

2. Evaluation results

2.1. Evaluation Question no. 1

EQ 1.1 Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?

EQ 1.2 Which is the national legal framework relevant for the equal opportunities?

EQ 1.3 Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?

2.1.1. EQ 1.1: Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?

The principle of equality stated in the European Treaties permeates the European legal framework as well as policy making and programming, its fundamental axes being non-discrimination and equal opportunities.

Indeed, non-discrimination and equal opportunities do not refer exactly to the same concept, although they both contribute to and are facets of equality: it could be said, in a simplified way, that the first calls for an anti-discrimination legislation, the second for pro-active policies such as to reduce starting point inequalities (access) and participation of specific groups of people with respect to given aspects of life.

Given the complexity of the topic, before focusing on its declination in Structural Instruments, it may be useful to recall the main aspects of the general picture.

Non-Discrimination

Discrimination may be defined as different treatment of individuals or groups based on arbitrary ascriptive or acquired criteria such as sex, race, religion, age, marital or parental status, disability, sexual orientation, political opinions, socio-economic background (...).²

To fight discrimination it is possible to adopt preventive measures (all differences in treatment will be considered illegal) and when discrimination is more indirect and hidden, some countries have adopted measures of positive discrimination, which is also known as affirmative action. In some situations positive discrimination means deliberately favouring a certain group or groups who have experienced historic and pervasive discrimination (e.g. giving preference to candidates from groups who seldom attend university, or establishing quotas from minorities, such as women or rural people, for certain public offices).

The intended result is to compensate for hidden discriminations as well as to ensure a more balanced social representation. In other situations, positive discrimination means creating the conditions for people with difficulties (e.g. physical disabilities) to enjoy the same rights and opportunities.

It is possible to identify a mainstreaming approach referred to public policies: this indicates that the 'non discrimination' aspects have to be taken into consideration in all the policy cycle, first of all based on the analysis of the situation of discriminated groups.

Finally the non-discrimination principle requires the equal treatment of an individual or group irrespective of their particular characteristics, and is used to assess apparently neutral criteria that may produce effects which systematically disadvantage persons possessing those characteristics.

² European Foundation for Improvement of living and working conditions.

“Non-Discrimination” in the EU legal framework

The principle of 'non discrimination' in the EU context is based on the Article 14 of the EU Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome in November 1950, stating that "the enjoyment of the rights and freedoms recognized in this Convention shall be secured without discrimination, in particular that one based on sex, race, colour, religion, political opinions or other opinion, national or social origin, association with a national minority, wealth, birth or other status".

In the 90's different interest groups at European level exerted considerable pressure in order to assure that the prohibition of discrimination laid down by Union law was extended to other areas, such as race and ethnicity, sexual orientation, religious beliefs, age and disability. In particular, the Treaty of Amsterdam expands the scope of the principle of non-discrimination (article 13) with the possibility for the Council to take appropriate measures to battle against discrimination based on sex, racial or ethnic origin, religion or belief, age or sexual orientation.

The Charter of fundamental Rights of the EU, as enacted by the Treaty of Lisbon in 2009, includes in Article 21(1) a general prohibition of 'any discrimination based on any ground, such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation'.

In 2000 two Directives were adopted: the Directive on equal treatment in employment, which prohibits any discrimination based on religion, disability, age and sexual orientation in employment, and the Directive on racial equality, which prohibits discrimination based on race or ethnic origin at the workplace and in the access to protection and social security as well as to goods and services. This represents a significant extension of the scope of the right of non-discrimination within the Union, since it was recognized that, in order to allow individuals to achieve their full potential in the labour market, it is essential to ensure their equal access also in services such as health care, education and housing³.

Within the general framework sketched above, regulations have been approved, concerning specific cases; among the most relevant examples are Roma minority and people with disabilities.

Roma Minorities:

Special attention has been given by Europe to non-discrimination towards Roma minorities as well as to their social integration. The Communication of 21 May 2012 on "National Roma Integration Strategies: a first step in the implementation of the EU Framework" declines the objectives of the EU and presents the level of their attainment by the Member States concerning Roma people.

- ▶ Other recent and relevant documents are the following:
- ▶ Communication of 5 April 2011 on a EU Framework for National Roma Integration Strategies up to 2020
- ▶ Commission Communication of 7 April 2010 on the social and economic integration of the Roma in Europe
- ▶ Parliament resolution of 25 March 2010 on the second European Roma summit
- ▶ Parliament resolution of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU

Accessibility and non discrimination of people with disabilities: the EU and its Member States have a strong mandate to improve the social and economic situation of people with disabilities:

- ▶ Article 1 of the Charter of Fundamental Rights of the EU (the Charter) states that 'Human dignity is inviolable. It must be respected and protected.' Article 26 states that 'the EU recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.' In addition, Article 21 prohibits any discrimination on the basis of disability.
- ▶ The Treaty on the Functioning of the EU (TFEU) requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19).
- ▶ The United Nations Convention on the Rights of Persons with Disabilities (the UN Convention), the first legally-binding international human rights instrument to which the EU and its Member States are parties, will soon apply throughout the EU. The UN Convention requires States Parties to protect and safeguard all human rights and fundamental freedoms of persons with disabilities.
- ▶ According to the UN Convention, people with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

³ A very clear and useful summary of the width and complexity of non-discrimination principle and of its legal consequences is presented in the recent "Handbook on European non-discrimination law" published by the European Union Agency for Fundamental

Non-discrimination in Structural funds

The principle of non-discrimination has been introduced as a horizontal principle in the General Regulation for the Structural Funds for the first time in the actual programming period 2007-2013. This means, adopting a mainstreaming approach at all levels of programming of Structural Funds.

Article 16 of the General Regulation emphasizes the prevention of discrimination during the various stages of implementation and in access to EU Funds, explicitly identifies disability as a ground for discrimination and puts emphasis on accessibility for disabled persons as a criterion for defining interventions supported by funds, also during the implementation. According to the Strategic guidelines on cohesion, accessibility is intended as 'technical' and particularly referring to two types of infrastructure: transport and information society⁴.

In essence article 16 undertakes a right based (or negative action) approach with regard to non discrimination, as the article requires the prevention rather than the promotion of the principle of non discrimination. Although preventing discrimination by improving the access to funds could imply such proactive efforts as targeted information, consultation, publicity and other⁵.

The need for positive actions intended to remedy the lack of effective equality in our society is increasingly recognized by the European Commission. With the 2009 Communication - by which the Commission has renewed its commitment on non-discrimination - Member States are encouraged to optimize possibilities for positive actions, particularly accessing education, employment, housing and health care.

Moreover, the Commission draws attention to the need to promote the use of innovative tools and best practices, and reiterates that "on the basis of the EQUAL Community initiative, the ESF for the period 2007-2013 focuses on ensuring greater social inclusion of people with disabilities and on combating discrimination. The PROGRESS programme complements the activity of the ESF in the fields of equality between men and women and combating discrimination. The new generation of programmes in the field of education, training and youth can make a valuable contribution to the promotion of non-discrimination and equal opportunities for all"⁶.

Equal opportunities

"Equal opportunities for all" is a key principle of EU policies: all 27 Member States provide laws against discrimination based on racial or ethnic origin, religion or belief, disability, age or sexual orientation or personal opinions. In particular, the Structural Funds have provided, in the course of time, a solid support to respect, application and implementation of this principle in different national contexts.

The 2007-2013 Programming, in line with previous cycles, not only confirms and reaffirms the importance of the principle of equal opportunities between men and women in planning, implementing and evaluating interventions, but it also broadens its scope and content to combating all forms of discrimination.

As mentioned before, Article 16 "Equality between men and women and non discrimination" of the General Regulation N. 1083/ 2006, applicable to the European Social Fund (ESF), the European Regional Development Fund (ERDF) and the Cohesion Fund (CF), provides that:

Article 16: "The Member States and the Commission shall ensure that equality between men and women and the integration of the gender perspective is promoted during the various stages of implementation of the Funds.

The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementation of the Funds and, in particular, in the access to them. In particular, accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation".

⁴ European Commission, "A study on the Translation of Article 16 of Regulation EC 1083/2006 for Cohesion policy programmes 2007-2013 co-financed by the ERDF and the Cohesion Fund", Inception report, 2009.

⁵ European Commission, "A study on the Translation of Article 16 of Regulation EC 1083/2006 for Cohesion policy programmes 2007-2013 co-financed by the ERDF and the Cohesion Fund", Final Report

⁶ A framework strategy for non-discrimination and equal opportunities for all,

http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/c10313_en.htm

As mentioned earlier in this section, equal opportunities principle means designing and implementing pro-active policies in order to reduce starting point inequalities (access) and participation of specific groups of people with respect to given aspects of life.

According to its mission, the ESF should support the policies of Member States which are closely in line with the guidelines and recommendations under the European Employment Strategy and the relevant objectives of the Community in relation to social inclusion, non-discrimination, promotion of equality, and education and training, in order to better contribute to the implementation of the objectives and targets agreed at the Lisbon European Council and at the Göteborg European Council⁷. Due to his specific objectives, the ESF is usually considered more 'sensitive' in gender-issues and more engaged in interventions making an impact in social cohesion and improving accessibility for disabled.

The ERDF, even if dedicated to financial interventions aimed at supporting enterprises (direct aids and services, particularly for SMEs) and various types of infrastructure investments, is nevertheless particularly effective in promoting the development of local economies; it tends to be dynamic, social inclusive and able to increase the value of "differences".

Indeed, through the ERDF it is possible to finance measures to support female entrepreneurship, actions for enhancement of care services and urban development interventions geared towards the creation of a territorial welfare oriented to the general improvement of life quality and in particular to the creation of work-life balance. In this framework, social and social care infrastructure interventions promote social inclusion, also supporting the reception of immigrants at risk of discrimination⁸.

Compared to the previous programming period (2000-2006), the current cycle has therefore opened, specifically with article 16 of the General Regulation, important possibilities in addressing priorities concerning "non discrimination" and accessibility for disabled persons along with gender equality.

Equal opportunity integrates also the new EU growth strategy Europe 2020, aimed at making the EU become a smart, sustainable and inclusive economy, setting five ambitious objectives - on employment, innovation, education, social inclusion and climate/energy - to be reached by 2020. Indeed, the target of 75% employment rate for women and men by 2020 should be achieved by getting more people into work, especially women, the young, older and low-skilled people and legal migrants and bringing at least 20 million people out of poverty and social exclusion. The success of the Europe 2020 Strategy will depend on an integrated and coherent approach between all relevant policy areas, in particular social, employment and economic policies, as well as close cooperation between all levels of government, social partners and civil society. Linking EU funds to Europe 2020 priorities and supporting social innovation will enhance effectiveness.

Indeed, also the proposal of Regulation for the Cohesion policy for the programming period 2014-2020 affirms the importance of equal opportunity and anti-discrimination and puts an emphasis on ESF Operational Programmes to demonstrate a clear community added value (CAV) and a clear link between ESF activities and the Europe 2020 agenda of smart, sustainable and inclusive growth. Specifically, financing will be subject to ex-ante conditionalities including "general ex-ante conditionalities" related to gender equality and non discrimination⁹.

As it has been seen, the European framework aims at contrasting discrimination based on sex, racial or ethnic origin, religion or belief, disability, age and sexual orientation. Among these, sex – better said gender – has a long standing tradition of policies and practices fostering equal opportunities, especially within European Funds and Initiatives and deserves some in depth analysis.

⁷ Regulation (EC) no 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund.

⁸ An example is the National Operational Programme "Safety for Development" 2007-2013 in Convergence Regions, Italy

⁹ Provisions are: The existence of a mechanism which ensures effective implementation and application of Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; The existence of a strategy for the promotion of gender equality and a mechanism which ensures its effective implementation; The existence of a mechanism which ensures effective implementation and application of the UN Convention on the rights of persons with disabilities.

Gender Equality

The use of the term “**gender**” was spread at international level only from the 1970s, even if it was already used in the debates related to feminist movements:

Gender is a socially constructed definition of women and men.

It is the social design of a biological sex, determined by the conception of tasks, functions and roles attributed to women and men in society and in public and private life. It is a cultural specific definition of femininity and masculinity and therefore varies in time and space. It is also an overarching variable in the sense that gender can also be applied to all other cross-cutting variables such as race, class, age, ethnic group, etc. In utilizing a gender approach the focus is not on individual women and men but on the system which determines gender roles/responsibilities, access to and control over resources, and decision-making potentials.

According to the definition of 'Gender' developed by the Council of Europe:

"Gender equality" means an equal level of empowerment, participation and visibility of both sexes in all spheres of public and private life. Gender equality is not to be thought of as the opposite of gender difference but rather of gender inequality. It aims to promote the full participation of women and men in society." (Council of Europe 1998)

Gender mainstreaming

During the 1980s a new approach to eliminate gender inequality was identified: the gender mainstreaming approach based on the promotion of gender perspective in an 'integrative' and 'holistic' manner.

"Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy- making" (Council of Europe 1998).

Gender mainstreaming cannot replace specific policies which aim to address situations resulting from gender inequality.

Specific gender equality policies and gender mainstreaming are dual and complementary strategies and must go hand in hand to reach the goal of gender equality.

