basis of good cooperation. We are reinforcing and nurturing each other, this is a major element and leads to mutual enrichment."

The input from the Office of the High Commissioner for Human Rights was similarly positive and the interviewee stressed the impact of the FRA's actions on his own work and affirming that there is no duplication of efforts.

"They [The FRA] have more capacity than we do for being more present and active in the region [Europe] and we are very much relying on an organisation like the FRA for doing the work that relates to fundamental rights. There is no duplication of work; they do surveys and specific analysis that we are not doing."

The mechanisms by which collaboration is ensured can have implications in two directions:

1. In promoting fundamental rights as developed by the UN in Europe:

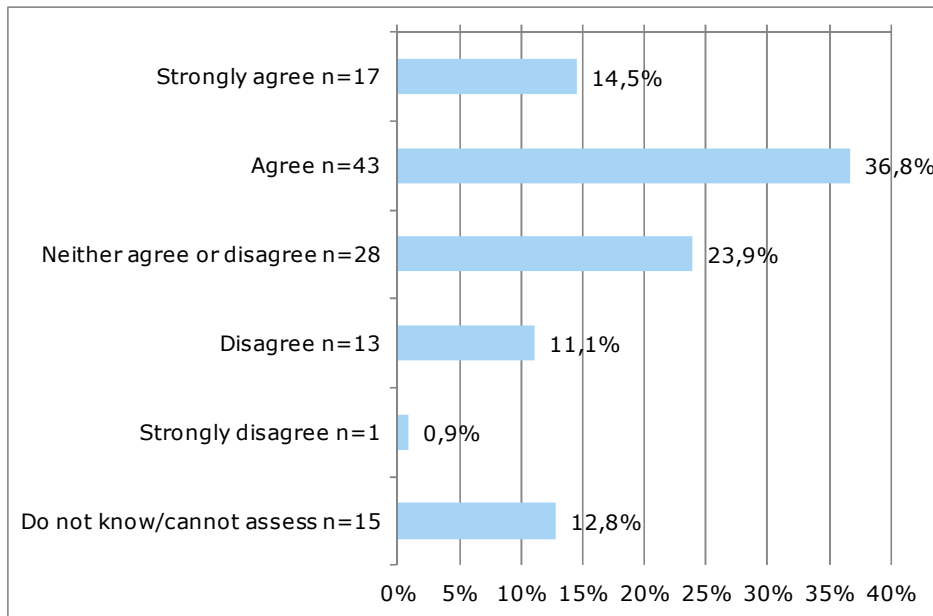
"For my organisation it has been useful, they contacted us first and they have been instrumental in promoting and disseminating the work and approach developed by our office with UN human rights mechanisms. The symposium really opened new collaborations in the region (Europe) and joint human rights efforts."

2. In promoting the fundamental rights approach taken in Europe to the rest of the world:

"We are looking at best practices and use them when they come from an organization like FRA, to promote best practices towards other regions. I use that a lot when going to different countries, to show that this is the kind of data that has been collected in other parts of the World, comparisons that have been made. When they see that it has been done in a region or country, we can provide stronger incentives for other countries or regions to do the same. Sometimes that is the best argument we can use."

The **internal survey** conducted showed that only 51.3% of the participating FRA staff agreed that the FRA is acting in close cooperation with the UN to avoid duplication and in order to ensure complementarity. It should be noted, however, that the number of persons that neither agreed nor disagreed, or who could not assess was relatively high (36.7%).

Figure 39: The FRA is acting in close cooperation with the UN to avoid duplication and in order to ensure complementarity. N=117



