

## **ANNEX A.1**

# **TECHNICAL SPECIFICATIONS**

**D/SE/10/05**

**“Access to Justice – A sociological study on cases of discrimination in the EU”**

## 1. Technical specifications

### 1.1. Objective

The objective of the Technical Specifications is to provide the tenderer(s) with all the necessary information that will allow them to develop a technical offer alongside a price offer.

### 1.2. Title of the contract

The title of the contract is "Access to Justice – A sociological study on cases of discrimination in the EU".

### 1.3. Contracting Authority

The contracting authority is the European Union Agency for Fundamental Rights (hereinafter referred to as the FRA or the Agency). The Agency was established by Council Regulation No 168/2007. Its objective is to provide the relevant institutions, bodies, offices and agencies of the Union and its Member States when implementing Union law with assistance and expertise relating to fundamental rights. In order to achieve this objective the Agency is required to perform a number of tasks, including data collection and research. The research commissioned through this Call for Tender is undertaken within the scope of the Agency's Work Programme 2010.<sup>1</sup>

## 2. Background information

### 2.1. The FRA's work in the area of access to justice

Fundamental rights are essential values on which the European Union is built. 'Access to justice' is one of the rights in the Charter of Fundamental Rights that also has an important bearing on many of the other fundamental rights.

The Agency's Multi-annual Framework 2007–12,<sup>2</sup> decided by the European Council after consultation with the European Parliament, contains nine priority areas for the Agency's work; Access to Justice is one of the nine areas.

Access to justice in cases of discrimination appears, as indicated in various studies by the FRA, to be problematic through much of the EU. For various reasons, reporting on discrimination experiences is astonishingly low, in particular in view of the extent to which many people are or feel discriminated against on various grounds.

This social study will build on findings on rights awareness and experiences of discrimination from other FRA studies; in particular, the Agency's European Union Minorities and Discrimination

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<sup>1</sup> See the FRA website: <http://www.fra.europa.eu>

<sup>2</sup> See 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, in OJ 2008 L 63, at pp. 14-15.

Survey (EU-MIDIS; the Main Results Report was published in December 2009). EU-MIDIS interviewed over 23,500 ethnic minority and immigrant people across the EU, and is the largest EU-wide survey of its kind to produce comparable data on minorities' discrimination experiences and reporting patterns, including reasons for non-reporting and awareness of Equality Bodies in Member States. The survey results provide important evidence of the low levels of rights awareness in the area of discrimination among minorities, including their lack of knowledge about organisations to which they can report discrimination,<sup>3</sup> for example:

- 80% of all respondents in EU-MIDIS could not think of a single organisation that could offer support to victims of discrimination – be this government-based, an independent institution or authority, such as an Equality Body, or an NGO.
- When given the name of an Equality Body (or equivalent organisation) in their Member State, on average 60% of respondents indicated that they had never heard of them. 82% of all those who were discriminated against in the past 12 months did not report their most recent experience of discrimination anywhere.
- 36% of all victims of discrimination did not report their most recent experience because they did not know how to go about reporting or where to report, and 21% of victims of discrimination did not report their most recent experience because of the inconvenience and bureaucracy involved, or the amount of time it would take.

The study will explore the question: How can the situation be improved in the EU concerning access to justice?

The study will look primarily at this question with respect to Equality Bodies. These bodies are established under various EU directives to cover certain grounds of discrimination (racial or ethnic grounds, and gender (in employment, as well as in access to, and supply of goods and services)). The study will, however, not be limited to these grounds but will cover all grounds that the equality bodies cover that are within the scope of EU law.<sup>2</sup> Consequently, it is a study related to civil or administrative law, as the case may be, and not criminal law.

Equality Bodies or similar entities will constitute the main channels through which the question of access to justice will be explored. Research will be undertaken with representatives of Equality Bodies, with complainants to Equality Bodies, and with intermediaries who assist complainants in accessing justice through an Equality Body (lawyers, representatives of NGOs such as victim support organisations, and other professionals).

Equality Bodies under Union law are only required to have a promotion mandate and not a protection mandate. In other words, Equality Bodies are not required to receive and process individual complaints. In the Directives establishing the obligation of Equality Bodies, ensuring access to justice is a requirement; however, this is not necessarily through these bodies. Yet, many of the Equality Bodies are mandated to receive and process complaints. Research will be undertaken both with Equality Bodies that have a mandate to receive and process individual complaints as well as with Equality Bodies that have not. In the latter case, the perspective of the Equality Bodies will be supplemented with that of the main body or bodies (National Human Rights Institution, Ombudsman institution, or other entity) in that Member State charged with

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<sup>3</sup> See the FRA website: <http://fra.europa.eu/eu-midis> (EU-MIDIS Data in Focus Report 3 on 'Rights Awareness and Equality Bodies').

<sup>2</sup> The Treaty on the Functioning of the European Union (TFEU) article 19: "sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" and the Charter of Fundamental Rights of the European Union article 21: "sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation".

receiving and processing individual complaints. While the research is framed around Equality Bodies, it is hoped that the results can extract more general findings concerning access to justice more broadly.

After the first meeting between the FRA and the successful contractors, a decision can be taken, with the agreement of the FRA, to replace the research on Equality Bodies with National Human Rights Institutions, or other similar entities, depending on the situation in each Member State.

With these Technical Specifications the FRA is seeking to contract a qualitative social study centring on interviews with complainants, Equality Bodies and intermediaries in discrimination cases. The research will be done in **eight selected EU Member States**. The study will also include literature reviews of studies done on access to justice in discrimination cases, covering relevant research and studies in other EU Member States.

Having concluded that underreporting by victims of discrimination is a tremendous problem in EU Member States, the social study aims at deepening our understanding of obstacles to and incentives for accessing justice. The social study will also supplement the findings of the FRA's 2009 study on legal aspects of access to justice. The legal study on aspects of access to justice, completed in 2010, looks at the legal conditions for access to justice in civil cases in all 27 EU Member States. Preliminary findings include:

- Almost no country has legislation using the exact terminology of 'access to justice'. Instead a variety of alternative concepts or phrases are used to capture access to justice in whole or in part;
- The right not to be discriminated against can, in some Member States, be waived by the rights holder, thereby eliminating access to justice;
- Meaningful participation of the complainant in legal proceedings, such as an informed and active role, seems not to be a priority; rather it is a matter of physical participation.
- Length of proceedings in a regular court varies from country to country. There is no indication that discrimination cases would be better or worse off than other cases.
- Compensation in discrimination cases is generally low, and not dissuasive. In many countries compensation rates paid by perpetrators are not dissuasive. Requests for non-pecuniary damages are generally treated by the courts in a restrained manner, with only low amounts of compensation being considered.