According to the EU approach gender mainstreaming can only be developed when some prerequisites are fulfilled. The most important prerequisite, but often one of the most difficult to obtain, is the political will to implement this strategy. Furthermore, a gender equality policy must already be in place and gender-sensitive data and statistics must be available. Tools and instruments to put the strategy into practice have to be developed and the people involved have to be trained. Gender mainstreaming is not an isolated exercise, such as the adoption of specific measures to redress long lasting imbalances between women and men but, rather, an integral part of common policies and of the policy cycle, which addresses the structural character of gender inequality. The starting point for mainstreaming is a policy which already exists. The policy process is then reorganised so that the actors usually involved know how to incorporate a gender perspective in their current activities, and gender equality as a goal is reached.

Gender Mainstreaming is not a goal in itself but a strategy to achieve equality between women and men. It is also a process of change/transformation which implies that all actors involved in policy-making integrate gender equality concerns – meaning the systematic consideration of the differences between the conditions, situations and needs of women and men, of the relations existing between them, and of the impact of policies on the concrete situation of women or men – in the planning, implementation, monitoring and evaluation of all policies, programmes and activities so that both sexes can influence, participate in, and benefit equitably from all interventions.

The promotion of gender equality calls for the use of a dual approach, therefore gender mainstreaming needs to be complemented by specific policies and actions targeted to address specific gender gaps or challenges¹⁰. Further details concerning gender Equality in the EU legal framework and Cohesion Policy is recalled in Annex 1.

¹⁰ EIGE, "Towards Effective Gender Training Mainstreaming Gender into the Policies and the Programmes of the Institutions of European Union and EU Member States", 2011.

Equal Opportunities and disability

As provided by Art. 16 ensuring equal opportunities for persons with disabilities is a priority under the Programming period of Structural Funds 2007-2013 and in the EU policy context.

The Commission launched in 2010 the “European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe”¹¹ focused on eliminating barriers for people with disabilities. The Commission has identified eight main areas for action: Accessibility, Participation, Equality, Employment, Education and training, Social protection, Health, and External Action. For each area, key actions are identified.

Concerning Structural Funds, besides the above mentioned article 16, another important innovation is Article 34 of the general regulation — the so-called ‘flexibility clause’. This clause refers to ‘cross-financing’ possibilities between the ERDF and ESF-type activities (up to 10% of each priority axis).

In other words, this provides the possibility of financing infrastructure investments within ESF programmes (up to 10% of each priority axis), as long as they are necessary to the successful implementation of the operation concerned and are directly linked to it. Thus, flexibility could be used, for example, to ensure equal access for people with disabilities to ESF-funded activities (e.g. adjusting training). Flexibility could also be used within ERDF programmes, for example to support training courses addressed to the special needs of people with disabilities aimed at ensuring their equal participation in a project activity.

The ESF regulation emphasises that ESF actions need to take into consideration the relevant priorities and objectives of the Community to combat the social exclusion of disadvantaged groups, such as people with disabilities (Article 2.2 of the ESF regulation). In the ESF regulation, disability is addressed in three ways:

- ▶ making specific reference to people with disabilities as a target group: ‘promoting pathways to integration and re-entry into employment of disadvantaged people such as people with disabilities (...)’ (Article 3.1.c (i) of the ESF regulation);
- ▶ providing for ‘acceptance of diversity in the workplace and combating discrimination in accessing and progressing in the labour market’ (Article 3.1.c (ii) of the ESF regulation);
- ▶ requiring that annual and final implementation reports contain information ‘on action to strengthen integration in employment and social inclusion of other disadvantaged groups, including people with disabilities’ (Article 10.d f of the ESF regulation).

As for the ERDF, the inclusion of the principle of accessibility for people with disabilities in the general regulation is extremely important for the implementation of infrastructure projects such as transport, built environment and telecommunications (including broadband and applications), and to support the active participation of persons with disabilities in regional development.

The Cohesion Fund gives support to major projects in the fields of transport networks, environment and energy, to countries whose gross national income (GNI) per capita is under the EU’s 90% average GNI. It is important to ensure that the principle of accessibility is also included in the implementation of the projects co-financed by the Cohesion Fund.

In summary, achieving full accessibility is essential to reach the objectives of equal participation and social inclusion. Accessibility is an essential precondition for people with disabilities to be able to participate in society and it is one of the general principles of the UN Convention on the Rights of People with Disabilities (Articles 9 and 3).

Accessibility should be a characteristic of all those products and services that are offered to the public and are financed through Structural Funds. In particular, accessibility to the built environment, transport and information and communication technologies are a key to inclusion for people with disabilities. These various application domains are very much interrelated as ICT increasingly permeates all aspects of our lives. It is thus important, whenever an action is financed by the Structural Funds, to require accessibility to all venues, infrastructures, transport and technology and services to be bought, developed, maintained or renewed.

¹¹ COM(2010) 636 final

The public procurement directive¹² allows for the integration of social considerations and specifically states the use of ‘design for all’ and accessibility requirements whenever possible in the technical specifications in the contract documentation for public bids¹³. This will contribute to removing barriers to the participation of people with disabilities and facilitate their inclusion in society.

Various guidance materials are available and under development at the European and national levels¹⁴. Most national standardisation organisations have accessibility standards that are sometimes a transposition of European or other international standards. In Europe it is not allowed to maintain competing formal standards¹⁵. In the area of the Internet, the World Wide Web Consortium produces guidelines and test material to develop and assess compliance with accessibility¹⁶.

Accessibility legislation and regulations exist too in various Member States. An important point of reference regarding solutions for accessibility is the standardisation mandate to CEN, Cenelec and ETSI¹⁷ in support of European accessibility requirements for public procurement in the built environment. This will help develop a set of standards/technical specifications that define the functional requirements for the accessibility to the built environment and a range of minimum technical data needed to comply with those functional requirements.

Furthermore, Mandate 376¹⁸ addresses the same issue on accessible ICT products and services for disabled people. Requirements will be developed for terminals, telephones, computers, software, Internet pages and services so that public procurers will be able to specify their accessibility requirements in an easy manner by referencing the forthcoming standard. These forthcoming European standards have the potential to enlarge the economies of scale making the market for accessible solutions more attractive to industry and more economically advantageous.

Operational brief

As it appears from the above panorama, the issues at stake touch many a different concepts: equality, non-discrimination, equal opportunities, gender equality, accessibility, mainstreaming, with definitions not being strictly codified, sometimes overlapping and mixed up.

European Funds read the above from a further – complex – point of view, that of “inclusion” setting among the objectives of Structural Funds intervention the “strengthening of social inclusion” (art. 3 of the General Regulation 2007-2013) and with the perspective EU framework for 2014-2020, giving the following definition of equality mainstreaming and equal opportunities:

European Commission ‘The ESF and equality mainstreaming’ (2010):

Equality mainstreaming is about incorporating equality, non-discrimination and diversity into the legislation, policies, programmes and practices of public institutions.

Mainstreaming equality and ensuring equal opportunities for all - through European Structural Funds - concerns the inclusion in existing national and regional policies and programmes of opportunities for disadvantaged groups to access the labour market, to retain employment, to build vocational capacity through training and qualifications, to access public services and to improve their quality of life.

The goal is that these opportunities will be available equally for both disadvantaged and non-disadvantaged people.

12 Directive 2004/18/EC of 31 March 2004 of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, OJ L 134, 30.4.2004, p. 114.

13 Article 23(1) of Directive 2004/18/EC of 31 March 2004.

14 <http://ec.europa.eu/social/main.jsp?catId=331&langId=en>

15 For example in the area of ICT an inventory of existing standards can be found in the document ETSI DTR 102 612 V 0.0.50.

16 See <http://www.w3.org/WAI>

17 CEN (Comité européen de normalisation), Cenelec (Comité Européen de Normalisation Electrotechnique), ETSI (European Telecommunication Standardisation Institute).

18 http://ec.europa.eu/information_society/policy/accessibility/depoy/pubproc/eso-m376/index_en.htm

In this wording there appears the mention of disadvantaged groups. These groups are not necessarily the same as the potentially discriminated ones (as mentioned in the framework which was analyzed before), although they may totally or partially overlap, depending on the general and specific context: as an example, people with disabilities are disadvantaged with respect to the labour market, ethnic minorities are disadvantaged with respect to education, etc. Sometimes one finds reference to vulnerable groups which for the purpose of this evaluation will be treated as synonyms.

Assuming this approach means accepting a certain degree of flexibility and widening the analysis to specific situations which may be particularly relevant to Romania.

In the following, a proposal is made in order to identify the disadvantaged groups and the specific areas/topics where there may be a case for equal opportunities and non-discrimination. In presenting the relevant areas/topics for each group, it was decided to maintain a distinction between gender and other reasons of potential discrimination. For this purpose there follow three tables presenting:

Figure 3: Groups/areas/topics relevant for equal opportunities



The areas/topics relevant to **gender equality** have been identified stemming from the priorities set in the Strategy for Equality 2010-2015 and the Europe 2020 Strategy. Table 2 show cases the correlation between the identified areas/topics and the two strategies in terms of specific actions and possible targets. The main methodological reference for the identification of the correlations is the analysis conducted by the European Parliament on the potential gender impact of the new EU multiannual financial framework.

Table 3: Areas/topics relevant for gender equality¹⁹

Areas / Topics	EU 2020 Strategy	Strategy for Equality 2010-2015
Education and Training		
Gender gap in learning of basic skills	Agenda for new skills and jobs	Promote gender equality in education and training related initiatives particularly the initiatives to tackle early school leaving, to promote women adult learning and scientific career choices, reduce 'digital divide'
Participation of women in vocational education and training		
Participation of women in lifelong learning		
Gender gaps in graduate in S&T		
Gender gaps in tertiary education	At least 40% of 30-34 years old with third level education	
Economic independence		
Gender gap in employment participation	75% employment rate target for women and men	75% labour participation target for women and men
Gender pay gap		Priority area of the Strategy
Occupational segregation (both vertical /horizontal)	'New skills' for both genders	Encourage women to enter non-traditional professions and combat the 'glass ceiling'
Self employment and entrepreneurship	75% employment rate target for women and men	Key actions of the Strategy

¹⁹ Some topics may be common and, therefore, have more relevance and impact for specific areas. For example: the availability and accessibility of care services for children are important in order to promote the reconciliation work / life - and thus to encourage the participation of women in the economic life - as a key point for improving the quality of women's lives and the whole community's life in general.

Reconciliation work and family life (quality care for children, elderly and dependents, parental leave, etc)	Report on MS performance for children care	Report on MS performance on family care, assess the gaps in family-related leave, define further measures
Health, well being, environment		
Access to health and care services	Better access to health care/ promote e-health; Access to care and child care facilities	Report on MS performance on family care
Access by specific groups (migrant women, elderly women, minorities, etc.)	Poverty platform Reduce health inequalities	Facilitating migrant women's in health care
Specific health issues of women groups (elderly women, abused women, etc.)	Healthy and active ageing	Monitor gender issues in the field of health
Public transport	Promoting work/ life balance	Promoting work/life balance
Transport and social infrastructures in rural areas		
Social infrastructures and security in urban areas		
Women's double burden (reconciliation, unpaid work)		
'Green jobs'		Encourage women to enter in green and innovative sector

The list of **other groups subject to discrimination** presented in Table 3 and the main relevant areas/topics derive from the literature review and from the main initiatives financed through the European Structural Funds in favour of disadvantaged groups. Particular consideration was given to recent publications of the Commission on the contribution of the ESF to the implementation of initiatives to promote equal opportunities for all and for specific target groups (e.g. migrants, Roma people, disabled).

Some topics may be common and, therefore, have more relevance and impact for specific areas, e.g. the availability and accessibility of care services for children are important in order to promote the reconciliation work / life - and thus to encourage the participation of women in the economic life - as a key point for improving the quality of women's lives and the whole community's life in general.