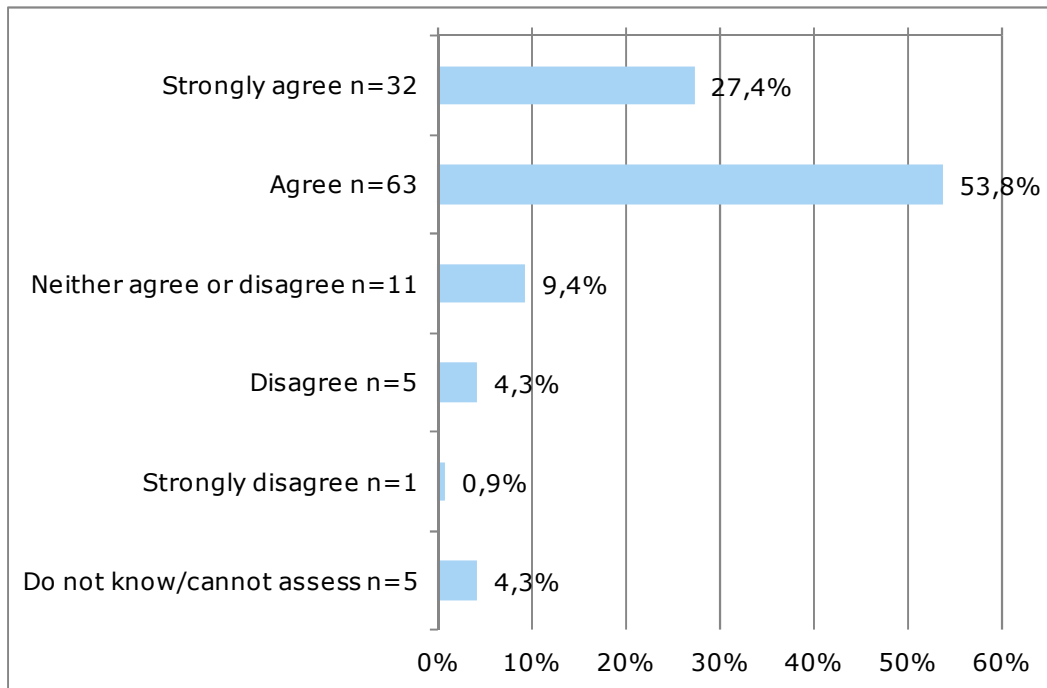
With respect to cooperation and collaboration with the UN, it can be concluded that the FRA is avoiding duplication of efforts and is achieving a sufficient level of complementarity. The close collaboration benefits both the FRA and the promotion of fundamental rights in Europe as well as the UNDP and contributes to the promotion of fundamental rights in other parts of the world.

3.5.4 To what extent is the FRA acting in close cooperation with non-governmental organisations and with institutions of civil society? Is the resource allocation proportionate?

The evaluation question has been assessed by collecting stakeholder opinions in the external survey, interviews as well as the case studies. The question has also been assessed in the internal survey with FRA staff.

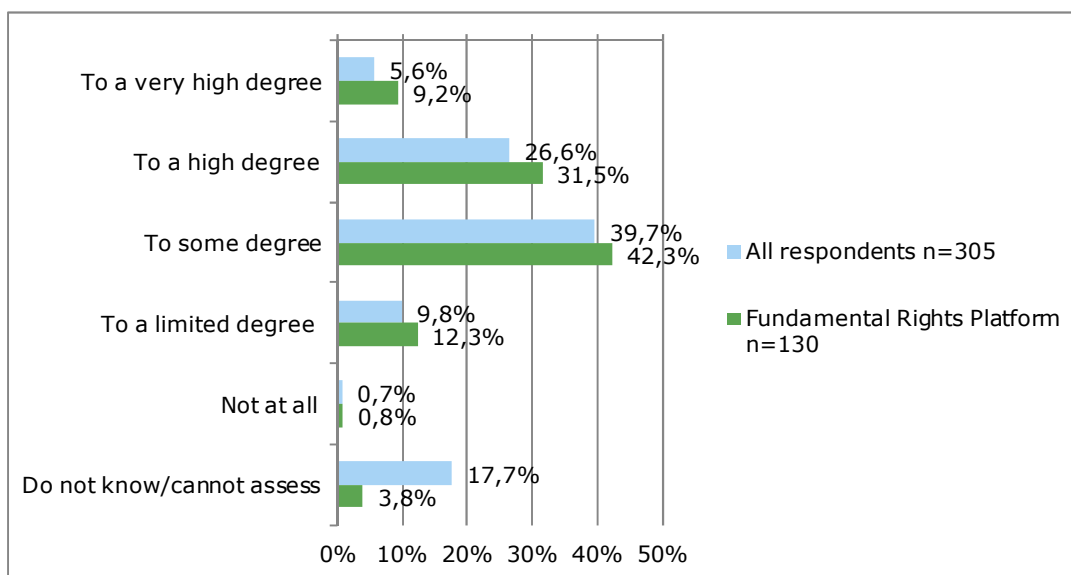
The **internal survey** showed that a high percentage of the participating FRA staff (81.2%) strongly agreed or agreed that the FRA is acting in close cooperation with non-governmental organisations and with institutions of civil society.