Other studies by the FRA are closely related and result in similar conclusions to the above. For example, a forthcoming FRA study on legal aspects of the Racial Equality Directive (RED) provides a comparative assessment of the effectiveness of law addressing racial and ethnic discrimination. Some of the key findings from this study concern the lack of sufficient resources of Equality Bodies in a majority of Member States. The accompanying social study, released in May 2010, looks at awareness among representatives of trade unions and employers of the non-discrimination requirements under the Directive, and explores factors behind the low number of complaints related to employment; for example, in some countries not a single complaint has been filed. Some of those interviewed suggested that most workers with an ethnic minority background were so thankful to have a job they would not recognise the discrimination they were being subjected to. Another FRA study on National Human Rights Institutions looks at the situation of monitoring mechanisms with a human rights remit where an internationally recognised National Human Rights Institution is lacking in some Member States; the results of which point to a number of shortcomings as well as good practices across the EU.

This study will build on the above FRA research, and will further contribute to understanding the challenges, opportunities and shortcomings that various bodies face – bodies that are responsible for different aspects of access to justice in the EU's Member States. The research results should be able to advise on policies aimed at ensuring access to justice in relation to equality, as well as more generally.

## 2.2. Related work among EU and international stakeholders

Other studies on the theme of access to justice indicate similar results in line with FRA research; namely: individuals tend not to lodge complaints even though they perceive their rights to have been violated. Several reasons are mentioned for non-reporting such as low awareness of rights; unawareness of how and where to complain; limited legal right of standing before courts; disbelief in a positive outcome; low levels of compensation.

Below are a few key examples of work undertaken on the theme of access to justice.

### European Union

At the level of the European Commission, the following Directorate Generals have engaged, either directly or indirectly, with the theme of access to justice:

- DG JLS (Justice, Freedom and Security) is working on access to justice, *inter alia*, through the Tampere, Hague, and Stockholm Programmes, as well as through legislation and studies on issues such as cross border legal aid, mediation, and small claims procedures.<sup>4</sup> The focus of DG JLS so far has been on cross border issues.
- DG SANCO (Health and Consumers) is working on access to remedies with regard to consumer relations through legislation and studies.<sup>5</sup>
- DG ENV (Environment) is working on access to justice in environmental matters. The EU-ratified 'Aarhus (Århus) Convention' on environmental matters is the only international instrument that has a clear-cut definition of access to justice.<sup>6</sup>

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<sup>4</sup> See Green Paper on alternative dispute resolution in civil and commercial Law, COM(2002) 196 of 19 April 2002, [http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002\\_0196en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002_0196en01.pdf); Directive 2008/52/EC of 21 May 2008 on certain aspects of mediation in civil and commercial matters, in OJ 2008 L 136, at pp. 3-8.; Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for cross-border disputes, in OJ 2003 L 26, at pp. 41-47, (currently under evaluation through a study commissioned by DG JLS), see the website of DG JLS:

[http://ec.europa.eu/justice\\_home/doc\\_centre/civil/doc\\_civil\\_intro\\_en.htm](http://ec.europa.eu/justice_home/doc_centre/civil/doc_civil_intro_en.htm)

<sup>5</sup> See Green Paper on access of consumers to justice and the settlement of consumer disputes in the single market, COM(93) 576 of 16 November 1993, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1993:0576:FIN:EN:PDF>; Green Paper on consumer collective redress, COM(2008) 794 of 27 November 2008, [http://ec.europa.eu/consumers/redress\\_cons/greenpaper\\_en.pdf](http://ec.europa.eu/consumers/redress_cons/greenpaper_en.pdf); Commission Recommendation 2001/310/EC of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes, in OJ L 109, at pp. 56-61; Communication from the Commission on widening consumer access to alternative dispute resolution, COM(2001) 161 of 4 April 2001, [http://ec.europa.eu/consumers/redress/out\\_of\\_court/adr/acce\\_just11\\_en.pdf](http://ec.europa.eu/consumers/redress/out_of_court/adr/acce_just11_en.pdf); See also Eurobarometer – Consumer redress in the European Union: consumer experiences, perceptions and choices (2009),

[http://ec.europa.eu/consumers/redress\\_cons/docs/cons\\_redress\\_EU\\_qual\\_study\\_report\\_en.pdf](http://ec.europa.eu/consumers/redress_cons/docs/cons_redress_EU_qual_study_report_en.pdf); see also the website of DG SANCO: [http://ec.europa.eu/dgs/health\\_consumer/index\\_en.htm](http://ec.europa.eu/dgs/health_consumer/index_en.htm)

<sup>6</sup> See the website of DG ENV: [http://ec.europa.eu/dgs/environment/index\\_en.htm](http://ec.europa.eu/dgs/environment/index_en.htm)

- DG EMPL (Employment, Social Affairs and Equal Opportunities) is working on access to justice through anti-discrimination legislation and studies, as well as legislation and studies concerning Equality Bodies (see paragraph below concerning possible overlap with FRA research).<sup>7</sup> The expression 'access to justice' is widely used within this DG.<sup>8</sup>

DG EMPL is currently looking at the situation in all EU Member States as to the level of compliance with the three Directives requiring Equality Bodies to be established: the Racial Equality Directive, 2000/43 (article 13); the Gender Goods and Services Directive, 2004/113 (article 12); and the Gender Equality Directive (recast), 2006/54 (article 20). This study is expected to be completed in 2010.<sup>9</sup> The FRA study being tendered through these Technical Specifications does not overlap with the DG EMPL study.

An evaluation of the Racial Equality Directive by the European Commission in 2006 indicated that most of the Equality Bodies set up had been vested with some investigative and or decision making capacity in disputes regarding discrimination: "22 bodies have the power to hear and investigate complaints".<sup>10</sup> This evaluation further indicated that many designated Equality Bodies clearly had too few staff (in the low single digits) to be able to function as a formal or informal tribunal for equality disputes.

## Council of Europe

The 1950 European Convention on Human Rights (ECHR) of the Council of Europe provides for the right to a fair trial (Article 6) and for right to an effective remedy (Article 13). These provisions are at the heart of the access to justice concept in the ECHR; notably, the majority of cases before the European Court of Human Rights in Strasbourg (ECtHR) relate to Article 6.

In 2002 the Council of Europe set up a special mechanism – The European Commission for the Efficiency of Justice (CEPEJ) – for promoting effective implementation of Council of Europe instruments relating to the organisation of justice, with a focus on user-centred approaches. CEPEJ is periodically issuing studies and reports on the quality of justice in Europe, wherein issues related to access to justice are addressed.<sup>11</sup> Access to justice is also a prominent feature used by other Council of Europe bodies.