Table 4: Discriminated groups other than gender and list of areas/topics

AREAS / TOPICS	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL ETHNIC ORIGIN
	YOUNG PEOPLE	AGED PEOPLE				
Education and Training						
Learning of basic skills					X	X
Participation in vocational education and training	X	X			X	X
Participation in lifelong learning		X			X	X
Reduce early school leaving	X				X	X
Adaptation and equipment to facilitate access		X			X	X
Modernising education	X				X	X
Encourage mobility	X				X	X
Attainment tertiary education level	X				X	X
Employment						
Enhance labour market participation		X	X		X	X
Productivity and quality of work		X			X	
Avoid discrimination in labour market (accessing and progressing)		X	X	X	X	X
Promote diversity management			X	X	X	X
Promote self employment and entrepreneurship	X	X	X	X	X	X
Adaptation and equipment to facilitate access		X			X	
Job creations in specific sector (social economy)		X			X	
Support to school –work transition	X					
Health, well being, social inclusion						
Access to health services and by specific groups		X	X	X	X	X
Specific health issues		X	X	X	X	
Access and supply of goods and services		X	X	X	X	X
Communication (in alternative ways)		X			X	X
Transport		X			X	

Active ageing		X				
Access to and use of ICT technology	X	X			X	X
Community level projects / urban development	X	X	X		X	X
Housing			X	X	X	X
Combat stereotypes and promote positive image		X	X	X	X	X
Access to social protection system	X	X			X	X
Participation in social life/ empowerment		X	X	X	X	X
Fundamental Rights						
Discrimination- based violence and human trafficking		X	X	X	X	X
Representation in decision making positions	X	X	X	X	X	X
Governance and Institutional Capacity						
Dedicated decision making structure	X	X			X	X
Monitoring and 'non discrimination' awareness	X	X	X	X	X	X

It should be specified that the list of potentially disadvantaged groups cannot be expected to be exhaustive, because the forms of discrimination and social exclusion can have different connotations in relation to the reference context and they may also cumulate and overlap, thus generating the so called phenomenon of “multiple discrimination”, which by definition is hardly classifiable. For this reason, table 4 contains a list of “vulnerable” groups, to be intended as sub-groups suffering a particularly severe condition:

Table 5: List of other disadvantaged groups / multiple discriminations

Vulnerable groups	Cause of discrimination and/or risk of social exclusion
Vulnerable groups of women	
Lone mothers Early mothers HIV affected mothers	Lone mothers are vulnerable to poverty for several reasons: financial constraint which increases the work–family reconciliation pressures of raising children single-handedly compared with the resources available in dual-parent households. Lone mothers are likely to present greater poverty risks than lone fathers, largely because of their labour market conditions: women have higher unemployment rates than men and if employed they generally receive a lower wage. In addition, they are more likely than men to be employed in part-time, low-quality jobs. The above risks are all the more serious for young women, for women affected by HIV and for those who unfortunately sum up two or more of the above conditions.
Long term unemployed	Long-term unemployment often flows into inactivity, and it's even more likely to occur for women than for men, due to the contemporaneous burden of family responsibilities from traditional gender roles.
Women belonging to ethnic/racial minority Migrant women	They are more likely to suffer multiple discrimination due to prejudice and the discrimination of majority/host societies as well as discrimination against women, especially in ethnic communities where traditional gender roles prevail. Women from these groups usually show lower employment rates and a higher level of dependency on social welfare benefits. They are more likely to work in informal or occasional low-wage jobs, usually in domestic care services. Highly educated women of foreign origin, more often than men and majority women, are often employed in low-skilled jobs.
Disabled women	Women with disabilities have a distinct disadvantage in many areas of their lives compared both with disabled men and non-disabled women (the so-called 'double disadvantage'), particularly in employment conditions.
Vulnerable groups of young people	

Vulnerable groups	Cause of discrimination and/or risk of social exclusion
Young early school-leavers	Early school leaving heightens the risk of poverty and social exclusion. Overall rates vary across countries, but data show that early school-leaving is much more prevalent for young men in most EU countries. Romania is somewhat exceptional with young women being more exposed to early school leaving than men ²⁰ .
Young people unemployed and in school-work transition	Young people are typically characterised by a higher unemployment rate and a weaker inclusion in the labour market. The reasons are several: young people typically have the least work experience, young workers are the most likely to be let go during economic downturns, they have less experience in looking for work and have a stronger financial attachment to their family.
Young people over 18 that leave care institutions	There is a high risk of social exclusion for care-leavers, due to low educational attainment and participation, unemployment, unfulfilled careers, mental health problems, social isolation, homelessness and movement, getting into trouble and young unplanned parenthood.
Vulnerable groups of aged	
Elderly and dependent people	Those unable to live independently at home are being cared for in a range of settings and varying degrees of dependency means that many are unable to attend fully to their needs
Aged people with low income	These older people are generally on higher risk of poverty, in particular women and oldest ones
Aged people with low educational attainment	In a perspective of active ageing they risk discrimination particularly in access to services and in employment conditions (hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, etc.)
Elderly women in any of the above conditions	Elderly women are more likely to be in the weakest conditions, because in their young and middle age they were most often not driven towards mid-high education and unpaid work.
Migrants and minorities	
Migrants with low educational attainment and/or no skills	They are disadvantaged by a combination of economic and socio-cultural factors: language barriers, poor education or qualifications which are not recognised; race discrimination and xenophobia; and limited legal or economic rights. Undocumented, illegal migrant workers have an even more precarious position.
People with Disabilities	
Student with disability	Young students with disabilities often achieve lower levels of education than their peers. Discrimination can occur when a specific type of disability requires infrastructural and/or technical adjustments and appropriate transport with regard to the place of instruction.
Inactive disabled	Disabled people constitute a particularly vulnerable group with low employment rates due to the resistance in acceptance of diversity in the workplace and in discrimination in accessing and progressing in the labour market. But there are also many disabled that give up job search since they consider themselves unable to work and/or their relatives do not encourage them in such direction.
Other vulnerable groups	Cause of discrimination and/or risk of social exclusion
Delinquent, ex-convicted Youngsters and women in the above condition	People with a criminal track, in need of being recovered into civil society. Multiple risk factors linked to gender, age, ethnic/racial status.

²⁰ European Commission and Eurostat 2007

Targeted and non-targeted interventions financed by Structural Instruments

The analyses presented in this chapter have described the role of Structural Instruments in addressing equal opportunities issues, the relevant areas/topics, the categories of disadvantaged groups and the concept of mainstreaming. Such elements are also functional for introducing a distinction among financed interventions, capturing the manner in which equal opportunities issues are addressed.

Targeted interventions are Key Areas of Intervention or operations that have a direct impact on equal opportunities issues or disadvantaged groups because these are explicitly addressed by the objectives of the intervention. These interventions have direct impact on equal opportunities issues, an example being a grant scheme in support of entrepreneurship for migrant women.

Non-Targeted interventions are Key Areas of Intervention or Operations that do not address explicitly through their objectives areas/topics relevant to equal opportunities or disadvantaged groups. These interventions may address indirectly equal opportunities issues or disadvantaged groups through (e.g. interventions supporting access to broadband) or be non relevant (e.g. support to micro-enterprise development). Non-relevant interventions in particular may address equal opportunities issues and disadvantaged groups through effective mainstreaming of the equal opportunities principle, i.e. through implementation arrangements that may favour access to finance to disadvantaged groups (e.g. selection criteria providing additional scoring to projects that involve vulnerable groups, monitoring indicators and reporting requirements focused on equal opportunities).

Conclusions

EQ 1.1 Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?

C1. The areas/topics aimed at equal opportunities relevant for Structural Instruments are specific to two main forms of discrimination: **discrimination based on gender** and **discrimination based on grounds other than gender** which are age (young people, old people), religion/belief, sexual orientation, disability, racial/ethnic origin.

The list of potentially discriminated groups is not exhaustive because the combination of one or more of the above aspects can cause forms of multiple discrimination (e.g. migrant women, young people over 18 that leave care institutions, elderly and dependent people) suffering particularly severe conditions.

C2. For **discrimination based on gender**, the relevant areas/topics identified based on the priorities set in the Strategy for Equality 2010-2015 and the Europe 2020 Strategy are:

- ▶ **Education and training:** gender gap in learning of basic skills, participation of women in vocational education and training, participation of women in lifelong learning, gender gaps in graduate in S&T, gender gaps in tertiary education;
- ▶ **Economic independence:** gender gap in employment participation, gender pay gap, occupational segregation (both vertical /horizontal), self employment and entrepreneurship, reconciliation work and family life (quality care for children, elderly and dependents, parental leave, etc),
- ▶ **Health, well being, environment:** access to health and care services, access by specific groups (migrant women, elderly women, minorities, etc.), specific health issues of women groups (elderly women, abused women, etc.), public transport, transport and social infrastructures in rural areas, social infrastructures and security in urban areas, women's double burden (reconciliation, unpaid work), 'Green jobs'

C3. For **discrimination based on grounds other than gender**, the relevant areas/topics identified taking into account the main initiatives financed through the European Structural Funds in favour of disadvantaged groups and recent publications of the EC on the contribution of the ESF are:

- ▶ **Education and training:** learning of basic skills, participation in vocational education and training, participation in lifelong learning, reduction of early school leaving, adaptation and equipment to facilitate access, modernization of education, encouragement of mobility, attainment of tertiary education level
- ▶ **Employment:** enhancement of labour market participation, productivity and quality of work, avoidance of discrimination in labour market (accessing and progressing), promotion of diversity

EQ 1.1 Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?

management, promotion of self employment and entrepreneurship, adaptation and equipment to facilitate access, job creations in specific sector (social economy), support to school –work transition

- ▶ **Health, well being, social inclusion:** access to health services and by specific groups, specific health issues, access and supply of goods and services, communication (in alternative ways), transport, active ageing, access to and use of ICT technology, community level projects / urban development, housing, combating stereotypes and promote positive image, access to social protection system, participation in social life/ empowerment
- ▶ **Fundamental rights:** Discrimination- based violence and human trafficking, Representation in decision making positions
- ▶ **Governance and Institutional Capacity:** dedicated decision making structure, monitoring and ‘non discrimination’ awareness

2.1.2. EQ 1.2: Which is the national legal framework relevant for the equal opportunities?

There is a comprehensive series of legislative documents, as well as other documents (for example reports, national strategies) which regulate and develop the framework and the measures to be taken in Romania in terms of application of the non-discrimination and equal opportunities principles.

Constitution of Romania

These principles are guaranteed by the Constitution of Romania and are detailed in a series of Government Ordinances and Decisions, briefly presented below, with focus on our concern, to present the constitutive elements of the concept of “equal opportunities” in Romania while the full presentation of the legislative provisions relevant in this context, including their requirements and sanctions, are presented in detail in Annex 1.

The EO elements regulated in the Romanian legislation are firstly set in the 2003 Constitution, which refers to “race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin” as criteria based on which discrimination is not permitted, as Romanian citizens are equal before the law and public authorities. The Constitution also refers, further than sex, to spouses, as well as to children, young people and disabled, while it does not specifically mention age and disability as being grounds/criteria for which discrimination is not allowed.

Government Ordinance n. 137/2000 on discrimination

The core piece of legislation as regards ND and EO is Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, which forbids discrimination based on a comprehensive (but not exhaustive) set of criteria: race, nationality, ethnic group, language, religion, social category, convictions, sex, sexual orientation, age, disability, non-catching chronic disease, HIV infection, belonging to a disfavoured category, as well as any other criteria which may lead to discrimination. At the same time, GO 137 sets the main areas/topics in which equal opportunities need to be ensured to all segments of the population in Romania:

- ▶ equality in the economic activity and in terms of employment and profession;
- ▶ access to public administrative and legal, health services, to other services, goods and facilities;
- ▶ access to education;
- ▶ freedom of circulation, the right to freely choosing the domicile and the access to public places;
- ▶ the right to human dignity;

GO 137 covers all categories of groups/categories discriminated or disadvantaged/vulnerable as well as the main areas/topics (education, employment, health, social inclusion), as identified at European level and presented in Tables 2-4 in the previous chapter. It also makes reference to public services, i.e. administrative and legal, and to multiple discrimination (i.e. as provided also by the Civil Code, discrimination based on more than one ground constitutes aggravating circumstance).

The ordinance sanctions “any active or passive behaviour which, by its resulting effects, favours or disfavors in an unjustified manner or subjects to an unfair or degrading treatment an individual, a group of individuals or a community as compared to other individuals, groups of individuals or communities”, based on belonging to a certain race, nationality, ethnic group, religion, social category, respectively convictions, sex or sexual orientation, age or membership to a disfavoured category.

Acts sanctioned according to GO 137/2000:

- ▶ the conditioning of the participation in an economic activity of a person or the choice or freely exerting of a profession
- ▶ the discrimination of an individual in a work and social welfare relationship
- ▶ the refusal of a natural or legal entity to hire an individual
- ▶ the conditioning of filling-in a position by announcement or contest
- ▶ discrimination of employees by employers, in terms of the social benefits granted
- ▶ refusal to grant public administrative and legal services
- ▶ refusal to give an individual or a group of persons access to public health services
- ▶ refusal to give an individual or a group of individuals access to the services provided by theatres, cinemas, libraries, museums and exhibitions

- ▶ the refusal to give to an individual or a group of individuals access to the services provided by stores, hotels, restaurants, bars, discos or any other services providers
- ▶ the refusal to give to an individual or a group of individuals access to services provided by public transportation companies
- ▶ the refusal to give an individual or a group of individuals access to the public or private educational system (all phases)
- ▶ any hindrance for discrimination criteria in the process of setting up and accrediting educational institutions created according to the applicable legal framework¹
- ▶ threats, constraints, use of force or other means of assimilation, displacement or colonization of people, in order to change the ethnic, racial or social structure of an area of the country or of a locality (public institutions¹).
- ▶ fundamental freedoms of persons with disabilities.
- ▶ According to the UN Convention, people with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The fines applied if the above mentioned contravention is found, ranges between RON 400 - RON 4,000, and if the discrimination is aimed at a natural entity, respectively from RON 600 - RON 8,000. The provisions of GO 137/2000 are applicable complementary to the ones of the Criminal Code, the most important being presented in Annex 2. Although they relate closely to non-discrimination, most of them are not directly linked to the subject of our research, as they mainly refer to individual acts.

Other laws on discrimination

The Government Ordinance no. 137/2000 is further complemented by specific pieces of legislation for the main groups which may face discrimination: women, children, disabled, respectively Law no. 202/2002 concerning the equal opportunities between men and women, Law no. 448/2006 for protecting and promoting the rights of people with disabilities and Law no. 272/2004 for protecting and promoting the child's rights.

