D2.1 Research ethics guidelines for project I – Summary

The deliverable provides a preliminary research ethics direction for the project, which will contribute to the successful implementation of BODEGA as a Responsible Research and Innovation (RRI) project. This is in compliance with Task 2.4 - "Research ethics" and specifically Sub-task 2.4.1 – "Determination of research ethics issues for project". The text promotes a better understanding for the partners of their tasks and roles in integrating a Responsible Research and Innovation framework in the development of novel socio-technical solutions for border control. It outlines some recent changes within the European framework programs in view of their normative framing, procedural features, the place of ethics and the evolution of the notion of research ethics. As a result of that effort, the text proposes a revised understanding of research ethics for BODEGA, which goes beyond considerations for research conduct alone and extends the research ethics commitment of the partners to the broader socio-ethical context by adopting a Responsible Research and Innovation (RRI) approach.

The first part of the text (chapter 2) makes a short overview of the process of codification of research ethics standards, their evolution along human rights discourse and concerns on the direction of scientific progress, and the implication for the integration of ethics in the last four European Framework Programmes. It focuses on the importance of the Nuremberg code (1947) as a fundamental document for revising research conduct in view of the relation between the researchers and the subjects of their research. That chapter also pays attention to the discursive imprint those developments have in the texts establishing the EU framework programmes. As a result, two main features of standard research ethics are identified: legal compliance approach and preoccupation with ethical considerations originated from biomedical research.

The second part of the deliverable (chapter 3) focuses more on the procedural features of integrating ethics in EU-funded research. The evolution of the Ethics review process from the Fifth Framework Programme to Horizon 2020 reflects some very important tendencies. First, there is a certain progress in considering the place of ethics scrutiny in the overall organization of the EU-funded RTD activities. From a peripheral concern in the evaluation of projects it has turned into one of the basic criteria for appreciating the merits of the project proposals. Second, the Ethics Review process has evolved from an occasional procedure concerning problematic research in the life sciences into a compulsory case-to-case assessment of proposals in all research domains. Third, it inserted mechanisms for temporal re-adjustment of the ethics assessment. In an attempt to avoid post-factum ethical regulation of problematic research and innovation, the European Commission encouraged the integration of ethics on different stages – during the conceptual stage (to be implied in the design of the project), the application phase when ethics self-assessment helps proposals to become "ethics ready", as well as during the implementation of the project to its end (through the Ethics Checks and Audits). The goal is to give opportunity to address ethical issues as they emerge in all phases of the project. Fourth, there is a tendency not only towards inter-disciplinarity (in the composition of the review panels) but also towards trans-disciplinarity (e.g. the possibility to invite civil society representatives in the work of Ethics Boards) in addressing ethical issues. Fifth, the introduction of the ethical self-assessment requirement within the research proposals is a

step away from the stringent reliance on external expertise and the usual top-down approaches (providing ready-made solution by "specialists" on ethics) of integrating ethical reflexivity in research projects. It signifies a more horizontal approach to the consideration of ethics – involvement of the researchers in the identifying and addressing the problems their research might raise. Last but not least, compliance with ethical principles in research turned into a legal obligation. These ethical principles do not reflect only research integrity considerations (e.g. fabrication, falsification or plagiarism, including misrepresenting credentials and authorship improprieties) but refer to the normative horizon set in the Charter of Fundamental Rights of the EU and the European Convention on Human Rights (e.g. human rights and protection of human beings, animal protection and welfare, data protection and privacy, environmental protection, malevolent use of research results).

The process of procedural integrating of ethics has its achievements as well as some limitations. Adhering to the Nuremberg code legacy, shaping research ethics requirements along the evolution of the human rights discourse and establishing the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights as normative horizons for research activities, thus turning ethical consideration into a legal obligation, is a mark of progress. Nevertheless, it is still hard to consider ethics in research beyond the compliance with research conduct standards and reinterpret the responsibilities of the researchers with regard to the broader socio-ethical context. The reason is that the institutional arrangements of integrating ethics in EU-funded research the way they are today advances a particular view on ethics which results in ensuring social acceptance by making sure that the proposed research is compliant with existing international, EU and national law and the EU-values horizon set in the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights. This, however, does not touch on the pressing issue of the acceptability of the prospective research and leaves the ethics consideration on the level of the first-order reflexivity. In addition to that, the institutional (European Commission's) interpretation on Responsible Research and Innovation (RRI) leaves little room for creating the conditions for second-order reflexivity which could address exactly that thorny question (clarification on the first and second-order reflexivity is pro-vided on p.39).

Following that, chapter 4 of the text attempts to conceptualize ethics in research beyond the notion of research ethics as concerned with the honesty and benevolence of the researcher and the protection of the research subjects' rights. It explores some theoretical developments in the field of RRI in comparison with the understanding for RRI, advanced by the European Commission, with the aim of opening room for considering the status and relevance of ethics in research beyond the required compliance with applicable international, EU and national legislation.

Chapter 5 aims at providing some concrete guidelines for the partners in the project on three levels. First, on the level of the required by the European Commission compliance with fundamental ethical principles, the text points to the relevant legal normative reference in view of problems concerning the autonomy and wellbeing of the research subjects, privacy and data protection, anonymity and confidentiality (e.g. The Charter of Fundamental Rights of the EU, Data Protection Directive 95/46/EC). On the level of the standards for research integrity (e.g. avoiding fabrication, falsification, plagiarism), the partners are referred to the provisions of

the European Code of Conduct for Researchers. On the level of expanding the notion of research ethics in BODEGA by adopting a RRI framework, the text concentrates on some necessary conditions for integrating ethical reflexivity in the project. Among them are readiness to consider the place of ethics in research in another way – beyond the usual research conduct requirements; readiness to challenge the reflex of most researchers to identify ethics compliance with legal compliance (not every legal normative sanction is ethically acceptable) and a predefined and restricted set of "problematic" issues (the way they are put in the Ethics table for self-assessment and the EC's ethical screening reports – research on humans, data protections and privacy, dual use, etc.); openness for initiating second-order reflexivity and a collective conversation between the partners and with end-users on the meaning and the acceptability of certain border control solutions (going beyond the question of acceptance); the legal, societal and ethical levels of consideration to be iteratively integrated in the interaction between the partners in crucial for the project moments (e.g. in the preparation of milestones); co-operation, co-ordination and co-construction in all research activities while avoiding single partner's (or WP's) isolation by "disciplinary closure" and neglect for the efforts for interdisciplinary conversation. This concerns not only the adjusting of the vocabulary of the different realms of knowledge but is also valid for identifying the legal, societal and ethical problems that emerge in the course of the research.

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Month of delivery: October 2015