<sup>7</sup> See Call for Tenders VT/2009/012, Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, 19 May 2009 (ongoing).

<http://ec.europa.eu/social/main.jsp?catId=625&langId=en&callId=214&furtherCalls=yes>

<sup>8</sup> See DG EMPL studies: Call for Tenders VT/2009/012, Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, 19 May 2009 (ongoing); Comparative Study on Access to Justice in Gender Equality and Anti-Discrimination Law VT/2009/014 (ongoing); Study on Equality Bodies under the Racial Equality Directive (2006) – Catalysts for Change: Equality Bodies according to Directive 2000/43/EC; Study on Equality Bodies (2002): Specialised bodies to promote equality and/or combat discrimination.

<sup>9</sup> Call for Tenders VT/2009/012, Study on Equality Bodies set up under Directives 2000/43/EC, 2004/113/EC and 2006/54/EC, 19 May 2009 (ongoing).

<sup>10</sup> See DG EMPL Study on Equality Bodies under the Racial Equality Directive (2006) – Catalysts for Change: Equality Bodies according to Directive 2000/43/EC; and DG EMPL Study on Equality Bodies (2002): Specialised bodies to promote equality and/or combat discrimination.

<sup>11</sup> See the studies on the website of CEPEJ:

[http://www.coe.int/t/dghl/cooperation/cepej/series/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/cepej/series/default_en.asp) notably the regular report European Judicial Systems – Edition 2008 (2006 data): efficiency and quality of justice – CEPEJ studies no 11; also, Access to justice in Europe, CEPEJ studies no 9; and Better implementation of mediation in the member States of the Council of Europe – Concrete Rules and Provisions, CEPEJ studies no 5.

## United Nations

Various United Nations bodies are carrying out activities related to access to justice. The treaty bodies under the core human rights conventions, in this context in particular the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, is interpreting access to justice through their General Comments. The United Nations Development Programme (UNDP) has developed a Practice Note and a Practitioners Guide regarding access to justice.<sup>12</sup> The United Nations Office on Drugs and Crime (UNODC) is addressing access to justice in criminal cases, for instance through manuals; the most important being the Criminal Justice Assessment Toolkit.<sup>13</sup>

## Other studies and surveys

The 2009 Annual Report of the FRA highlighted the point that Equality Bodies carrying out support to victims may be perceived as having a conflict of interest if they also act as mediators (or decision makers) between complainants (victims) and defendants in discrimination cases. The Annual Report also noted a substantial increase in recorded complaints in the last few years; although overall levels of complaints received/dealt with remain low in a number of Member States (three Member States have Equality Bodies that received less than ten complaints in a year; in ten countries Equality Bodies received between 10 and 100 complaints; in six Member States between 100–500 complaints, and in four Member States Equality Bodies received between 1600–3000 (Belgium, France, Sweden, United Kingdom).

**Equinet** – the co-ordinating body for European Equality Bodies – has confirmed that no EU-wide study had been undertaken on complainants' perception of the work of Equality Bodies. Consulting several of the Equality Bodies that have been in operation the longest, the FRA has also confirmed that studies have not been conducted at country level. **Therefore – this FRA research will fill a gap in current research in this area.**

## Country level studies

Some Member States have undertaken research on access to justice for minority groups; the result of which can be used to inform the development of the FRA's research. For example: The UK Ministry of Justice has undertaken several studies on access to justice related to equality issues<sup>14</sup>; findings generally indicate that particular minority groups face a number of challenges in

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<sup>12</sup> See UNDP Access to Justice Practice Note (2004), [http://www.undp.org/governance/docs/Justice\\_PN\\_En.pdf](http://www.undp.org/governance/docs/Justice_PN_En.pdf) which has no clear definition of access to justice but an outline of obstacles to access to justice and strategies to counter these obstacles.

<sup>13</sup> See the UNODC Criminal Justice Toolkit: <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>

<sup>14</sup> See Ministry of Justice, Research Summary 8/09 – Intensive Help for Vulnerable People: applying case management models in the justice system, <http://www.justice.gov.uk/intensive-help-vulnerable-people.pdf>; Ministry of Justice, Access to justice, review of existing evidence of experiences of minority groups based on ethnicity, identity and sexuality (2009), <http://www.justice.gov.uk/access-justice-minority-groups-ii.pdf>; Ministry of Justice, Early findings from WAVES: information and service provision (2008) (Witness and Victim Survey), <http://www.justice.gov.uk/docs/witness-victims-experience-survey.pdf>; Ministry of Justice, Explaining attitudes towards the justice system in UK and Europe (2008), <http://www.justice.gov.uk/publications/attitude-towards-justice-system.htm>; Legal Services Research Centre, Young people and civil justice: Findings from the 2004 English and Welsh Civil and Social Justice Survey (2007), <http://www.youthaccess.org.uk/resources/publications/loader.cfm?csModule=security/getfile&Pag>

the field of access to justice. In Sweden, studies by the Swedish Ministry of Justice suggest that immigrants have less confidence in the Swedish legal system than non-immigrant Swedes, and the legal machinery is perceived by immigrants as “a fully Swedish branch”.<sup>15</sup>

Treatment of minority groups in civil law cases is generally less researched than in criminal law cases. Where studies exist, research from the Ministry of Justice in the Netherlands has shown that financial costs and benefits are one aspect of the individual assessment on which a certain kind of dispute settlement is based, while the main benefit of judicial proceedings is the parties’ sense that justice is satisfied; however, only a small percentage of disputes results in legal proceedings.<sup>16</sup>

### Academic research

One example of academic research on the theme of access to justice comes from the Netherlands. The Hague Institute for the Internationalization of the Law, the University of Tilburg and the University of Utrecht have collaborated on the project “Measuring Access to Justice in a Globalizing World: The Hague Model of Measuring Access to Justice”. The project measures access to justice through the perceptions and attitudes of people who, in various ways, have sought justice. Three major aspects of the experiences of the users are measured – the costs of justice, the quality of the procedure, and the quality of the outcome. A Handbook developed by the project discusses in detail the content and processes of the methodology for measuring access to justice from the perspective of the users.<sup>17</sup>

### Surveys

The Eurobarometer 317, “Discrimination in the EU” (November 2009) indicates that only one third of EU citizens know their rights regarding discrimination or harassment<sup>18</sup>. In the 12 months leading up to the survey, 16% of citizens reported that they had personally felt discriminated against or harassed. Ethnic discrimination is perceived as the most prevalent discrimination. Awareness of Equality Bodies appears to be very low. The findings of the Eurobarometer 317 are in line with those of earlier Eurobarometers on similar topics (263 and 296).