Law no. 202/2002 concerning equal opportunities between men and women provides for measures for promoting equal opportunities and equal treatment between men and women in order to eliminate all forms of discrimination (and multiple discrimination) based on the sex criterion in areas such as labour, self-employment, education, health, culture and information, policy, decision-making, provision of and access to goods and services, as well as in other areas regulated by special laws. Among these, the most important measures are:

Negative measures	Positive measures
<ul style="list-style-type: none"> ▶ usage of discriminatory practices in announcement, organization of contents or examinations and selection of applicants for filling in the vacancies in the public or private sector ▶ any form of discrimination for sex criterion in terms of women's and men's access to all level of education and vocational training, including apprenticeship at the work place, retraining and, generally, on-going education are forbidden (Ministry of Education liable) ▶ any form of discrimination based on the sex criterion in terms of women's and men's access to all levels of medical care and to programme for disease prevention and health promotion are forbidden (County and Bucharest public health departments liable) 	<ul style="list-style-type: none"> ▶ introduction of provisions for banishing discriminations based on the sex criterion in the organization and operation regulations and in internal regulations of units, by employees ▶ employers have to inform on a permanent basis employees, including by posting in visible places, their rights in terms of complying with the equal opportunity and equal treatment between men and women in the work relationships ▶ the insertion of clauses for forbidding acts of discrimination and, respectively, clauses on how to settle notifications/complaints filed by the parties damaged by such deeds ▶ the Ministry of Education and Research shall ensure, by specific means, the proper training, instruction and information of the teaching staff, at all forms of education, public and private, in terms of equal opportunities for men and women ▶ promotion and support of balanced participation of women and men in the management and decision-making and adoption the necessary measures for ensuring the balanced participation of men and women in the management and decision-making

In accordance with the latest amendments, operated through the Emergency Ordinance 83/2012 with a view to implement the provisions of the Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity, the law applies also to self-employed as well as to their spouses. Beginning with 2012 the latter enjoy the same social rights as the spouses of regular employees, including related to maternity.

An entire institutional system is put in place in order to implement, control and monitor the implementation of this law under the coordination of the Ministry of Labour, The sanctions stipulated by the law for the cases its provisions are breached range from 1,500 to 15,000²¹ lei if one infringement is identified, but can reach the double of the maximum amount (i.e. 30,000 lei) if several infringements by the same persons are identified and recorded in the same signed statement.

Law no. 448/2006 for protecting and promoting the rights of people with disabilities provides for very specific obligations both to public institutions and private actors, as well as for measures to ensure equal opportunities for this vulnerable group. The most important ones are mentioned under:

Measures to ensure equal opportunities foreseen under Law 488/2006

- ▶ equal access to any form of education, regardless age, according to type, degree of handicap, and educational needs
- ▶ access to all tools needed for their specific educational act, from support services, technical equipment, adapted textbooks, adapted education forms (including home schooling) etc.
- ▶ access to obtaining a home: public authorities have the obligation to take measures to introduce a priority criterion for rental, at lower floors, of homes that belong to public domain of state or to territorial units of it, also waive of rental pay
- ▶ entrance tickets to shows, museums, artistic and sports manifestations (free for children or reduces for adults)
- ▶ local public administration authorities have the obligation to take specific measures to ensure common transportation for people with handicap (including through adaptation of the functioning existing means of transportation within the technical possible limits, according to the applicable law), which is free in the case of heavily disabled persons.
- ▶ public authorities are obliged to issue construction permit only as provided by the law
- ▶ at least 4% of the parking places, but at least 2, are reserved for people with disabilities
- ▶ correlation of services from children with handicap care system with services of adult people with handicap care system
- ▶ the right to social care in form of social services
- ▶ publishing houses have the obligation to make the electronic type moulds used for printing the books and magazines available to the authorised judicial persons that requests them, in order to transform them in a format that is accessible to people with sight or reading deficiencies
- ▶ public libraries have the obligation to set up departments with books in formats that are accessible to people with sight or reading deficiencies
- ▶ mobile phone operators have the following obligations: a) to connect at least one cabin to public phones, in conformity with the applicable legal provisions; b) offer information on costs of services in forms accessible to people with handicap.
- ▶ the employees of banking and postal services have the obligation to offer assistance in filling in the forms, upon request from people with handicap.
- ▶ hotels have the following obligations: a) to adapt at least one room for the accommodation of the person with handicap that uses a rolling chair; b) to mark through pavement or tactile carpets the entrance, the reception and to have a tactile map of the building; c) to install lifts with tactile signs.
- ▶ central and local authorities and institutions, public or private, ensure authorised interpreters of the sign language or of the language specific to the person suffering from deafness
- ▶ public central and local authorities, as well as central and local institutions, public or of private law, have the obligation to ensure services of documentation and information accessible to people with a visual, auditory and mental handicap.
- ▶ access to all services which ensures people with disabilities the access to the labour market and job maintenance.
- ▶ public authorities and legal persons (public or private) with at least 50 employees, have obligations to hire persons with disabilities amounting to at least 4% of total number of their employees – the law provides for alternatives to this action
- ▶ persons with disabilities may work in protected authorised units benefiting from particular rights

Despite the provisions of Law 448/2006, the law on local public transportation does not contain any specific mentioning of a particular infrastructure disabled individuals need in order to use this service.

²¹ Approximately 350 to 3,500 EUR

Further on, Law n. 107/2006 approving the Government Emergency Ordinance n. 31/2003 relates to discrimination based on ethnic and nationality grounds, as it interdicts the organizations and symbols with fascist, racist or xenophobic character and the promotion of persons guilty for committing infractions against peace and humanity. The law imposes sanctions on individual, legal persons and public institutions proven guilty of xenophobe, fascist and racist acts.

Legislation concerning access to employment

In terms of employment, the Labour Code forbids discrimination based on criteria such as sex, sexual orientation, genetic features (terminology used), age, nationality, race, colour, ethnic group, religion, political orientation, social origin, disability, family situation or responsibility, adherence to or trade union activity, without referring specifically to language, non-catching chronic disease, HIV infection, too, as provided in GO 137/2000.

Particularly, the Labour Code refers to the areas of labour market participation and (less, but mentioned) access, equal pay for equal work (particularly mentioned for the two genders but does not mention equal pay for equivalent work), and provides for the internal regulation imposed by 202/2002 which should contain rules on compliance with the non-discrimination principle and elimination of any form of breach of dignity. The employees have to be informed on this internal regulation and the Labour Inspection should verify its existence. There is evidence in practice that this does not happen, possibly due to the fact that the Law does not provide for any sanction in the case the regulation is not drawn.

Legislation concerning access to education

The National Education Law ensures that access to all (public) learning opportunities is granted to all without discrimination, and specified children who are in special conditions: children/young people coming from socially and economically disfavoured environments, from single-parent, separated families or families in which parents have health problems, children/young people with special educational needs and other similar. It specifically mentions students with disabilities and guarantees their access to university/tertiary education.

Legislation concerning access to public services

As provided for by the framework GO 137/2002, a series of laws regulating different public services prohibit discrimination in terms of access to public administrative and legal, health services, to other services, goods and facilities.

Law 292/2011 on social assistance forbids discrimination in terms of access to all social services provided by the public government, on the grounds provided by the GO 137/2002 and opens the window of opportunity for positive actions to be undertaken by entrepreneurs, as it stipulates under art. 9 (8) that: “employers hiring persons benefiting of social assistance benefit, based on legal provisions, of fiscal facilitations or of other nature”. The facilities given in practice are regulated by the Fiscal Code and other related pieces of legislation (including Law 76/2002 mentioned under) and are offered for graduates, persons with disabilities, lone parents, persons over 45, persons which in 3 years may enter pension.

During the discussions of the Expert Panel it was underlined that the topics of “poverty” and “social inclusion” need to be added to the framework for equal opportunities developed under this evaluation project. The Law 292/2011, through its scope, addresses specifically these two topics; in this context art. 53 (1) of this law is illustrative: “Measures for preventing and combating poverty and the risk of social exclusion are included in the general framework of multidimensional actions of the process of social inclusion aimed at ensuring opportunities and resources necessary for the full participation of vulnerable groups to economic, social and cultural life and to the decision making process related to life and access to fundamental rights.

Further than the facilities it provides to employees in case they hire persons from the 5 categories mentioned above, Law no. 76/2002 regarding the system for unemployment insurance and stimulation of employment excludes any kind of discrimination on criteria such as politics, race, nationality, ethnic origin, language, religion, social category, convictions, sex and age, not including the criteria of sexual orientation and disability.

In terms of health services, Law no. 95/2006 regarding the health reform and the Emergency Ordinance no.162/2008 concerning the transfer of the set of tasks and competences exerted by the Ministry of Public Health to the local public administration authorities, guarantees the access to the qualified first aid and emergency medical assistance only, without discrimination based on, but not limited to, income, sex, age, ethnic group, religion, citizenship or political adherence, regardless of whether the patient has or not the capacity of medically insured

person”. The law also mentions that medical decisions are made in a non-discriminatory manner, and specifically refers to dentists and nurses and midwives who should act like wise. However, there is no sanction provided for the cases in which these provisions are not respected.

Criminal law

Discrimination on the grounds provided for by GO 137/2002 constitutes (including, specifically, “wealth”) aggravating circumstance for the Romanian Criminal Code. Other specific pieces of legislation prohibit discrimination on all grounds in the audio-visual sector and in sport competition and games.

National strategies and programmes

The legislation governing non-discrimination and equal opportunities in Romania is completed by a series of national strategies and programmes, of horizontal nature (National strategy on implementing measures for preventing and combating discrimination 2007-2013, Sectoral Operational Programme Human Resources Development , as well as the National Reform Programme 2011-2013) or focused on specific groups (for example the Strategy of the Romanian Government for Inclusion of Romanian citizens belonging to Roma minorities for the 2012-2020 period).

The National strategy on implementing measures for preventing and combating discrimination 2007-2013, although with ambitious and wide objectives (practically aiming to solve all issues regulated by GO 137/2002), does not seem to be implemented in any specific manner, and this is valid also for the strategy for roma. SOP HRD seems to be the main instrument for ensuring the promotion of equal opportunities in the sense of completing with positive actions the “negative approach”²² of the legislation - which prohibits discrimination. It does this through stimulating equal access of vulnerable groups to different services which might, for some of the final beneficiaries, mean access on the labour market, with all its positive effects in terms of wealth and decreased poverty²³.

The participants to the focus group identified a series of gaps in the legislation covering non-discrimination and equal opportunities, but these are minor in comparison with its coverage area:

- ▶ the burden of proof – the Romanian legislation does not provide for “discriminant” to prove that it did not discriminate, if he/she refuses to make available the proofs of discrimination
- ▶ sanctioning for committing a discriminatory act is not possible 6 months after the act is committed
- ▶ the labour code does not address the problem of discrimination among employees (although it does regulate de discrimination of employees by employer)²⁴
- ▶ the lack of compulsory mechanisms for resolving complaints of discrimination within organizations
- ▶ access to health for persons affected by HIV is not specifically foreseen in the Health Law
- ▶ domestic violence does not stress the component of “gender discrimination”
- ▶ educational segregation based on ethnic origins is not specifically addressed within GO 137/2000.

²² Under the theory of positive and negative rights, a negative right is a right not to be subjected to an action of another person or group—a government, for example—usually in the form of abuse or coercion. A positive right is a right to be subjected to an action of another person or group.

With “negative approach” we refer to the phrasing of a piece of legislation or of an article in a piece of legislation in the form of “forbidding” certain actions with negative effects – in our case, forbidding discrimination.

The “positive approach” refers to the phrasing of a piece of legislation or of an article in a piece of legislation in the form of “applying/implementing” an action with positive effects – in our case, promoting equality of opportunities/taking action so that each person (no matter his/her gender, origin, social class etc.) enjoys the same opportunities (e.g. university buildings have the necessary infrastructure so that disabled have the same opportunity to study as other persons).

²³ As specified by the National Reform Programme 2011-2013, ROP has its contribution in this sense, too, in terms of social infrastructure.

²⁴ Regulated for gender equality by Law no. 202/2002

Conclusions

EQ 1.2: Which is the national legal framework relevant for the equal opportunities?

- C4.** The national legal framework relevant for equal opportunities stems from the Constitution of Romania affirming the principle of non discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.
- C5.** The core piece of legislation is provided by Government Ordinance n. 137/2000 on prevention and sanctioning of all forms of discrimination that covers all the categories of disadvantaged and the main areas/topics identified in the European Framework for equal opportunities.
- C6.** GO n. 137/2000 is complemented by other pieces of national legislation (Law no. 202/2002, Law no. 448/2006, Law no. 272/2004, Law n. 107/2006) which address the main categories of disadvantaged groups, such as women, children, disabled, ethnic minorities. Sector laws on employment, education, access to public services prohibit also any form of discrimination.
- C7.** There are national strategies and programmes addressing the issues of non discrimination and equal opportunities (National strategy on implementing measures for preventing and combating discrimination 2007-2013, National Reform Programme 2011-2013) or focused on specific groups (Strategy of the Romanian Government for Inclusion of Romanian citizens belonging to Roma minorities for the 2012-2020 period) but the main instruments in place appears to be SOP Human Resource Development, completing with positive actions the “negative approach” of the legislation - which prohibits discrimination.
- C8.** There are minor gaps in the legislation covering non-discrimination and equal opportunities, concerning among others the issue of discrimination among employees (Labour code), access to health for persons affected by HIV (Health Law), the component of “gender discrimination” in domestic violence, educational segregation based on ethnic origins (GO 137/2000).

2.1.3. EQ 1.3 Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?

Considering the two sets of analyses above, we need to share the conclusions of the experts' panel and conclude that the Romanian legislative framework related to non-discrimination and equal opportunities is very much in line with the European one, as it should have been, actually, for Romania to become an EU Member State.

Overall, the Romanian legislation seems “stronger” in terms of “negative action”, thus forbidding all types of discrimination, in all fields, on any criteria, but less is done in terms of positive actions, really promoting equal access to all. SOP HRD, but also ROP, as presented by the National Reform Programme 2011-2013, seems to represent frameworks for concrete actions, on some specific categories while other national strategies remain at the level of mere declarations.