Figure 40: The FRA is acting in close cooperation with non-governmental organisations and with institutions of civil society? N=117



The **external survey** indicated that the FRA has been successful in promoting dialogue with the institutions of civil society; the Fundamental Rights Platform assessed this success even more positively than the whole set of respondents. As can be seen below in Figure 41, 71.9% of all respondents and 83% of the respondents representing the Fundamental Rights Platform agreed at least to some degree that the FRA has been successful to this end. In the opinion of the stakeholders it seems that the FRA has been effective in terms of fulfilling its mandate with this regard.⁸⁹

Figure 41: To what extent has the FRA been successful in terms of promoting dialogue with the civil society? N=305



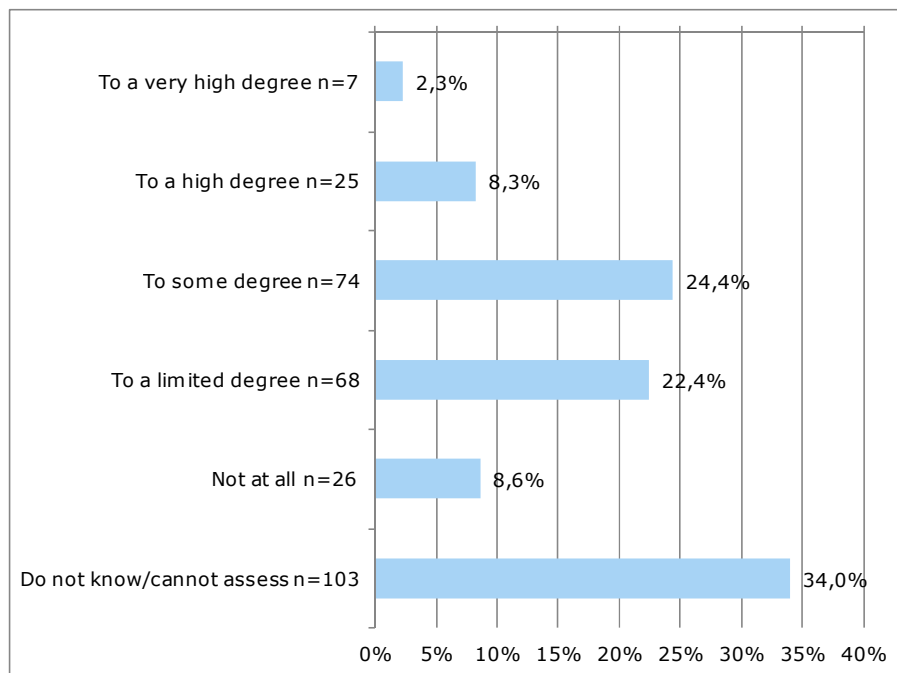
As presented in section 3.1.5, in particular the European Commission (80% responded at least to some degree) and the EU Agencies (75% at least to some degree) were positive concerning the FRA's ability to develop effective information and cooperation networks.

⁸⁹ Regulation 168/2007, Art. 4(h).

However, when asked to what extent the FRA has contributed to effective information and cooperation networks among local level stakeholders, the respondents were much more reserved. 31% of respondents believed that FRA contributed to a limited degree or not at all to the development of effective information and cooperation networks among local level stakeholders. (see Figure 42). It should also be noted that the share of the respondents representing national level stakeholders and answering "do not know/cannot assess" was relatively high, 34% overall with 18.9% for the equality bodies, 11.1% for the NLOs and 6.3% for the NHRIs.⁹⁰

This result points towards the fact that the FRA is cooperating and coordinating to a much larger extent with civil society organisations established at EU level, and less with local level organisations.

Figure 42: To what extent has the FRA contributed to the development of effective information and cooperation networks among local level stakeholders in the field of fundamental rights? N=303



This evaluation question was also commented on in **the stakeholder interviews and the view that the FRA** communicates and coordinates effectively with civil society was affirmed.

"They are the only EU institution who will interact with civil society. They have a better understanding of the issues on the ground, on the trends and discussions that are out there."