The FRA’s EU-MIDIS Data in Focus report on ‘Rights Awareness and Equality Bodies’ (published in May 2010) indicates low levels of awareness for certain Equality Bodies in Member States among certain minorities. At the same time, the survey shows that in 19 of the 27 Member States, minority respondents were less aware of the Charter of Fundamental Rights of the European Union than majority population respondents (when comparing EU-MIDIS results with Flash Eurobarometer 213 (published in 2008)).

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eID=2214; Ministry of Justice, Just satisfaction – What drives participant satisfaction with courts and tribunals? (2008), <http://www.justice.gov.uk/publications/docs/just-satisfaction.pdf>.

<sup>15</sup> See The blue and yellow glass house – Structural discrimination in Sweden (2005); Masoud Kamali, Sverige inifrån: Röster om etnisk diskriminering, [Voices of ethnic discrimination], SOU [Government Report] 2005:69 (2005), pp. 116ff.

<sup>16</sup> See C.M. Klein Haarhuis, Geschilgedrag: verklaringen bijnengebracht, Cahiers 2008-08 (2008) summary in English: Dispute resolution behaviour, 2003: [www.wodc.nl/images/Cahier%202008-8\\_summary\\_tcm44-156908.pdf](http://www.wodc.nl/images/Cahier%202008-8_summary_tcm44-156908.pdf).

<sup>17</sup> See the website of Measuring Access to Justice: [http://measuringaccesstojustice.com/index.php/Main\\_Page](http://measuringaccesstojustice.com/index.php/Main_Page)

<sup>18</sup> See Special Eurobarometer 317, Discrimination in the EU in 2009.

### 2.3. Equality legislation in the EU

The Treaty on European Union (TEU) pronounces the values of the Union that will be addressed through this research on access to justice: “respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.” (Article 2).

The European Union has issued three Directives related to equality that contain provisions for Equality Bodies to be set up as required components for the implementation of the Directives (“Member States shall designate a body or bodies / Member States shall designate and make the necessary arrangements for a body or bodies”).<sup>3</sup>

1. Racial Equality Directive 2000/43, 29 June 2000 (article 13);<sup>4</sup>
2. Gender Goods and Services Directive 2004/113, 13 December 2004 (article 12);<sup>5</sup>
3. Gender Equality Directive (recast) 2006/54, 5 July 2006 (article 20).<sup>6</sup>

#### Defining ‘access to justice’ in legal terms

With the recent entry into force of the Treaty of Lisbon, the obligations of the European Union to facilitate access to justice have, for the first time, been expressly stated.<sup>19</sup>

However, ‘access to justice’ is an often used but rarely defined term in European and international policy and legal documents. As for a legal definition, the international legal instrument that is in verbatim using the term along with a clear-cut definition is the United Nations 1998 Aarhus Convention (the European Communities acceded to the Convention in 2005). The Convention defines access to justice as “access to a *review procedure* before a court of law or another *independent and impartial body* established by law” (emphasis added) (Art. 9(1)).

Article 67(4) of the Treaty on the Functioning of the European Union (TFEU) states that “the Union shall facilitate access to justice, in particular through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters”. Article 67(4) does not define the overall content of access to justice, nor does Article 81(2)(e), which simply calls for “access to justice”. Article 81(2)(f) moreover adds, the “elimination of obstacles to the proper functioning of civil proceedings”.

The Charter of Fundamental Rights of the European Union, in its Article 47 on “Right to an effective remedy and to a fair trial”, specifies the meaning of access to justice to some extent by stating that “[e]veryone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article [fair and public hearing within reasonable time by independent and impartial tribunal established by law; right to representation and legal aid].” This article corresponds to articles 13 and 6 of the European Convention on Human Rights (see further under 2.3.2).<sup>20</sup>

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<sup>3</sup> See also the proposal for a horizontal Directive, COM(2008) 426, article 12.

<sup>4</sup> OJ L 180, pp. 22-26.

<sup>5</sup> OJ L 373, pp. 37-43.

<sup>6</sup> OJ L 204, pp. 23-33.

<sup>19</sup> See Treaty on the Functioning of the European Union (TFEU) Art 67(4).

<sup>20</sup> For background on the specifics of the Charter, see Explanations relating to the Charter of Fundamental Rights, 14 December 2007, in OJ 2007 C 303, at pp. 17-35, including references to

As for academic definitions, in a wider meaning, access to justice is used to signify the right of an individual not only to have access to a court of law, but to have his/her case heard and adjudicated in accordance with substantive standards of fairness and effectiveness.<sup>21</sup> In sociological terms, access to justice can be interpreted broadly to encompass non-judicial remedies or processes.

In conclusion, for the purposes of this research, the central element of the concept of 'access to justice' is the right to a 'remedy'. A remedy could be either:

1. judicial mechanisms (including the regular court system as well as specialised tribunals); or
2. other forms of complaint mechanisms established by law.

### 3. Contract objectives and expected results

#### 3.1. Overall objective

Given the central role of access to justice also for recourse to other fundamental rights, including non-discrimination rights, the project will form a cornerstone for the work of the FRA on how access to justice can be facilitated.

The current research is being commissioned by the FRA with the objective to gain a thorough insight into how Equality Bodies, or similar entities, are positioned to provide access to justice for complainants. Research will consist largely of collecting primary data through semi-structured interviews related to discrimination cases. Concretely, the research deliverables will be based on the results of interviews with (1) complainants, (2) intermediaries that refer and/or facilitate access to Equality Bodies or similar entities for complainants (such as lawyers and representatives of NGOs), and (3) representatives of Equality Bodies or similar entities. In particular, the research will map obstacles and incentives for complainants to pursue their complaints and gain access to justice. Good practices will also be collected, and the research will aim towards results that can be utilised by Equality Bodies (and other relevant entities) in Member States to assist them in their work.

As mentioned, these Technical Specifications constitute a part of a wider set of projects by the FRA that look at access to justice and discrimination. While the FRA's legal 'mapping' of access to justice has outlined the fundamental rights framework at national, European, and international levels, the objective of the current social study is to provide complementary information with primary qualitative data on what is happening on the ground, in everyday situations. Therefore the results of this project, constituting the so called 'social data collection', should help identify potential gaps between legislation, policy, practice and European and international standards.

The social study will also supplement other thematic areas of the Agency's work, in particular the work on non-discrimination. Moreover, the results of the current project should contribute to the collaboration the Agency has established with Equality Bodies, National Human Rights Institutions and national authorities in Member States. The findings of the study should therefore be able to assist Equality Bodies and similar entities in their work, furthering access to justice.