In the table under we analyse the difference between the European framework and the Romanian framework – the few gaps identified are more related to a lack of specificity of the legislation, due to the negative approach mentioned above or due to the “novelty” of the concept, not embraced in Romania, yet (Women’s double burden (reconciliation, unpaid work) and “Green jobs”)

Table 6: Areas/topics relevant for gender equality at EU level and in Romania

Areas / Topics EU level	Coverage of areas / Topics NATIONAL level	
Education and Training		
Gender gap in learning of basic skills	✓	Yes, especially in National Education Law and Law 202/2002, but also in GO 137/2000
Participation of women in vocational education and training	✓	Yes, especially in National Education Law and Law 202/2002, but also in GO 137/2000
Participation of women in lifelong learning	✓	Yes, especially in National Education Law and Law 202/2002
Gender gaps in graduate in S&T	✓	Yes, especially in National Education Law and Law 202/2002
Gender gaps in tertiary education	✓	Yes, especially in National Education Law and Law 202/2002
Economic independence		
Gender gap in employment participation	✓	Yes, especially in Law 202/2002, but also in GO 137/2000 and in the Labour Code
Gender pay gap	✓	Yes, especially in Law 202/2002, but also in the Labour Code – the later refers only to equal pay for equal work, not equivalent work.
Occupational segregation (both vertical /horizontal)	✓	Yes, in Law 202/2002, but also in the Labour Code
Self employment and entrepreneurship	✓	Yes, in Law 202/2002 as amended through Emergency Ordinance n. 83/2012 ²⁵
Reconciliation work and family life (quality care for children, elderly and dependents, parental leave, etc)	✗	Limited, in strategies and programmes, not in legislation
Health, well being, environment		
Access to health and care services	✓	Yes, access is granted through various laws, pregnant women specifically mentioned in the NRP 2011-2013

²⁵ For the implementation of the Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC.

Access by specific groups (migrant women, elderly women, minorities, etc.)	✗	Not specific, through guaranteeing access to all
Specific health issues of women groups (elderly women, abused women, etc.)	✗	Not specific, through guaranteeing access to all, programmes and strategies in place add to general legislation
Public transport	✓	Yes
Transport and social infrastructures in rural areas	✗	Not specifically mentioned for rural areas, but guaranteed for all women, in all Romania. Programmes try to intervene in more vulnerable areas, including in rural ones.
Social infrastructures and security in urban areas	✓	Yes
Women's double burden (reconciliation, unpaid work)	✗	Limited, in strategies and programmes, not in legislation
'Green jobs'	✗	No

Regarding discriminated groups other than gender and the list of relevant areas/topics identified under EQ 1.1, in table 6 under we have marked in “*blue*” the topics covered for a particular vulnerable group in Romania maintaining in the respective cell an “X” representing the coverage of the topic in the European Framework, to be able to compare the national and European levels.

Overall, elderly seem to be assimilated into the social system and not used, if possible, on the labour market or empowered in any way. At the same time, some areas (“Productivity and quality of work”, Promote diversity management”, “Representation in decision making positions”, “Participation in social life/ empowerment, “Combat stereotypes and promote positive image (NGOs are carrying out a lot of work in this respect), “non-discrimination’ awareness”) are less present in the Romanian context, showing, actually, what also the members of the expert’s panel said, that the Romanian legislation, although very comprehensive, is implemented to a limited extent.

However, in comparison with the European framework, the Romanian legislation also makes specific references to equal access to administrative and legal services.

Table 7: National coverage of the EU framework related to disadvantaged groups other than women

REAS / TOPICS	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL ETHNIC ORIGIN
	YOUNG PEOPLE	AGED PEOPLE				
Education and Training						
Learning of basic skills					X	X
Participation in vocational education and training	X	X			X	X
Participation in lifelong learning		X			X	X
Reduce early school leaving	X				X	X
Adaptation and equipment to facilitate access		X			X	X
Modernising education	X				X	X
Encourage mobility	X				X	X
Attain tertiary education level	X				X	X
Employment						
Enhance labour market participation		X	X		X	X
Productivity and quality of work		X			X	
Avoid discrimination in labour market (accessing and progressing)		X	X	X	X	X
Promote diversity management			X	X	X	X
Promote self employment and entrepreneurship	X	X	X	X	X	X
Adaptation and equipment to facilitate access		X			X	
Job creations in specific sector (social economy)		X			X	
Support to school –work transition	X					
Health, well being, social inclusion						
Access to health services and by specific groups (to first aid only if not insured)	X	X	X	X	X	X
Specific health issues	X	X	X	X	X	
Access and supply of goods and services	X	X	X	X	X	X
Communication (in alternative ways)		X			X	X
Transport		X			X	
Active ageing		X				
Access to and use of ICT technology	X	X			X	X
Community level projects / urban development	X	X	X		X	X
Housing			X	X	X	X
Combat stereotypes and promote positive image (NGOs)		X	X	X	X	X
Access to social protection system	X	X			X	X
Participation in social life/ empowerment		X	X	X	X	X
Fundamental Rights						
Discrimination- based violence and human trafficking		X	X	X	X	X
Representation in decision making positions	X	X	X	X	X	X
Governance and Institutional Capacity						
Dedicated decision making structure	X	X			X	X
Monitoring and 'non discrimination' awareness	X	X	X	X	X	X

The Romanian framework does contain references to cases of multiple-discrimination, and of groups particularly at risk due to their belonging to more categories. Most of them are treated under the measures to decrease poverty and poverty risks, through access to the social system and more in strategies and programmes, rather than in legislation.

Table 8: List of other disadvantaged groups / multiple discriminations at EU level and in Romania

Vulnerable groups	Romanian framework	
Vulnerable groups of women		
Lone mothers	✓	Yes (lone spouse)
Early mothers	✗	No
HIV affected mothers	✓	Yes, including by GO 137/2000
Long term unemployed	✓	Yes
Women belonging to ethnic/racial minority	✓	Yes
Migrant women	✗	Limited
Disabled women	✓	Yes, in Law 202/2002
Vulnerable groups of young people		
Young early school-leavers	✓	Yes (including SOP HRD)
Young people unemployed and in school-work transition	✓	Yes, including fiscal facilities if employed.
Young people over 18 that leave care institutions	✓	Yes
Vulnerable groups of aged		
Elderly and dependent people	✓	Yes, part of poverty reduction measures and social system
Aged people with low income	✓	Yes, part of poverty reduction measures and social system
Aged people with low educational attainment	✓	Yes, part of poverty reduction measures and social system
Elderly women in any of the above conditions	✓	Yes, part of poverty reduction measures and social system
Migrants and minorities		
Migrants with low educational attainment and/or no skills	✓	Yes
People with Disabilities		
Student with disability	✓	Yes, mentioned in both National Education Law and Law 448/2006
Inactive disabled	✓	Yes, Law 448/2006
Other vulnerable groups		
Delinquent, ex-convicted	✓	Yes
Youngsters and women in the above condition	✓	Yes

Conclusions

EQ 1.3 Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?

C9. The Romanian legislative framework related to non-discrimination and equal opportunities is very much in line with the European one as required for Romania to become an EU Member State. Overall the Romanian legislation seems “stronger” in terms of “negative actions”, thus forbidding all types of discrimination, in all fields, on any criteria, but less is done in terms of positive actions, really promoting equal access to all.

C10. For discrimination based on gender: there are limited gaps between the European and National legal Framework, more related to a lack of specificity of the legislation, due to its negative approach or due to the “novelty” of the concepts.

The uncovered areas are relevant for Structural Instruments are: reconciliation work and family life; access to health, well being, environment taking into account multiple form of discrimination that women are facing and their specific health issues; transport and social infrastructure in rural areas, green jobs.

C11. For discrimination based on grounds other than gender, elderly seem to be assimilated into the social system and not used, if possible, on the labour market or empowered in any way.

The uncovered areas are relevant for Structural Instruments are: productivity and quality of work, promotion of diversity management, representation in decision making positions, Participation in social life/ empowerment, combating stereotypes and promotion of positive image, non-discrimination’ awareness, showing that the Romanian legislation, although very comprehensive, is implemented to a limited extent.

C12. Cases of multiple-discrimination and of groups particularly at risk due to their belonging to more categories are not referred to by the Romanian framework. Most of them are treated under the measures to decrease poverty and poverty risks, through access to the social system and more in strategies and programmes, rather than in legislation.

C13. In comparison with the European framework, the Romanian legislation also makes specific references to equal access to administrative and legal services.

2.2. Evaluation Question no.2

EQ 2.1 How have the European and national provisions been mainstreamed into various stages of the Programmes related to the cohesion policy, co-financed through ESF, ERDF and the Cohesion Fund in Romania?

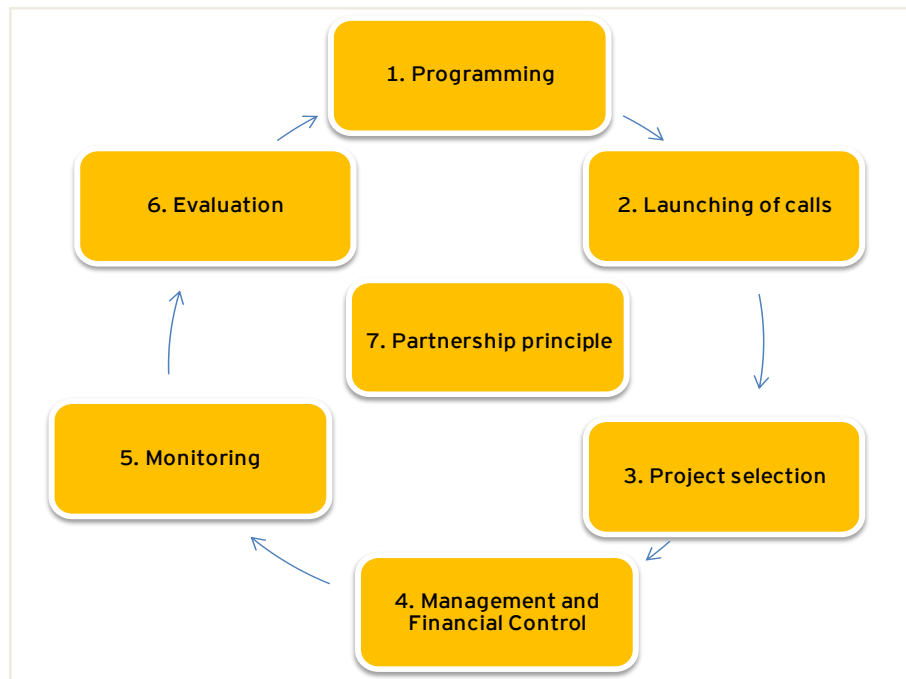
EQ 2.2 What other topics on equal opportunities have been promoted / mainstreamed in various OPs?

EQ 2.3 Are there any good practices in the mainstreaming of equal opportunities into the Structural Instruments framework?

2.2.1. EQ 2.1: How have the European and national provisions been mainstreamed into various stages of the Programmes related to the cohesion policy, co-financed through ESF, ERDF and the Cohesion Fund in Romania?

The mainstreaming of the principle of equal opportunities as defined under Evaluation Question 1 has been assessed throughout 7 key stages of the lifecycle of the Romanian Operational Programmes falling under the Convergence Objective.

Figure 4: Key stages of Programme lifecycle



For each Programme and stage, the treatment of the Equal Opportunities principle was assessed against a set of criteria defined during the evaluation assignment, describing what is considered a good and faulty practice in the respective stage. The criteria for good / faulty practices (30 in total) are generally one the opposite of each other, the absence of a good practice being represented in this exercise as a faulty practice; nevertheless in some cases it should rather be interpreted as an area which may be subject to improvements in order to further embed the implementation of the equal opportunities principle.

The following table presents an overview of the treatment of the EO principle per Programme and Programme lifecycle stage. When a best practice criterion is met by a Programme, the respective cell has been marked with a green "X" while when the criteria is not met, the cell is marked with a red "X" identifying the presence of a faulty practice.