The findings of **the case studies** also revealed relevant evidence in support of answering this evaluation question; the case study on Homophobia and discrimination on the grounds of sexual orientation looked specifically into the causal mechanisms related to cooperation and coordination with expert networks and civil society and found that the FRA is performing well with regards to engaging organisations such as the International Lesbian and Gay Association and Transgender Europe and all respondents agreed that FRA is cooperating well with the LGBT stakeholder circles.

"FRA is engaging extremely well in the LGBT stakeholder circles. It has engaged well with ILGA and its members, connected to legal platforms and networks. FRA's staff has regularly attended ILGA events and has invited ILGA to the thematic events that the FRA organised. [...] So they

⁹⁰ Here the relatively small number of respondents should however also be reflected, and for example among the NLOs only two respondents represent 11.1% of the total of 18 respondents.

have been well integrated by the LGBT actors. It has benefited the work of ILGA through the synergy created through dialogue and engagement."

"TGEU is in close cooperation through direct contact, roundtable discussion, as well as the current survey on LGBT rights and experiences of hate crime and discrimination."

Overall, the results of the evaluation indicate that the FRA is engaging well with non-governmental organisations and institutions of civil society. However, there is evidence which suggests that local level organisations are less aware and benefit to a lesser extent from the FRA's cooperation and coordination activities than organisations at the EU and national levels.

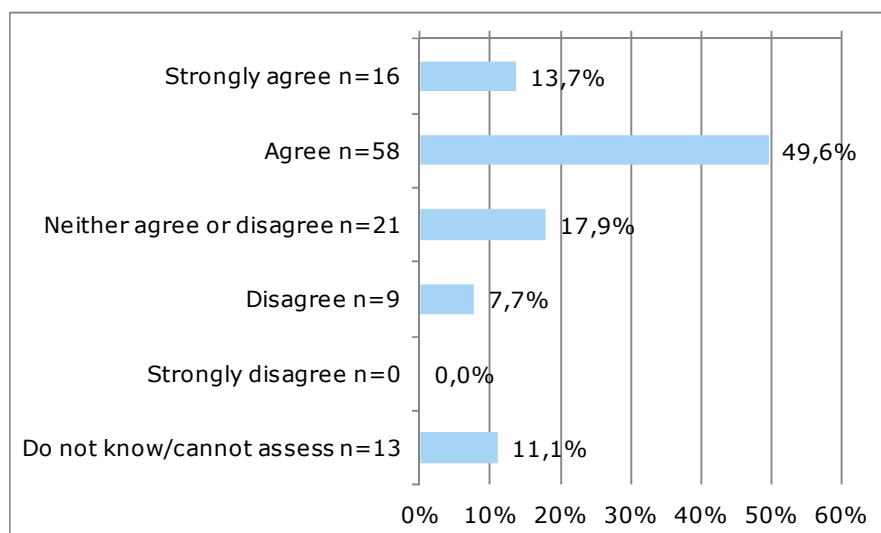
3.5.5 To what extent are the procedures to ensure this coordination and cooperation effective to secure that FRA activities are coherent with the policies and activities of its stakeholders?

The evaluation question has been assessed by collecting stakeholder opinions through internal and external interviews and through the internal survey conducted.

The FRA has an extensive mandate in terms of stakeholders to cover and cooperate with, ranging from the EU institutions to Civil Society Organisations. The FRA interacts with its stakeholders in two main ways: on the one hand, through the different research projects, and on the other, on a more continuous basis through the coordination of networks of stakeholders (Fundamental Rights Platform, National Liaison Officers) and cooperation with other existing networks and their members (National Human Rights Institutions, Equality Bodies, Ombuds institutions). This is further elaborated in section 2.5.3.

In the **internal survey**, 63.3% of the FRA staff responding strongly agreed or agreed that the procedures in place to ensure coordination and cooperation secure that FRA activities are coherent with the policies and activities of its stakeholders.