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relevant case law, most prominently Case 222/84 *Johnston* [15 May 1986] ECR 1651, granting the right to an effective remedy before a court.

<sup>21</sup> See Francesco Francioni (ed.), *Access to Justice as a Human Right*, (2007) pp. 3f.

## 3.2. Scope of work

In order to map the situation in the Member States regarding primary data collection carried out to date on access to justice in general and, in particular, in discrimination cases, literature reviews shall be conducted by the contractor for each of 8 selected EU Member States as well as other relevant Member States and European Union and international level. The purpose of these reviews is to contextualise the social study's research interviews with respect to the following points (for example): the various stages in the process of access to justice in a Member State; the number of cases; rights awareness; motivation for complaints; the appropriateness of processes; the perception of outcomes. Information should also be provided per country, as part of the literature review, regarding the existence of different bodies that the general public might be more likely to turn to for accessing justice when they have been discriminated against, other than Equality Bodies.

In the literature review as well as the fieldwork, the following key areas should be covered:

- Obstacles to and incentives for accessing justice, including legal aid, protection of privacy, victim support, costs, anticipated versus actual obstacles;
- Quality of the procedures in accessing justice, including active participation by the complainant, transparency, adaptability to needs of complainant (children, disability, non-official languages), competency/resources of intermediaries and representatives of the Equality Body or similar entity;
- The quality of the outcome of the complaint, including predictability, fairness;
- Effectiveness of the process, including investigation and powers of implementation;
- The complainants' rights awareness, including awareness of relevant and available channels for accessing justice;
- The perceptions of intermediaries and representatives of Equality Bodies concerning the process, including obstacles to and incentives for, accessing justice

In addition to the areas listed above, the contractors must propose **one** additional and complementary subject, closely related to access to justice and non-discrimination, that could be covered in the research project. The subject should be selected based on a set of well-founded criteria, including fundamental rights relevance, potential for policy making at the European level and lack of or limited available research.

The literature reviews (8 selected EU Member States, other relevant EU Member States, European Union and international level) have to be based on a template to be agreed with the contracting authority during the first inception meeting.

**The contractor shall conduct fieldwork in eight Member States.** This fieldwork will consist of face-to-face, semi-structured interviews based on predetermined questionnaires with complainants, intermediaries, and representatives of Equality Bodies. Interviews with similar entities will also be carried out should the Equality Body not be mandated to process complaints, or if the number of interviews obtained through Equality Bodies is too few – for example, a minimum of 30 interviews with complainants in each Member State, a minimum of 12 interviews with intermediaries in each Member State, and a minimum of 4 interviews with Equality Body staff in each Member State.

For this purpose, the contractor shall develop three separate questionnaires for complainants, intermediaries, and representatives of Equality Bodies or similar entities, respectively, in consultation with the Agency.

The study will gather information, using the above qualitative methodology (which is to be outlined and developed fully in the technical offer by tenderers), on the process of access to justice as perceived by complainants. Interviews with intermediaries and representatives of Equality Bodies (or similar entities) will provide a balanced picture of some of the challenges for accessing justice, which will help to contextualise the results of interviews with complainants.

The contractor is responsible for identifying and securing interviews with complainants via contacts with Equality Bodies. The Equality Bodies should also be the contractor's first point of reference in order to identify intermediaries (for instance, Equality Bodies knowledge about whom the most common intermediaries are). Interviews will also be carried out with the assistance of other entities should the Equality Body not be mandated to process complaints, or if the number of interviews obtained through Equality Bodies is too few.

The FRA will endeavour to facilitate initial contacts with Equality Bodies in Member States.

The final report, based on the outcome of the interviews, will contain policy relevant conclusions and advice on access to justice, in general, and specifically in relation to discrimination cases.

### 3.3. Target groups

Three main target groups will be the focus in this study:

- Complainants
- Intermediaries
- Representatives of Equality Bodies and other similar entities

#### Complainants in discrimination cases

Since the project aims to examine the situation of complainants who perceive they have been discriminated against, the focus will be on persons who have approached Equality Bodies and similar entities in accessing justice.

In choosing the interviewees for the study, there should be a good mix of complainants according to gender, age, different educational and economic backgrounds, and ethnicity (for example). The selection of complainants should also seek to cover all grounds of discrimination, if possible, with an equal distribution of cases across the different grounds.<sup>7</sup> Diversifying complainants will allow the research to explore possible differences and similarities in access to justice within and between groups.

The tenderer shall target complainants for their views on, for example: obstacles to and incentives for making a complaint; the strengths and weaknesses of processes before the Equality Bodies and similar entities; their expectations and level of satisfaction with the outcome; and respondents' knowledge concerning the role of Equality Bodies and similar entities, as well as that of intermediaries, when dealing with their complaint or case. The research will also explore respondents' awareness of their rights.

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<sup>7</sup> The Treaty on the Functioning of the European Union (TFEU) article 19: "sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" and the Charter of Fundamental Rights of the European Union article 21: "sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation".

## Intermediaries between complainants and equality bodies (or similar entities)

While the prime focus of the research is on complainants, the tenderer should also carry out interviews with the following potential intermediaries who serve as links between the complainant and Equality Bodies (or similar entities such as NHRIs):

- Lawyers
- Representatives of NGOs (victim support organisations, etc)
- Other professionals, such as civil servants

These intermediaries are particularly important given their potential impact on the decisions of victims to actually report discrimination; which forms a key stage in the process of accessing justice. Interviews should aim at, for instance, capturing the views of these three different broad groups with respect to, for example: obstacles and incentives for victims to actually complain; the strengths and weaknesses of processes before the Equality Bodies or similar entities; the expectations and level of satisfaction of the complainants; the knowledge and role of intermediaries concerning victim referrals and information.

## Representatives of Equality Bodies

The contractor shall seek the views of representatives of Equality Bodies (or similar entities if the Equality Body is not mandated to process complaints, or if the number of interviews obtained with representatives of an Equality Body is too few). For example – Interviews should explore a number of issues from the perspective of representatives of the Equality Body; such as: the obstacles and incentives for victims to actually complain; the strengths and weaknesses of processes before the Equality Bodies and similar entities; the expectations and level of satisfaction of the complainants; and the knowledge and role of representatives of Equality Bodies with respect to their responsibilities towards complainants and the Equality Body.