Table 9: Overview of treatment of the EO principle per OP and Programme lifecycle stage

STAGE	GOOD PRACTICE CRITERIA	ROP	SOP IEC	SOP ENV	SOP T	OP TA	SOP HRD	OP DAC
PHASE 1: PROGRAMMING OF STRUCTURAL INSTRUMENTS								
1. Inception of programming	1.1. At an early stage of programming, review of data availability on EO, identification of missing data; warning to responsible authorities for improving the data availability.	X	X	X	X	X	X	X
2. Operational Programme - Context analysis	2.1. The „Context analysis“ of the OP includes a dedicated section containing an analysis of the specific context of the programme in terms of EO, including 1) Relevant equal opportunities issues; 2) Gender differences and other relevant issues concerning discrimination	X	X	X	X	X	X	X
3. Operational Programme - Strategy development	3.1. The „Socio-economic analysis“ of OP includes a dedicated section on EO issues relevant for the programme and how the programme can tackle /solve them.	X	X	X	X	X	X	X
	3.2. Prioritization of aspects and, consequently, the identification of priority axes /key areas of intervention/measures to be taken in order to apply the equal opportunities have been made based on the socio-economic analysis.	X	X	X	X	X	X	X
4. Operational Programme- Indicators	4.1. Objectives aimed at by the OP in terms of application of equal opportunities principle are properly mirrored by the output, result and impact indicators, as well as by their targets.	X	n.a.	n.a.	n.a.	n.a.	X	n.a.
5. Operational Programme– Design of interventions	5.1. Existence of targeted interventions or positive actions	X	n.a.	n.a.	n.a.	n.a.	X	n.a.
	5.2. Mainstreaming actions having an positive impact on equal opportunities.	X	X	X	X	X	X	X
PHASE 2: CALLS FOR PROPOSALS								
1. Call for proposals – Preparation	1.1. It has involved the specific expertise for preparation of Applicants’ Guidelines, so as to get a positive impact (direct or indirect) in terms of equal opportunities and/or prevention of any forms of discrimination	X	X	X	X	X	X	X
2. Applicants’ Guidelines – explanations of EO principle	2.1. The Guidelines contain clear wording on the concept and terminology of equal opportunities and non-discrimination, related to the OP approach in this respect	X	X	X	X	X	X	X
3. Financing application form – contents	3.1. In the financing application there is a requirement for the applicant to show that it understands the equal opportunities topic and considers it	X	X	X	X	X	X	X
4. Financing application form – Monitoring requirements	4.1. FA clearly specifies that successful applicants will become part of the monitoring system related to the equal opportunities and in this case they should provide a series of qualitative/quantitative information	X	X	X	X	X	X	X
5. Launch of call for proposals – information and publicity	5.1. Information and publicity activities related to the calls for proposals cover equal opportunities and non-discrimination issues in order to raise the awareness level in terms of EO among potential beneficiaries.	X	X	X	X	X	X	X
	5.2. The use during the information and publicity activities of good practice examples (web pages, flyers, etc.)	X	X	X	X	X	X	X
6. Submission mechanism	6.1. One considers the barriers for the process of submitting financing applications by the representatives of certain vulnerable groups.	X	X	X	n.a.	n.a.	X	X
7. Launch of calls – project generation	7.1. Make available for the beneficiaries the specific expertise required for preparation/ improvement of the project proposals in terms of EO.	X	X	X	X	X	X	X
PHASE 3: PROJECT SELECTION								
1. Eligibility criteria	1.1. Compliance with the legal requirements is considered an eligibility criterion	X	X	X	X	X	X	X
2. Evaluation and selection criteria	2.1. Evaluation and selection/prioritization criteria intended to encourage the participation of women and /or of other vulnerable groups in the project: additional significant scoring of projects which clearly embed the equal opportunities principle.	X	X	X	X	n.a.	X	X
3. Tools / training sessions for project evaluators	3.1. Availability of clear guidelines for evaluators of financing applications to assess the treatment regarding application of the equal opportunities principle in the proposed project;	X	X	X	X	n.a.	X	X
	3.2. Training sessions provided to evaluators of specific financing applications for assessing the treatment regarding the application of the equal opportunities principle in the proposed project;	X	X	X	X	n.a.	X	X
	3.3. Existence and implementation of the calibration of the financing applications evaluation process, namely to ensure a common approach to assigning the EO related score among evaluators.	X	X	X	X	n.a.	X	X
4. Contracting project evaluators	4.1. Selection of evaluators of financing applications with particular experience in equal opportunities	X	X	X	X	n.a.	X	X
	4.2. Insertion of provisions related to equal opportunities in the assistance services contract for evaluation of financing applications,	X	X	X	X	n.a.	X	X

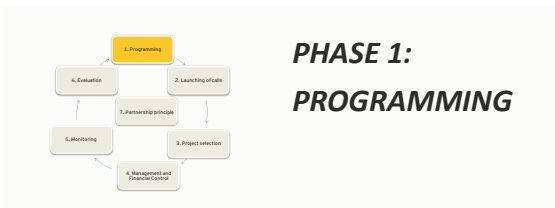
STAGE	GOOD PRACTICE CRITERIA	ROP	SOP IEC	SOP ENV	SOP T	OP TA	SOP HRD	OP DAC
	as a result of specifications in the related tender book							
PHASE 4: FINANCIAL MANAGEMENT AND CONTROL								
1. Financial allocation	1.1. Explicit indication of the funding share allocated to actions with positive impact in terms of equal opportunities, separating gender and other discrimination issues, specified in terms of targeted/ positive actions	X	n.a.	n.a.	n.a.	n.a.	X	n.a.
2. Structures	2.1. Existence of dedicated structure or mechanisms at Programme level in relation to the equal opportunities principle							
	- <i>Equal Opportunities councillor</i>	X	X	X	X	X	X	X
	- <i>Participation to Monitoring Committees</i>	X	X	X	X	X	X	X
PHASE 5: MONITORING								
1. System of indicators	1.1. Existence within the programme system of indicators of context indicators necessary for its analysis and monitoring	X	X	X	X	X	X	X
	1.2. Existence of programme indicators necessary for monitoring the programme performance in terms of implementation of equal opportunities principle	X	X	X	X	X	X	X
	1.3. Existence of project indicators necessary for monitoring the project performance in terms of implementation of equal opportunities principle	X	X	X	X	X	X	X
	1.4. Consistency between equality indicators at project level and those at programme level, so as data necessary for monitoring at programme level is collected.	X	X	X	X	X	X	X
2. Reporting requirements	2.1. Quality of information on the application of the „equal opportunities” principle presented in AIRs	X	X	X	X	X	X	X
	2.2. Existence of additional reporting requirements concerning equal opportunities (EO) at Programme level, other than those in the Annual Implementation Reports.	X	X	X	X	X	X	X
3. Implementation manuals	3.1. Existence, within the tools used to support the beneficiaries in the implementation of their projects of a set of complete information in terms of fostering/embedding the equal opportunities principle at project level.	X	X	X	X	X	X	X
PHASE 6: EVALUATION								
1. Planning of evaluations	1.1. Multi-annual/Annual Evaluation Plans provide for, are dedicated or include equal opportunities issues.	X	X	X	X	X	X	X
2. Evaluations performed	2.1. Thematic evaluations on equal opportunities or general evaluations covering the equal opportunities topics are performed.	X	X	X	X	X	X	X
PHASE 7: PARTNERSHIP								
1. Partnership with the stakeholders relevant for EO	1.1. Involvement of representatives of vulnerable groups in all stages of the programme management and implementation cycle,	X	X	X	X	X	X	X

X Best practice criteria met

X Faulty practice criteria met (best practice criteria not met)

n.a. Criteria not applicable.

The detailed findings by Operational Programme and Programme lifecycle stage are presented below:



Regional Operational Programme

Overall, the Regional Operational Programme provisions regarding the EO principle are largely in line both with the national legislation and the provisions of the Europe 2020 Strategy. In this sense, the ROP *defines* the EO in a relatively complete manner, by distinguishing between non-discrimination and gender equality. In this sense it specifically refers to the National Strategy on Equal Opportunities between women and men and to 6 main grounds (i.e. sex, racial or ethnic origin, religion, age, disabilities and sexual orientation) (from the 14 provided by the OUG 137/2000²⁶) which can lead to discrimination, to be taken into account by the programme logic of intervention and management system.

Further on, ROP specifically mentions some socially vulnerable groups (Roma, disabled and young unemployed) on which its interventions would have an impact²⁷. The KAI-level description relevant to the EO principle is in most cases comprehensive and supported by the national legislation in place (related to health, education, access to social system etc.). Accessibility for disabled persons is also specifically mentioned, including under PA 5, which finances tourism interventions.

The ROP FID further details, for each KAI, the vulnerable groups this will reach, both for the targeted interventions and non-targeted intervention: KAI 1.1 refers to the effects of its intervention to improving social inclusion, overall; KAI 1.2 aimed to decrease the isolation of some communities, increase mobility, and implicitly, the access to labour market of the population in these areas, especially of the vulnerable groups; KAI 3.1 and 3.3 contribute to enhancing equal access to health services and emphasize the access to these services of disabled persons, by ensuring that the needed infrastructure is embedded in the financed projects; KAI 3.2 and 3.4 are set to contribute to enhancing equal access to educational and social services, again, with an emphasis on infrastructure for disabled persons. KAI 4.3 plans to contribute to the increase in the number of women entrepreneurs and projects under KAIs 5.1, 5.2, 5.3 covering tourism infrastructure and services which also need to respect the national legislation in place as regards infrastructure for persons with disabilities. KAIs 6.1 and 6.2 under the Technical Assistance Priority are set to contribute to applying the EO principle, but no further details are given by the FID in this respect.

► *Inception of programming*

Although ROP displays awareness on the elements, importance and possible effects on different vulnerable groups through its interventions, when the programme started to be elaborated no review of data availability on EO was carried out. Consequently, the missing data was not identified and the ROP MA did not warn the authorities responsible with collecting these to take the necessary measure to improve the data availability. This set of actions was necessary in the case of the ROP exactly because the programme envisaged interventions and effects on target groups constituted of categories of vulnerable people.

► *Context analysis*

The same is valid in the case of the ROP context analysis. Considering the fact that the programme envisaged interventions and effects on target groups constituted of vulnerable groups, it should have included a dedicated section containing an analysis of the specific context of the programme in terms of EO, including 1) Relevant equal opportunities issues; 2) Gender differences and other relevant issues concerning discrimination. The relevant issues for ROP in this context are several, as taken over in the programme logic of intervention and presented above: disabled, women (entrepreneurs), access of vulnerable groups to health, education and social assistance services.

► *Strategy development*

Interlinked with the “context analysis”, the ROP is missing in the socio-economic analysis a section specific for the non-discrimination topics, based on which the programme’s targeted interventions should have been designed. The

²⁶ (1) Race, (2) nationality, (3) ethnic group, (4) language, (5) religion, (6) social category, (7) convictions, (8) sex, (9) sexual orientation, (10) age, (11) disability, (12) non-catching chronic disease, (13) HIV infection, (14) belonging to a disfavoured category

²⁷ ROP has an impact on more vulnerable groups mentioned by the programme at the outset, e.g. elderly, but only these three categories are specified in the OP.

analysis focuses on the state of affairs as regards social *infrastructure* (including educational and health) in the programme regions, not on the situation of its final beneficiaries.

Consequently, the prioritization of aspects and the identification of priority axes/key areas of intervention/measures (for mainstreaming of EO) to be taken were based on infrastructure-related and not EO-related socio-economic analysis.

► **Design of interventions**

In terms of design, ROP foresees 3 targeted interventions:

KAI	Specific Objectives	Relevant areas / topics
3.1 Rehabilitation, modernization and equipping of the health services' infrastructure	Improve the quality of medical care assistance and a balanced regional-territorial distribution in order to ensure equal access of the population to health services	Health, well being, social inclusion: access to health and care services
3.2 Rehabilitation, modernization, development and equipping of social services infrastructure	Improve, throughout the country, the quality and capacity of social services infrastructure, in order to ensure equal access for all citizens	Health, well being, social inclusion: social infrastructures
3.4 Rehabilitation, modernization, development and equipping of pre-university, university education and continuous vocational training infrastructure.	Improve education infrastructure, school equipments, accommodation structures for students and the continuous vocational training centers in order to ensure initial and continuous educational process at European standards and the increased participation of the school population and of the adults in the educational process	Education and training: adaption and equipment to facilitate access

Overall, the objectives and the justification of the targeted interventions analysed under this evaluation, as inserted in the FID are in line with Programme objectives, including in terms of equal opportunities and non-discrimination, as proposed by the text of the OP.

Further than these targeted interventions no other positive actions were envisaged in the programming phase, which would ensure the planned effects on vulnerable groups under the non-targeted KAIs of the programme, e.g. positive actions to ensure the increase in the number of women entrepreneurs under KAI 4.3 or enhancing equal opportunities under PA Technical Assistance. One exception is constituted by the horizontal approach taken by the programme in terms of required infrastructure for disabled persons, condition "mainstreamed" in all ROP's relevant interventions.

In this context, the positive impact on equal opportunities of mainstreaming actions (not of the targeted interventions) planned and expected by ROP should focus on the vulnerable group of disabled persons.

► **Indicators**

Overall, the objectives aimed at by the OP in terms of application of equal opportunities principle are properly mirrored by the output and result indicators, as well as by their targets. The indicators for all priority axes are distinctively split by gender (women/men) and categories of vulnerable categories as addressed the programme's interventions: persons benefiting from the new or rehabilitated infrastructure (including business infrastructure) and new jobs created out of which: disadvantaged children, Roma, disabled, drug-dependent persons, ex-detainees, victims of domestic violence, elderly and persons with ages between 20 – 24; 25 – 49; 50 and above 50 years (thus also youth).

The operational programme paves the way for an equality-friendly implementation, envisaging, already from the programming stage, that the principle will be embedded in the project appraisal grid and in the membership of the Monitoring Committee and RCSA (Regional Committee for Regional Assessment).

SOP Increase of Economic Competitiveness (SOP IEC)

The SOP IEC's description of the equal opportunities and non-discrimination principles is relatively detailed and covers areas/topics and groups provided for in the national legislation in place and the provisions of the Europe 2020. The programme distinguishes between the two facets of the concept (i.e. gender and non-discrimination), although not very clearly, and recalls the art. 16 of the General Regulation.

The SOP IEC recalls the 6 main grounds for discrimination to which the programme intend to pay particular attention (i.e. sex, racial or ethnic origin, religion, age, disabilities and sexual orientation) in terms of making financing accessible to its potential beneficiaries. However, it seems that, in terms of logic of intervention, it also narrows down the EO concept to social protection and social inclusion. SOPIEC considers that it influences these areas only indirectly, through Priority axis 3, through which interventions (e.g. covering part-time work, tele-work, access to small and isolated communities through broadband infrastructure, improved working conditions) disadvantaged groups might have access to labour market and increase wealth. The principle of equal opportunity is also narrowed down by the programme as it is interpreted as "equal access of potential beneficiaries to financing" under SOPIEC; however, no other, more specific details are given on how this equal access is ensured.