Figure 43: The procedures in place to ensure coordination and cooperation secure that FRA activities are coherent with the policies and activities of its stakeholders, N=117



This question was also commented on in **the stakeholder interviews:**

The Commission pointed out that during the established procedure of drawing up the annual work programmes the parent DG (DG JUST) coordinates the work by other DGs and units of the Commission and with the FRA. This process leads to raising awareness of possible projects that can duplicate the work at the EU level and ensures coherence and non-duplication between the Commission and the FRA. As a part of the development of the AWP the Agency carries out a

stakeholder needs assessment. The stakeholder needs assessment gives the stakeholders the possibility to indicate, which fundamental rights issues they think are important for the FRA to address in their AWP. The stakeholders have also the possibility to express what FRA products and activities are needed to effect positive change in the area of fundamental rights. The stakeholder needs assessment is carried out in the form of an online survey. Once the first draft of the AWP is available, the stakeholders are invited to comment on the more specific project fiches and activities, which have been developed and elaborated based on the needs assessment.⁹¹

It was pointed out that improvements could be achieved in the field of indicators, where collaboration with Eurostat could be strengthened, as there is no systematic discussion between the statistical community and human rights community on data that would be useful for assessing human rights situations.

Furthermore, the cooperation and communication with many stakeholders is being conducted on an ad hoc-basis, on an informal level which is strengthened by direct personal contact between staff members. This informal level has been regarded to be both effective and efficient. However, there are limitations to this mechanism, as pointed out by one interviewee:

"Their involvement is ad hoc based. For example I do not know about their plans for this year. We were involved on child rights indicators but we were involved late in the process. There is no real communication between us on duplication. If we knew the plans of the FRA a bit sooner then we could streamline our activities better but we have not had an incident where we completely contradicted each other."

The FRA has established effective procedures for coordination and cooperation which ensure coherence of policies and activities with stakeholders at all levels. Strong formal procedures exist between the FRA and the CoE and the Commission. These formal procedures are strengthened by informal channels. (See sections 3.5.1 and 3.5.2 as well).

Coherence with policies and activities with the UN, the Parliament, and other stakeholders is mainly ensured through informal channels. (3.5.1 and 3.5.3 for more detail). Respondents indicate that these mechanisms work well.

Despite the existence of Memoranda of Understanding and other official cooperation agreements, it seems that much of the cooperation takes place on an ad hoc basis and on an informal level. While this level is regarded effective and efficient, it is important to also ensure a structured cooperation with continuous information-flow.

⁹¹ European Union Agency for Fundamental Rights: Preparation and adoption of the FRA Annual Programme. PR.HRP. 001.01, 2012.

4. CONCLUSIONS AND RECOMMENDATIONS

4.1 The usefulness of the FRA in addressing the needs for the full respect of fundamental rights in the framework of European Union law

Article 2 of the Founding Regulation states that the *"objective of the Agency shall be 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 support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights."*⁹².

It can be concluded that the FRA has clearly fulfilled its mandate in addressing the needs for full respect of fundamental rights in the framework of European Union law, in relation to relevant institutions, bodies, offices and agencies of the Community.

The evaluation findings show that the Agency is considered by European stakeholders to be a vital point of reference in the fundamental rights architecture in Europe, where it is seen as a unique provider of comparative, EU-wide reports and data in the field of fundamental rights, covering a need for objective and reliable information which was previously not catered for.

The work of the FRA has contributed to a greater knowledge-base regarding fundamental rights issues among policy-/decision-makers and stakeholders in the European Union.

The work of the FRA is found to be highly relevant and suitable to the information needs of stakeholders, in particular at the EU level and to some extent, among civil society. The FRA mainly works in fields where there are data gaps, in particular in terms of comparative information among Member States. The perceived objectivity of the FRA is appreciated by the stakeholders, and their role as an EU institution gives their work additional backing, for example compared to the work carried out by civil society or other actors in the field of fundamental rights.

The evaluation evidence points towards the FRA currently being less relevant and useful for Member States compared to EU institutions and bodies.

The usefulness for different stakeholders stems largely from the mandate of the FRA, which clearly emphasises the comparative aspect of the data collection and research undertaken by the Agency. What is considered highly useful for EU institutions, such as EU-wide data collection, is not always considered equally relevant for and by the Member States. In the period after its establishment, the Agency focused on becoming a key actor at the European level, as an EU Agency. More recently, increased efforts have been made to reach out and liaise more with Member States, with more interaction and consultation with NLOs, Director's visits to Member States and other initiatives aimed at creating stronger ties to Member State institutions, such as National Human Rights Institutes and Equality Bodies.

The European Commission and European Parliament see a clear added value of the FRA to the policy implementation at the EU level. At the Member State level the value is less clear and more mixed.

It can be concluded that the work of the Agency contributes to policy development in that policy-makers are well familiar with the Agency's outputs and activities, and consider the Agency's evidence base to provide objective and reliable input to the policy process. This is particularly true at the EU level, while at the national level the contribution is less clear.