## Expected results

The project will last 12 months and will consist of the following activities:

1. Literature review covering each of the 8 EU Member State, as well as other relevant EU Member States and at European Union and international level;
2. The development of questionnaires for key groups of stakeholders in eight EU Member States;
3. Preparatory work necessary to enable the successful and timely implementation of fieldwork in the eight EU Member States;
4. Fieldwork and documentation of this work in eight (8) selected EU Member States;
5. Organisation of peer review meetings in which preliminary results will be discussed;
6. Drafting and delivery of a final report.

## 4. Specific activities

The six activities are elaborated upon below.

Activities 1-3 must run in parallel to ensure the smooth operation of the project within the given timeframe. Access to interviewees (complainants, intermediaries, and representatives of Equality Bodies and similar entities) must be secured at the earliest stage possible in order to ensure the overall success of the research.

Activity 1: Literature review → Linked to: Deliverable 4

Objective: The literature review will set the scene and provide an overview of existing information and data regarding complainants. The review will also depict the state of play regarding the different bodies and organisations tasked with providing access to justice in each of the Member States. This will include Equality Bodies as well as other entities and mechanisms.

Geographical coverage: 8 selected EU Member States as well as other relevant EU Member States and the EU/international level.

The following issues must be addressed in the literature review for each of the 8 Member States as well as for other relevant EU Member States and, where applicable, for the EU/international level. The review must be presented according to a template agreed upon with the FRA at the inception meeting.

- A brief introduction to the main legislative and policy measures taken by each Member State to implement the EU equality legislation, including the setting up, resourcing and functioning of Equality Bodies.
- Social research (summary) at national level from the year 2003 to date on the theme of access to justice – addressing, specifically, Equality Bodies and related entities. The literature review can also draw on sources that address access to justice in other areas where the results are relevant to the scope of this research; for example, in relation to revisions in the field of criminal law and access to justice. The literature review should include the results of available surveys, official data (government) and unofficial data (non-governmental) on complaints/reports of discrimination (for example), as well as qualitative research and relevant policy papers – see some possible sources, below.
- Specific findings should be sought from the research about different bodies that a complainant can turn to. Details should include which bodies are best known, which bodies receive the most complaints, and which bodies have been assessed as most effective in terms of delivery of a service (include information on absence of any assessment). The review should address the main differences/similarities between Equality Bodies and other similar entities (working in areas other than discrimination) regarding the service they are able to deliver.
- The review should find evidence concerning obstacles and good practices regarding access to justice – primarily related to the area of discrimination. The review should include an objective analysis of the procedures in place for accessing Equality Bodies and similar entities, with a view to identify obstacles as well as good practices. This analysis should be based on a simple checklist (including items such as accessibility in terms of language), which will be developed by the contractor and agreed with the Agency.
- A brief summary of developments regarding access to justice, primarily related to discrimination, at EU level and internationally (Council of Europe and UN developments). Significant developments at the national level outside the European Union should be included.

Possible Sources:

At national level: Existing research and knowledge in the field – in particular national primary data via surveys or other kinds of research on access to justice experience of remedy seekers. Official, semi-official and unofficial data and information, academic research, reports (including shadow reports) by NGOs, Equality Bodies, and in particular by ministries of justice in Member States, as well as National Human Rights Institutions and Ombudsmen institutions. Other relevant surveys may also be included.

At EU and international level: Any relevant data provided by EU, Council of Europe or United Nations reports, studies or other papers as well as Eurobarometer surveys and specialised surveys on discrimination.

The material included should cover that published or made available from 2003 until the time of the research. The contractor will also have the opportunity to propose to the FRA other material that is relevant. An assessment of information and data availability, reliability and quality must be included with respect to the situation in each Member State.

Activity 2: Questionnaires → Linked to: Deliverable 2
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Objective: Three questionnaires will be designed by the contractor in consultation with the FRA. These questionnaires should be designed to capture the views of main actors involved in the process of a complaint: the actual complainant, the intermediaries, and representatives of Equality Bodies or similar entities. The questionnaires should generally be designed to explore the views of these three groups of actors concerning obstacles and incentives to getting access to justice.

Three semi-structured questionnaires shall be developed, one for each of the different groups of actors. Given that these questionnaires will be used in eight different Member States, tenderers must explain in their Technical Offer how they will translate the questionnaire into the relevant EU languages to ensure accuracy and consistency of meaning.

Geographical coverage: Eight EU Member States

Target: Three different groups of actors – (1) complainants, (2) intermediaries, and (3) representatives of Equality Bodies and similar entities.

The three questionnaires will aim to identify in particular, the following:

- Obstacles to and incentives for accessing justice, including: legal aid, protection of privacy, victim support, costs, anticipated versus actual obstacles;
- Quality of the procedures in accessing justice, including: active participation by the complainant, transparency, adaptability to needs of complainant (such as children, persons with disabilities, non-official languages), competency of intermediaries and representatives of the Equality Body or similar entity;
- Effectiveness of the process, including investigation and powers of implementation;
- Perceptions of the process; including obstacles to and incentives for complainants to access justice – looking at the role of intermediaries (such as lawyers and representatives of NGOs), and representatives of Equality Bodies or similar entities;

Specifically, for each of the three questionnaires, the following should be included:

### Questionnaire 1: Complainants

- Specifics about the complainant with due regard to data protection detailed below;
- The complainants' rights awareness;
- The benefits of intermediaries;
- The complainants' perception of the quality of the service and information they received from different actors;
- The complainants' perception of the quality of the outcome of their complaint, including predictability, fairness, etc.

### Questionnaire 2: Intermediaries

- The role of intermediaries in facilitating access to justice;
- The nature of the services the intermediaries provide;
- Who, typically, takes the initiative to involve an intermediary (who are their 'clients');
- How do the intermediaries perceive the complainants' rights awareness, expectations, satisfaction with the service they receive and the overall process;
- How do Equality Bodies mandated to process complaints compare with other entities in accessing justice;
- Which alternative complaint mechanisms are available other than the Equality Body (in general and which specific ones related to discrimination).

### Questionnaire 3: Equality Bodies

- How do the representatives of Equality Bodies and similar entities perceive the complainants' rights awareness, expectations, satisfaction with service they receive and the overall process;
- Which are the most common intermediaries;
- To what extent are intermediaries helpful to the process and how;
- How many discrimination cases does the Equality Body or similar entities (if the Equality body is not mandated to process complaints) receive per year and how does this number compare with the number of discrimination cases dealt with by the two main alternative mechanisms (if any) for accessing justice.

Activity 3: Preparation of fieldwork → Linked to: Activity 4
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Objective: to carry out the preparatory work necessary to enable the successful and timely implementation of the fieldwork.

Geographical coverage: Eight (8) Member States.