The programme planned to mainstream the EO concept under all PAs by applying particular project *selection* criteria in the appraisal process, which would ensure the selection of projects which enhance the equal opportunities of disabled persons, women, isolated communities and "disadvantaged" social groups" and their access to information, labour market (including in the R&D field), education, professional qualification, managerial consultancy".

► *Inception of programming*

Although SOPIEC was quite ambitious in the programming phase as regards the mainstreaming of EO and the effects some of its interventions would have in terms of access to information and labour market of vulnerable groups, when the programme started to be elaborated no review of data availability on EO was carried out. Consequently, the missing data was not identified and the SOPIEC MA did not warn the authorities responsible with collecting these to take the necessary measure to improve the data availability. Although SOPIEC does not implement targeted interventions, such a review and the data would have been useful for coining more precisely the effects (even if indirect) the programme's interventions and planned positive actions would have had in terms of EO and access of vulnerable groups to the areas envisaged (labour market, R&D, information).

► *Context analysis*

Considering the fact that the programme envisaged interventions and effects on categories of vulnerable persons, even if these interventions and effects are indirect it should have included a section containing an analysis of the specific context of the programme in terms of EO, including 1) Relevant equal opportunities issues (e.g. women entrepreneurship, women and youth participation in R&D); 2) Gender differences and other relevant issues concerning discrimination (e.g. women access on labour market, disabled access to information in relationship with access to information and the provisions of Law no. 448/2006 for protecting and promoting the rights of people with disabilities).

► *Strategy development*

Interlinked with the "context analysis", the SOPIEC is missing in the socio-economic analysis a section specific for the non-discrimination topics, based on which the programme's interventions (with indirect effect on vulnerable groups) and envisaged positive actions should have been designed. Consequently, the prioritization of aspects and the identification of priority axes/key areas of intervention/measures were not based on EO-related socio-economic analysis, even if such (side) effects were identified.

► *Design of interventions*

SOPIEC does not encompass targeted interventions, however, KAIs 3.1 Supporting the ICT use (especially operation 3.1.1 Support access to broadband and connected services) and KAI 3.2 Developing and increasing the efficiency of electronic public services (operation 3.2.1 Support the implementation of e-government solutions and ensuring broadband connection where necessary) are KAIs with possible indirect effects on categories of vulnerable persons, especially women and disabled. Their access to broad-band internet may enhance their access to labour market through alternative working ways and, thus, increase their wellbeing.

Further than PA 3, SOPIEC provides in the FID for positive actions towards young and female researches under all KAIs of PA 2 financing R&D interventions – under KAI 2.1 the FDI explicitly mentions that project which favour the participation of youth in its activities will receive more points during appraisal.

In terms of mainstreaming actions having a positive impact on equal opportunities, the SOPIEC does little further than the indirect interventions and positive actions mentioned above. The OP and FID do mention equal access to financing under the programme and equal access to jobs created in the projects financed, but only as principles.

► *Indicators*

Although SOPIEC envisages some indirect effects on disadvantaged groups, more specifically on women, youth and disabled, it did not set indicators to quantify and monitor them, with the exception on the gender split of the indicator “new jobs created”. However, under the TA PA, the OP mentioned that the programme will monitor, where relevant, if the beneficiaries are respecting the EO legislation and principle. SOPIEC also envisaged, from the outset, to have a gender-balanced Monitoring Committee.

SOP Environment (SOP ENV)

Although the SOP ENV mentions, in the text of the OP, both the equality between men and women and the concept of vulnerable groups, it focuses on ethnic minorities, among which Roma receive particular attention. Gender equality is applied by the SOP ENV by reinforcing the principle of equal access to labour market and equal payment for equal jobs and by ensuring that equal access is guaranteed to jobs within the MA and IBs themselves and under the SOP ENV projects (both for women and ethnic minorities). SOP ENV considers that it would have a positive impact on Roma population as their communities will be endowed with public utilities (i.e. access to water and sewage systems) and as Roma would have equal access to jobs created during the implementation phase of the SOP ENV interventions.

Only in terms of Information and Publicity the text of the operational programme refers to actions and publicity materials to be produced in the framework of the programme and connected to EO, as these mean to provide information regarding the financing opportunities to the potential project beneficiaries, economic and social partners, National Agency for Equal Opportunities, NGOs.

The SOP ENV thin approach on EO is continued in the FID, where the concept is not further developed and adjusted to the nature of each KAI, but a horizontal, common approach is envisaged for all PAs, with the exception of the TA PA. As in the case of SOPIEC equal opportunities in the FID is interpreted as equal access of potential beneficiaries to financing under the programme, in the context of equal access of citizens to economic and social life in Romania. However, the TA PA specifically provides for training sessions to be carried out for the implementation of the horizontal principles of the programme, including EO, and I&P activities to promote them.

► *Inception of programming*

Although SOP ENV emphasised on the positive effects the programme would have on Roma through their connection to public utilities, when the programming phase was initiated no review of data availability on Roma and the related planned interventions was carried out. Consequently, the missing data was not identified and the SOP ENV MA did not warn the authorities responsible with collecting these to take the necessary measure to improve the data availability. Although SOP ENV does not implement interventions targeted to this ethnic minority, such a review and the data would have been useful for coining more precisely the effects the programme on the Roma communities in terms of access to water and sewage systems.

► *Context analysis*

At the same time, the „Context analysis” of the OP does not include a dedicated section containing an analysis or at least some information on the context of the programme in terms of EO, including 1) Relevant equal opportunities issues (i.e. the most relevant being the Roma and other vulnerable groups’ access to water and sewage systems); 2) Gender differences and other relevant issues concerning discrimination (i.e. women and other vulnerable groups’ access to labour market).

► *Operational Programme - Strategy development*

Interlinked with the “context analysis”, the SOP ENV is missing in the socio-economic analysis a section specific for the non-discrimination topics, based on which the programme’s interventions with positive effects on vulnerable groups such as Roma could have been designed. Consequently, the prioritization of aspects and the identification of priority axes/key areas of intervention/measures were not based on EO-related socio-economic analysis, even if such positive effects were identified. The EO thinking is embedded in the principle of access of the entire population (including vulnerable groups) to adequate water and sewage facilities, but also, overall, to a clean environment as preconditions for a healthy population. However, no specific elements related to EO were captured in the programme’s socio-economic analysis and strategy.

► **Indicators**

Consequently, the programme's system of indicators does not contain any reference to the EO aspects SOP ENV addresses: for example, the indicator referring to population newly connected to water and sewage facilities is not split to display the number of Roma persons benefiting from the new infrastructure.

► **Design of interventions**

The programme does not envisage any targeted intervention or positive actions and no other concrete measure for mainstreaming the EO principle with a positive impact on equal opportunities further than the general approach presented above.

SOP Transport (SOP T)

SOP T distinguishes as a less good practice from the point of view of the application of the equal opportunity and non-discrimination principle. Despite having a potential impact on particular topics and vulnerable groups, especially disabled and dedicated facilities in the framework of railway, water and air transport infrastructure (e.g. railways stations, gas stations, airports and ports), SOP T hasn't considered paying more attention to it in terms of design of interventions, its monitoring, evaluation and reporting.

However, the programme proves awareness on equality matters and mentions that it would put in place measures (without being specific in this sense) for granting equal access to the labour force to women, Roma, disabled and migrants during the construction phases of the SOP T projects (specification made in the FID). The SOP T and FID mainstream the EO principle by guaranteeing equal access to employment as available within the MA SOP T itself. The FID also states that the TA PA will contribute to the implementation of the EO principle, but no further details are given about how this will happen. The text of the OP refers specifically, under PA 2 and in complementarity to ROP, to rural population which would have better access to health services as a result of improved regional infrastructure.

Given the nature of its objectives, SOP T could have at least analysed and envisaged specific measures (or at least reinforce and implement the ones provided by the legislation in place) for ensuring accessibility to persons with disabilities within the projects financed under the programme, especially directly related to road, railway, water and air transport infrastructure.

► **Inception of programming**

Although SOP T, through its projects, might contribute to the implementation of the EO principle from the perspective of special infrastructure for disabled, when the programming phase was initiated no review of data availability on this vulnerable group in the transport sector was carried out. Consequently, the missing data was not identified and the SOP T MA did not warn the authorities responsible with collecting these to take the necessary measure to improve the data availability.

► **Context analysis**

At the same time, the „Context analysis” of the OP does not include a dedicated section containing an analysis or at least some information on the context of the programme in terms of EO, including 1) Relevant equal opportunities issues (i.e. the most relevant being the disabled and the state and needs of special infrastructure in order for this group to access transport services); 2) Gender differences and other relevant issues concerning discrimination (i.e. women, Roma, migrants and their access to labour market in the transport sector)

► **Operational Programme - Strategy development**

Interlinked with the “context analysis”, the SOP ENV is missing in the socio-economic analysis a section specific for the non-discrimination topics relevant for the programme, based on which the programme's interventions could have been designed in such a way to enhance the programme's positive effects on the relevant vulnerable groups (in the case of this programme, mainly disabled)

► **Indicators**

Consequently, the programme's system of indicators does not contain any reference to the EO aspects SOP T influences, for example at least on number of projects/facilities (i.e. railways stations, gas stations, airports and ports) provided with infrastructure for disabled. It is true that MA SOP T is not responsible with monitoring the extent to which the projects do respect and apply the legislation in place related to specific infrastructure for disabled, but showing concretely, through indicators, what the programme has achieved in terms of access of disabled to transport services would have been added value to the programme from the EO perspective and horizontal objective.

► *Design of interventions*

The programme does not envisage any targeted intervention or positive actions and no other concrete measure for mainstreaming the EO principle with a positive impact on equal opportunities further than the general approach presented above.

Operational Programme Technical Assistance (OPTA)

Another programme with a high potential impact of mainstreaming the principle of equal opportunities and non-discrimination, especially through some of its activities (e.g. horizontal trainings, studies and evaluation) perceives rather narrowly the concept in itself but also its own possibilities to contribute to its implementation. The programme doesn't make a clear distinction between gender equality and non-discrimination although it uses both terms in its description and it refers only to Law 202/2002 on gender equality. OPTA narrows its approach to EO to the vulnerable groups "women" and "ethnic minorities" and to the area "access to labour market"; however, under PA 1, the programme provides for seminars focused on "horizontal themes", among which equal opportunities, as these are needed for the correct implementation and mainstreaming of the EO itself, by the whole SIS.

The FID does not provide for any further detail, at KAI level, as to how the EO principle is implemented (through specific activities as provided for in the OP) or mainstreamed. However, the FID states that an eligibility criterion will be used in the project appraisal system which will oblige the projects financed under the programme to respect the legislation in the field.

► *Inception of programming*

Although OPTA, through its intervention, could contribute to the implementation of the EO principle at least by raising awareness among its target groups, when the programming phase was initiated no review of data availability on EO topics and its target groups was carried out. Consequently, the missing data was not identified and the OP TA did not take any other step to collect the necessary data, or to further investigate (see further) the principle and how the programme could have mainstreamed it through its interventions.

► *Context analysis*

At the same time, the „Context analysis” of the OP does not include a dedicated section containing an analysis or at least some information on the context of the programme in terms of EO, including 1) Relevant equal opportunities issues (e.g. the state of affairs as regards presence of vulnerable persons among its target group, including potential beneficiaries and beneficiaries of SIs in Romania); 2) Gender differences and other relevant issues concerning discrimination which could have been mainstreamed in the programme activities such as training session (as in the case of OP DAC), dissemination activities, horizontal/cross programme studies on the effects of SIs in Romania on different categories of vulnerable groups (e.g. Roma, which benefit directly or indirectly at least under three OPs: SOP HRD, ROP, SOP ENV; the effects on the social assistance system of interventions financed under OP DAC and ROP, but also SOP HRD).

► *Operational Programme - Strategy development*

Interlinked with the "context analysis", the OPTA is missing in the underpinning analysis a section specific for the non-discrimination topics relevant for the programme, based on which the programme's interventions could have been designed in such a way to enhance the programme's positive effects on the vulnerable groups and, overall, on enhancing awareness on the importance of applying and mainstreaming the principle of EO.

► *Indicators*

Consequently, the programme's system of indicators does not contain any reference to the EO aspects OPTA might influence through its activities: for example representatives of vulnerable groups participating in the programme's activities, studies/guidelines/manuals/trainings/promotion materials on the EO realised (e.g. the "Manual for preparing and implementing SIs financed projects" and the "Study on the future EU Cohesion Policy interventions after 2013", posted on OP TA web-page which address the EO principle, too).

► *Design of interventions*

The programme does not envisage any targeted intervention or positive actions and no other concrete measure for mainstreaming the EO principle with a positive impact on equal opportunities further than the general approach presented above. In accordance with the OPTA provisions, the MC was planned to be set up by observing, among others, the principle of EO.

Sectoral Operational Programme Human Resources Development (SOP HRD)

As it is presented in detail under EQ 2.3 and in the case inserted in Annex 5, SOP HRD is selected as best practice for the programming: set up from the beginning as the main ESF-financed programme in Romania, SOP HRD carefully analyses its specific context in terms of equal opportunities and non-discrimination, as well as the specific needs of its target group, under the socio-economic analysis, which is supported by statistical data.