As a knowledge producing institution, any impact of the FRA's work will by necessity depend on the uptake of evidence-based advice by other actors who are responsible for the development

⁹² Council Regulation (EC) No 168/2007.

and actual implementation of policies. While evidence provided by the FRA is clearly being used, it is not possible to point to concrete policy developments or changes that have been a direct result of the work of the FRA alone. As in any policy-/decision-making process, a wealth of sources and information is being used by policy makers, and not only the FRA's contribution. However, it was often pointed out to the evaluators that the FRA research was seen as objective, valid and of high quality, compared to other sources.

The FRA's responses to ad hoc-requests have been appreciated by stakeholders, and have been used as input in the policy debate and legislative process.

In terms of ad hoc-requests and opinions, the FRA has so far received a limited number of formal requests for opinions and ad hoc-support, mainly stemming from the European Parliament. There are, however, indications that the FRA's opinions and ad hoc-assistance and expertise (advice) are sought more frequently, and the Agency is experiencing an increasing inflow of informal as well as formal requests.

The responses to ad hoc-requests often serve as direct input to the policy process and decision-making, and in this respect it is positive that requests are increasing. In order to meet requests, they need to be prioritised at the expense of running research projects. Hence, the more requests arrive, the more difficult it may be for the Agency to free necessary resources to provide high quality responses and/or to allocate sufficient resources to the research. A good balance needs to be found, where one strand of activity does not impair on the other.

4.2 Overall ability of FRA to sustain its activities and meet future challenges

It can be concluded that the FRA has a good ability to sustain its current activities, with systems, procedures and methodologies in place to carry out its mandate.

In terms of future challenges, it is more difficult to predict the ability of the Agency. The Agency's planning cycle does not allow for much flexibility (N-2 planning cycle), and it is likely that budget allocation will be decreased in coming years, as part of overall budget constraints and austerity measures. In combination with an increased demand for the Agency's support and research, this may lead to difficulties in meeting expectations.

While the overall capacity of the Agency is assessed as very high, the evaluation also showed a perception of high workload among the staff. It is clear that many members of the staff are highly motivated and risk taking on too much work, which can have an adverse effect in the end on the productivity of the Agency if workload influences wellbeing and work-life balance. The FRA has introduced several wellbeing measures to remedy the situation, and it will be important to continue to have a focus on a reasonable work-life balance among the staff.

Hence, it is considered important for the future that the FRA prioritise its activities to the most pertinent areas of the Multi-Annual Framework. The MAF is broad and it will be necessary for the FRA to focus its activities on key issues.

4.3 Barriers and obstacles to optimal performance

In terms of organisational or institutional factors no barriers to optimal performance were identified in the evaluation - obstacles relate rather to the mandate and the Multi Annual Framework.

The mandate and the Multi Annual Framework set limits to what the FRA can undertake and what advice it can bring forward. Evaluation findings show that stakeholders perceive that, as a consequence of the mandate and the MAF, the Agency's full potential towards providing advice in the field of fundamental rights is not being utilised.

For example it is considered that the FRA could have a clearer position in the legislative process, for example through contributions to impact assessments and providing opinions on legislative proposals. Currently the FRA's input is dependent on requests from the European Commission,

the European Parliament or the Council. It was generally thought that the Agency is an untapped resource, which could significantly contribute to safeguarding fundamental rights in the legislative process at European level. There were also several opinions regarding the independence of the FRA, which is seen as limited due to its dependency of the European Commission and restricted mandate in terms of issuing at its own initiative FRA opinions regarding legislation. Furthermore, the exclusion of police and judicial cooperation in criminal matters from the Multi Annual Framework is seen by several stakeholders as inconsistent from the European citizens' perspective, as this means that not all the fundamental rights included in the EU Charter on Fundamental Rights are covered by the mandate of the FRA, with potential issues such as detention, extraditions and situation of vulnerable groups high on the agenda.

The above views were mainly heard from the European Parliament, Civil Society Organisations, and to some extent Member States. The issue is highly political, and the discussion is on-going as to whether the FRA should have a stronger and more independent position in the institutional framework. While the evaluation does not allow for a thorough analysis of different scenarios, the findings do support the notion of a more independent fundamental rights agency, in line with the Paris principles of National Human Rights Institutions.