The following eight Member States will be included in the research:

- |            |                   |
|------------|-------------------|
| 1. Austria | 3. Bulgaria       |
| 2. Belgium | 4. Czech Republic |

5. Finland

7. Italy

6. France

8. United Kingdom

If the equality bodies in the listed Member States are not mandated to process complaints or do not receive (a sufficient number of) cases, an additional body in that Member State will be used for purposes of the research.

Ethical and practical considerations should be clearly outlined.

In order to secure access to the intended interviewees, please note the following:

1. The FRA will initially brief the Equality Bodies about the study; however, it is up to the contractor to contact these bodies and similar entities directly for the purposes of the research.

3. As for complainants, it is foreseen that the contractor will access them via referrals from Equality Bodies.

4. As for intermediaries, the contractor should endeavour to access them via Equality Bodies, and alternative avenues can also be used where referrals from Equality Bodies are limited.

5. As for other similar entities to Equality Bodies, the contractor will access them via referrals from Equality Bodies.

Activity 4: Qualitative fieldwork research → Linked to: Activity 3, and Deliverables 5–9

This activity has three components (A–C).

#### A. Qualitative research – complainants

Objective: To explore in-depth the experiences of complainants to Equality Bodies or similar entities. Semi structured interviews shall be carried out with complainants.

Geographical coverage: The fieldwork should be conducted in the eight EU Member States – see under Activity 3, above.

Target group: **Minimum 30 complainants per Member State**, as referred by Equality Bodies.

The contractor should disaggregate the data and information collected, for example, by gender, age and educational background to identify how various groups variously experience the process of access to justice – due consideration should be given in the research to the potential impact of multiple discrimination on complainants' experiences of discrimination and how they experience access to justice (for example, the interplay between being female and from an ethnic minority background).

#### B. Qualitative research – intermediaries

Objective: To explore in-depth the role of intermediaries in the process of access to justice.

Geographical coverage: The fieldwork should be conducted in the eight EU Member States – see under Activity 3, above.

Target group: **At least four intermediaries from each of three proposed groups of actors should be interviewed in each of the Member States (minimum total of 12 in each Member State)**; the three proposed groups are: (i) lawyers; (ii) representatives of NGOs; (iii) other professionals. These intermediaries have been selected on the assumption, at this stage in the research, that they are those most often called upon as intermediaries by complainants who go on to access justice through Equality Bodies or similar entities.

C. Qualitative research – representatives of Equality Bodies or similar entities.

Objective: To explore the experiences of representatives of Equality Bodies or similar entities regarding complainants seeking to access justice.

Geographical coverage: The fieldwork should be conducted in the eight EU Member States– see under Activity 3, above.

Target group: Equality Bodies and similar entities; **4-6 representatives** (with an equal distribution between bodies if more than one), such as members of staff, including senior staff and case handling staff.

Activity 5: Peer review of results → Linked to: Deliverable 8

Objective: To receive feedback from different stakeholders concerning the preliminary findings emerging from the qualitative fieldwork with a view to providing research recommendations that can be used by stakeholders.

Geographical coverage: The eight countries where fieldwork was conducted.

Activity 6: Analysing and presenting information and data → Linked to: Deliverables 6–10

Objective: To analyse the information and data collected through the fieldwork, and to present the results in a comparative and other thematic reports, as described below in section 5: Deliverables.

In particular, tenderers should bear in mind that the research requires rigorous scientific methodologies and analysis, which will lead to results that can feed into the development of practical outputs that are useful to policy makers. Thus the research, taking into account the complexity of the EU in terms of its diverse national contexts, should adopt a sociological approach that sufficiently can lead to findings with high policy relevance.

## 5. Deliverables

All deliverables must be submitted in English. All reports must be written in a clear, unambiguous and straightforward way, providing information and analysis that can be readily understood by non-academics. Style and presentation must be free of jargon. All reports should be balanced, written in neutral language and contain no unsubstantiated statements.

Final versions of all deliverables must be copy-edited by the contractor. The documents must be delivered in an appropriate layout and they should contain visual elements (for example tables and graphs) to enhance readability.

The size of each deliverable is defined in terms of A4 pages applying Times New Roman font 11pt, single spaced. Deliverables must be submitted in PC-compatible MS-Word electronic files.

The Contractor must provide the Agency with the deliverables, as set out below in strict compliance with the deadlines listed for each deliverable

### Deliverable 1: Inception report

Within two weeks from the contract signature the FRA will convene an inception meeting in Vienna with the contractor to discuss the Technical Specifications and the contractor's offer. Based on the agreement during this meeting, the contractor will draw up an inception report which is to be submitted to the Agency. The inception report will detail the planning and timeline for all activities of the project, along with a tentative outline of the practicalities related to the fieldwork. Size: 10-20 pages

Language: English

Deadline: The inception report is to be submitted to the Agency within two weeks after the inception meeting.

### Deliverable 2: Three questionnaires → Linked to: Activity 2

Three semi-structured questionnaires will be drafted, one for each of the following groups: (1) complainants; (2) intermediaries; and (3) representatives of Equality Bodies and similar entities.

Context: In relation to Activity 2 above: Draft questionnaires to be submitted to the FRA for consultation and agreement re their content before being used in the field.

Size: Note: It is expected that interviews with different actors should last on average one hour.

Language: English

Deadline: Draft questionnaires to be submitted to the FRA one month after the inception meeting.

### Deliverable 3: Weekly email reports

The contractor will submit weekly email reports concerning the progress of all stages of the research. This reporting mechanism will be used as an early warning system to identify any problems or potential problems in the progress of the research.

Size: maximum 1 page

Language: English

Deadline: weekly, starting the week following the inception meeting.

Deliverable 4: Background information report → Linked to: Activity 1

This report shall be based on the literature review as mentioned in Activity 1. The background information report should consist of one report containing sections on the 8 selected EU Member States as well as on those other relevant EU Member States, and an additional section dealing with the EU and the international level. The report should be self standing, for separate publication by the Agency, and should offer the reader solid background information on the policy, legal, and research framework regarding access to justice as described in Activity 1; focusing on national debates on access justice through Equality Bodies and similar entities. The report must be presented according to a template agreed upon with the FRA at the inception meeting.

Size: 35-40 pages

Language: English

Deadline: 5 months from signature of contract.

Deliverable 5: Interim report → Linked to: Activity 4

The contractor will submit an interim report on the development of the project, with special emphasis on the fieldwork progress.

Size: 15 pages

Language: English

Deadline: 7 months from signature of contract.

Deliverable 6: Eight country fiches → Linked to: Activity 4

Each fiche should give an accessible overview of the situation concerning access to justice in each of the Member States where the fieldwork was carried out. The fiches should summarise key findings, situate these findings comparatively with the overall results of the situation in the eight Member States, and highlight the key findings.

Size: each fiche should consist of maximum 2 pages

Language: English

Deadline: 10 months from signature of contract.

Deliverable 7: Draft final report → Linked to: Activity 4

This should be a policy relevant comparative draft final report highlighting obstacles and enabling factors for accessing justice for persons who have been discriminated against and pursue their complaint through an Equality Body and/or similar entity. The report shall be based on the findings from the activities undertaken in phases I and II of the study.

Size: 100 pages

Language: English

Deadline: 11 months from signature of contract.

**Deliverable 8: Peer review meeting reports → Linked to: Activity 4**

Two peer review meetings shall be organised by the contractor with a selection of at least two representatives from each of the eight Member States where the fieldwork was conducted participating in either of the two meetings. A joint report covering both meetings will be drawn up by the contractor.

Size: 30 pages.

Language: English

Deadline: 11 months after signature of contract.

**Deliverable 9: Final report → Linked to: Activity 4**

This should be a policy relevant comparative final report highlighting obstacles and enabling factors for accessing justice for persons who have been discriminated against and pursue their complaint through an Equality Body or similar entity. The report shall be based on the findings from the activities undertaken in phases I and II of the study.

The report should also include identified good practices and pertinent quotations from interviewees.

The report shall have an executive summary of a maximum of three pages.

The report shall also be delivered in French and German language versions.

Revisions made by the FRA to the English language version will have to be made by the contractor to the French and German language versions.

Size: 100 pages, plus possible annexes

Language: English – and translation into French and German.

Deadline: 12 months from signature of contract.

**Deliverable 10: Communications Material → Linked to: Activity 4**

To assist the FRA in its communication work related to this project, the contractor is requested to provide at least five (5) photos from each of the eight countries where the fieldwork was conducted. The photos should be illustrative of the issues covered by this research. Each photo should have an assured copyright. In addition, to the extent possible, a list of individuals who are willing to tell their story to the media or participate in related FRA events should be compiled by the contractor (individuals' consent must be confirmed in these cases).

The contractor is also requested to submit an annex with meaningful quotes from the fieldwork (fully referenced and contextualised), which have not been used in the main deliverables.

Deadline: 12 months after signature of contract.

## 6. Project management

### 6.1. Responsibility

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

- In order to access the required information it is expected that the contractor will involve local experts at national level.
- The organisation and coordination of local experts is the responsibility of the contractor.
- All costs for such local experts are to be borne in full by the contractor.

### 6.2. Management structure

The Technical Offer must indicate how the tenderer intends to organise the project team, which must include one Project Manager, one Senior Expert and other Experts, as detailed in Section 8 (Personnel Requirements). The Project Manager is in charge of coordination and administrative tasks, as well as for contacting and informing the Agency about all aspects relating to the execution of the contract. The Senior Expert is responsible for the coordination of the research and the scientific quality of all final deliverables.

The tenderer must supply English versions of Curricula Vitae in Europass format (<http://europass.cedefop.europa.eu/europass/home/vernav/Europass+Documents/Europass+CV.csp>) for the members of the proposed project team outlining a list of their publications, as required in Section 8 (Personnel Requirements). Any changes in the composition of the team shall be notified to the Agency in writing. The Agency is not required to agree to the proposed changes. The agreement of the Agency needs to be in writing following a review of the Curriculum Vitae of the proposed replacements, which must comply with the requirements of the present Technical Specifications.

## 7. Logistics

Communication between the tenderer and the Agency shall be possible by phone during the Agency's working days and hours and through fax, electronic, and surface mail. Any written communication sent by the Agency shall be answered within two (2) working days after receipt.

During the course of the contract period, in addition to the inception meeting, at least two more meetings are envisaged between the contractor and representatives of the FRA. At the inception meeting representatives of the FRA will discuss the project objectives in detail with the contractor, and, in particular, the research methodology and the project timeline as defined in the technical proposal submitted by the contractor at the stage of the tendering process.

At the following meeting representatives of the FRA and the contractor will discuss the interim report. In a final meeting at the end of the contract period, the contractor will be asked to present and discuss the final report to representatives of the FRA. These meetings will serve as platforms for the exchange of information and project development in the context of quality control, and will

supplement information communicated through the weekly updates. All meetings will take place in Vienna at the Agency's headquarters.

In addition to these meetings, the Agency may at its own cost send a representative to the contractor's headquarters for any additional ad hoc meeting(s) that may be required. Agency staff may also attend qualitative interviews during the fieldwork stage as an observer.

## 8. Personnel requirements

Tenderers should pay attention to the need to ensure that the project team fulfils the requirements listed below in terms of qualifications and experience. The tenderer must identify in the Technical Offer the experts that will be responsible for the different activities of the project and how their work will be organised.

### 8.1. Project manager

Qualifications and professional experience

- University degree
- Proven experience in research management, as manager or coordinator of at least three (3) major international research projects
- Excellent knowledge of English (Level C1 based on Europass CV model)

### 8.2. Senior expert

Qualifications and professional experience

- University degree in social sciences, socio-legal, or legal studies
- Proven experience in supervising international research projects of at least three (3) major international research projects
- Proven experience in the area of social science-based research on access to justice and equality issues, including fieldwork of at least two (2) research projects.
- At least three (3) publications in the fields mentioned above; this can include articles in peer reviewed journals, book chapters, books, or authorship of reports for research projects. Short examples (e.g. a book chapter) of such publications should be submitted in printed or electronic form with the technical offer (please note that these cannot be returned).
- Excellent knowledge of English (Level C1 based on Europass CV model)

### 8.3. Research experts

Qualifications and professional experience

- University degree;
- Proven experience in implementing at least three (3) international research projects;

- Excellent knowledge of English (Level C1 based on Europass CV model).

## 9. Project implementation monitoring

The Agency will monitor the project in technical and administrative terms. The contractor should report immediately to the Agency in writing any problems they encounter during the implementation of the contract.

Weekly progress reports will be delivered as brief e-mails to the Agency's project manager, and should document overall research progress. This should be supported by additional e-mail and telephone contact, whenever necessary. The weekly progress reports are intended to act as an 'early warning system' for any difficulties encountered, in an effort to pre-empt and counter any challenges.

The successful tenderer should expect that the European Court of Auditors and the European Anti-Fraud Office (OLAF) could seek access to all documentation relating to the project and, therefore, must keep copies of all relevant and related documents.

Agency staff may during the duration of the research visit the contractor's offices and/or the sites where research is carried out to assess the quality of the work.