Another challenge of the mandate relates to the stakeholders identified in the Founding Regulation, since their expectations and needs differ. For example the European Commission requests EU-wide analyses while Member States would like more direct support and country research. Civil society on the other hand demands more monitoring and safeguarding of fundamental rights. While the expectations are not necessarily contradictory, meeting them all would require a set of different approaches to the work conducted by the Agency, i.e. working on different types and scales of research, something which is not considered realistic within the current resources.

To strike a balance is difficult, and also risks leading to a situation where none of the stakeholders view the FRA as a reliable partner and resource. Currently, the FRA is attempting to meet the needs and expectations from all stakeholders. While acknowledging that no stakeholders should be disregarded, it is not considered by the evaluators to be sustainable in the long run to attempt to meet the needs and expectations from all stakeholders *to the same extent*. Therefore there will be a need to prioritise the efforts of the Agency.

4.4 Challenges as regards FRA's governance

Since its establishment, the Agency has developed into a well-functioning organisation, which is largely appreciated by stakeholders for its openness and responsiveness.

In terms of the internal procedures and systems, the FRA is now at a point of development where the focus should be on consolidation and implementation of procedures and systems, such as the Management Information System MATRIX, the Performance Measurement Framework and Quality Management System.

The Management Board is seen as a key body of the Agency, in that it entails independent persons rather than Member State representatives. While the set-up and size of the MB is somewhat of a challenge to handle, it is considered by stakeholders and the FRA as a necessary and vital body for the Agency, and should thus be maintained in its current composition. The MB has a 2/3 majority voting rule, which can cause difficulties when not all members are present. It should be considered to revise the voting rules, to enable a majority rule for present members (for example 2/3 of the members present).

Other challenges in terms of governance relate mainly to the management functions, where the Director in particular is seen as key to the development of the Agency so far. The current Director may have his mandate extended for another three years, but no clarification has been made as yet on whether the mandate will be extended. It would be beneficial for the Agency to get clarification on the matter as soon as possible.

4.5 Recommendations for actions

The following recommendations for actions are based on findings and conclusions of the evaluation. The recommendations are divided into fields related to the usefulness, organisation and working procedures.

The usefulness of the FRA

- Overall, the FRA needs to undertake, with the Management Board and possibly other stakeholders, a thorough review of priorities. The objective should be to ensure the available resources are used in the most effective and efficient way, which may mean a smaller number of projects, stakeholder focus or scope of activities. It will not be possible for the FRA to continue an approach where the Agency tries to fulfil everybody's expectations to the same extent.
- A strategy for meeting increasing demand for ad-hoc requests should be developed, in order to ensure that there is a good balance between responding the external requests and the pertinent needs for research on fundamental rights issues.
- Member States are the duty-bearers in the fundamental rights context, and thus key to reaching a real impact for the rights-holders. The FRA should continue its on-going efforts to be relevant and useful for Member States, in order to create the necessary linkages to deliver pertinent evidence and advice.
- The limits of the mandate of the FRA should be examined and discussed, to ensure that the Agency's mandate is supporting of the objective of providing advice and assistance to support the full respect of fundamental rights.
- In particular it should be clarified to what extent the FRA should be mandated to issue on its own initiative opinions in the legislative process and have a wider mandate to address particular pertinent issues occurring in Member States.

The organisation of the FRA

- The FRA should focus on continued consolidation and implementation of the different management tools developed, such as MATRIX, Quality Management System and Performance Measurement Framework. Efforts should be made to ensure that the systems are properly implemented and also used. New initiatives should be avoided.
- The FRA should ensure that staff workload continues to be regularly monitored, to ensure that there is a reasonable workload.

The working procedures of the FRA

- The FRA should continue to strengthen the networking aspect of the Agency's work, for example by using expert committees and working parties more consistently in projects.
- There is a need to put in place procedures/methodologies to respond to ad hoc requests.
- There is a need to monitor the development of ad hoc requests to ensure that sufficient capacity is available to respond.

ANNEX 1
INCEPTION REPORT

**ANNEX 2
CASE STUDY REPORTS**

ANNEX 3
LIST OF INTERVIEWEES

ANNEX 4
LIST OF FRA PUBLICATIONS AND EVENTS

ANNEX 5 SURVEY RESULTS

ANNEX 6
BIBLIOGRAPHY