The priorities and measures of the programme logically flow from these analyses and are well justified and among these there is a large set of targeted interventions, while the EO and N-D principles are mainstreamed in the non-targeted interventions. The programme also created a set of indicators to capture its overall achievements in terms of equality (with the exception of the impact level).

At programme level SOP HRD refers to women and their access to labour, decision-making, but also the reconciliation between their work and private life as well as other related issues, from sexual harassment to traffic and sexual exploitation. As vulnerable groups the OP specifically refers to disabled persons, young people, Roma minority, older job seekers and their access to labour market (unemployment).

Overall, the SOP HRD strategy covers comprehensively the areas and groups envisaged by the European framework analysed above. Some very specific are not explicitly mentioned in the OP and FID, especially related to cases of multiple discrimination (e.g. lone mothers, mothers with HIV), but they are addressed under SOP HRD projects.

As regards the targeted interventions under the SOP HRD, they are solidly justified, based on the comprehensive analysis carried out for the entire programme, and are logically flowing from the objectives SOP HRD proposes to attain in terms of ensuring equal opportunities to all and combating discrimination.

The list of nine targeted interventions is presented in the table below:

KAI	Specific Objectives	Relevant areas / topics
2.1 Transition from school to active life	Develop work skills of assisted persons (pupils, students, graduates) in order to facilitate their insertion on the labour market	Employment: enhance labour market participation
2.2 Preventing and correcting early school leaving	<ul style="list-style-type: none"> Development and increased access to pre-school and school education, "after school" type programs, provision of guiding and counseling, development of relevant curriculum, learner centered teaching, awareness raising campaigns etc. Development of programs for reintegrating early school leavers in education, second chance education, remedial education, flexible forms of education etc. 	Employment: enhance labour market participation
3.3 Development of partnerships and encouraging initiatives for social partners and civil society	Support the improvement of capacity of social partners and civil society, i.e. trade unions, employers' organizations, Sectoral Committees, NGOs, Regional Pacts and Local Partnerships for Employment and Social Inclusion and their Permanent Technical Secretariats, other relevant networks in employment and social field to fully contribute to the development of human resources in Romania	Employment: enhance labour market participation
5.1 Developing and implementing active employment measures	To make the youths and long-term unemployed flexible in order to meet the changing needs on the labour market.	Employment: enhance labour market participation
5.2 Promoting long term sustainability of rural areas in terms of human resources development and employment	Extracting economically inactive people living in rural areas, who earn their livings from subsistence agriculture activities, performed in their households and orienting them towards non-agricultural sector, i.e. industry and service sectors. Special attention will be given to the youths and women.	Employment: enhance labour market participation
6.1 Developing social economy	Support entities such as NGOs, social cooperatives, mutual associations, other charity and voluntary organizations, to provide a flexible and sustainable tool that can help communities to achieve their own objectives, such as: <ul style="list-style-type: none"> stimulating job creation and skills development enhancing community capacity for social supports supporting economic growth and neighborhood revitalization protecting the environment mobilizing disadvantaged groups. 	Employment: enhance labour market participation, promote self employment and entrepreneurship. Health, well being, social inclusion: community level projects
6.2 Improving the access and participation for vulnerable groups on the labour market	Increase participation and combating social exclusion by motivating people in getting integrated/reintegrated on the labour market, assisting them with effective job search, facilitating access to training and other active labour market measures, including aid to people with health problems, removing unemployment, poverty and inactivity traps.	Employment: enhance labour market participation, avoid discrimination in the labour market Education and training: adaption and equipment to facilitate access
6.3 Promoting equal opportunities on the labour	Eliminate discrimination and discriminatory practices on multiple grounds including ethnic origin, disability or age.	Fundamental rights Employment: avoid discrimination

KAI	Specific Objectives	Relevant areas / topics
market		in the labour market
6.4 Trans-national initiatives on inclusive labour market	Create a more permissive, flexible and inclusive labour market and will cover a broad range of activities as: exchange of information and people between administrations, trainers, stakeholders in labour market and social policies, adaptation and transfer of experience from other countries, studies and assessments, joint actions.	Fundamental rights Employment: enhance labour market participation

Operational Programme Development of Administrative Capacity (OP DAC)

The second ESF-financed programme in Romania refers to the concept of equal opportunities in its entirety, without dividing it into its two main facets, gender equality and non-discrimination but by taking into consideration the complete provisions of GO 137/2000. Considering the objectives and types of interventions of OP DAC, (i.e. civil service reform and modernization of public administration) the programme considers that that equal opportunity applies to all key areas of intervention. Its initially envisaged approach in terms of mainstreaming EO principle in its implementation is comprehensive and based on 6 pillars:

- ▶ Mainstreaming equal opportunity into all priority axes – under all projects EO-related activities need to be carried out, e.g. training session;
- ▶ Each priority axis will identify the actions needed to integrate equality of opportunity into the outputs to be delivered through inclusion of equal opportunities in selection criteria (but, firstly, eligibility criteria);
- ▶ Applicants will be asked to demonstrate how their project will address key equality issues;
- ▶ The Technical Assistance Priority Axis will improve the information base in order to monitor the application of equal opportunities in the outputs and results;
- ▶ There will be specific reference to equal opportunities in the regular reports for the OP DAC;
- ▶ Promoting fairness and balance on the OP DAC Monitoring Committee.

It is also worth mentioning that OP DAC initially envisaged concentrating its interventions on three priority sectors: social assistance, health and (secondary) education, whose reforming and modernisation would have a strong impact in all areas of equal opportunities and non-discrimination (with the exception of labour).

▶ *Inception of programming*

Although OP DAC has the most comprehensive approach to mainstreaming the EO, when the programming phase was initiated no review of data on EO topics as related to its target groups was carried out. Consequently, no missing data could be identified and the MA did not take any other step to collect the necessary data, or to further investigate (see further) the principle and how the programme should mainstream it through its interventions.

▶ *Context analysis*

At the same time, the „Context analysis” of the OP does not include a dedicated section containing an analysis or at least some information on the context of the programme in terms of EO, including 1) Relevant equal opportunities issues (e.g. the state of affairs as regards presence of vulnerable persons among its target group, especially women, minorities, disabled, persons with different sexual orientations, elderly who could be civil servants, contractual personnel); 2) Gender differences and other relevant issues concerning discrimination which could have been mainstreamed in the programme activities (e.g., very important, access of women to decision-making).

▶ *Operational Programme - Strategy development*

Interlinked with the “context analysis”, the OPDAC is missing in the underpinning analysis a section specific for the non-discrimination topics relevant for the programme, based on which the programme’s interventions could have been designed in such a way to enhance the programme’s positive effects on certain, relevant vulnerable groups and topics and, overall, on enhancing awareness on the importance of applying and mainstreaming the principle of EO especially in and by the public administration, in accordance with the provisions of the Law no. 448/2006 for protecting and promoting the rights of people with disabilities and Law no. 188/1999 on the Status of civil servants, consolidated 2009.

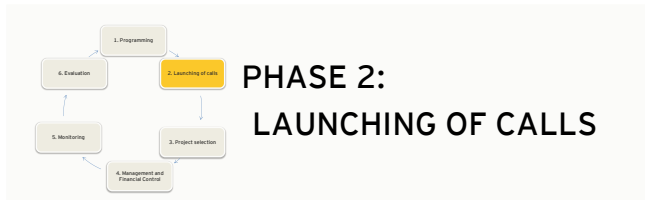
▶ *Indicators*

As OP DAC is an ESF programme, it respects the European requirements in terms of data collection and reporting to EC as derived from Annex XXIII of the Implementation Regulation but it does not monitor any other indicator on the

activities carried out at project level in the framework of the programme’s mainstreaming approach (e.g. number of seminars/workshops/training sessions carried out on EO) and their effects (thus the fourth pillar of the programme’s approach hasn’t been, yet, implemented).

► **Design of interventions**

The programme does not envisage any targeted intervention or positive actions. Its mainstreaming approach is presented above.



Regional Operational Programme (ROP)

Under the ROP we have analysed the Guidelines for Applicants in force for the 4 KAI covered by our project, respectively KAI 1.1 Integrated urban development plans: growth poles; urban development poles; urban centres; KAI 3.1 “Rehabilitation, modernization and equipping of the health services’ infrastructure”, 3.2 “Rehabilitation, modernization, development and equipping of social services infrastructure” and KAI 3.4 “Rehabilitation, modernization, development and equipping of pre–university, university education and continuous vocational training infrastructure”. The latter 3 constitute targeted interventions, while KAI 1.1 has an indirect effect on equal opportunities (see annex 2 for the list of the 35 KAI covered by this evaluation).

► **Call for proposals – Preparation**

The MA ROP hasn’t involved specific expertise, in the sense of involving an external EO-expert, for the preparation of Applicants’ Guidelines, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination. As discussed during the focus group, it is unclear in Romania what would be the profile of an EO-expert. The Guidelines have been drafted with the support of the MA ROP internal staff with knowledge in the EO-field.

► **Applicants’ Guidelines – explanations of EO principle**

The Guidelines contain clear wording on the concept and terminology of equal opportunities and non-discrimination, related to the OP approach in this respect.

All Guidelines related to the 4 KAI analysed describe the concept of EO and N-D in the framework of the eligibility check-list, as one of the eligibility criteria applied by the programme is: “The project respects legislation in the field of environment protection, energy efficiency, equal opportunities and public procurement”.

The definition of the EO concept in all Guidelines refers to equal access and treatment (of all, without discrimination on any grounds “such as gender, ethnic groups, race, religion, disabilities etc.”) to employment and particularly gender equality on the labour market. Through their provisions the MA ROP obliges the applicants to introduce in their internal regulations and rules of functioning and organization of provisions forbidding discrimination on all grounds, in accordance with the Romanian Labour Code (the only programme). The Applicant Guide for KAI 1.1 also makes available a comprehensive list of the relevant legislation in the field of EO.

Further than these two above-mentioned aspects, the Applicant Guides for KAI 3.1 and 3.2 (financing health and social assistance infrastructure) emphasize on physical accessibility in buildings for persons with disabilities and other needed infrastructure. They also require the beneficiaries to impose the application of the principle in the framework of their project, also by their contractors, which should insert clauses and conditions for respecting the EO principle in the signed contracts.

The Guide for KAI 3.4 has the most comprehensive description of all; further than equal access to employment and requiring the contractors under the ROP projects to respect the EO principle, this fourth guide obliges the applicant to ensure equal access to all to the services provided in the education sector as a result of the projects and emphasizes on access of vulnerable groups and especially Roma children to these services as positive effect of the programme’s interventions. At the same time, it makes extensive references to the provisions of the National Education Law, and underlines the right for differentiated educational services for persons with special needs as well as for teaching in

languages of ethnic minorities, if the case. The Guide, by this later provision, underlines the effects of the ROP on children of different ethnic minorities.

All guides draw clearly the attention of the applicants that the manner in which they implement the EO&ND legislation will be monitored throughout the project lifetime (through progress reports), with the indicators set for the purpose of the KAI monitoring being differentiated in most cases only for men/women and Roma; notably, the indicators set in the AG for KAI 3.4 are meant to capture also effects on persons with disabilities.

► ***Financing application form – contents***

The application form used by MA ROP for the 4 KAIs analysed clearly requires the applicants to explain how they intend to implement the equal opportunities principle in their project, either in the framework of the (1) activities planned, or at the (2) project management level or (3) when the beneficiaries/target group of the project is identified and described or (4) in the contracts which will be signed and implemented under their projects.

► ***Financing application form – Monitoring requirements***

The ROP application form comes to complete and enhance the provisions of the Guides and clearly mentions that monitoring indicators to be set up and used by beneficiaries in their projects must be correlated with indicators presented in the Guide, including the EO indicators too.

The indicators listed in the Guide are the programme performance indicators relevant for the KAIs themselves and are broken down (as presented under the first stage, “Programming”) by gender, and by vulnerable groups benefiting from the new/rehabilitated infrastructure (pupils with disabilities, Roma pupils, pupils from urban/rural areas, Roma and disabled students, new jobs for men/women; men/women/disabled benefiting from new/rehabilitated infrastructure).

► ***Launch of call for proposals – information and publicity***

In accordance with the information collected during the interview with the representatives of the MA ROP, no specific information and publicity events on EO were carried out when launching the calls for proposal. The EO-related issues were presented in the framework of wide I&P events, among the other issues relevant and important for the potential beneficiaries.

As a good practice in this second phase, ROP is the only programme having prepared a distinct Guide on EO. The guide was made available in June 2009 (quite early in the lifetime of the programme but not from the very beginning) and presented exhaustively what the principle of equal opportunities stands for and how the potential applicants, but also beneficiaries can and should implement it in their projects. The Guide gives one example about how the EO principle could be integrated at the level of (infrastructure) project level (page 7), matches EO aspects with the types of projects financed under ROP and lists all EO indicators monitored by the programme and for which projects need to collect and report data²⁸.

► ***Submission mechanism***

The MA ROP hasn't considered the barriers for the process of submitting financing applications by the representatives of certain vulnerable groups. The conditions for submitting the financing applications were the same for all applicants and no special conditions were provided for persons with disabilities to submit applications (if the case), except the fact that Ministry of Regional Development and the Interim Bodies has the necessary infrastructure which guarantees access in the building to physically disabled persons. However, the MA and Ministry do not have infrastructure or other facilities for any other type of disabled persons (e.g. blind and deaf), in accordance with the provisions of the Law 448/2006 for protecting and promoting the rights of people with disabilities).

► ***Launch of calls – project generation***

Preparing the project proposal fell exclusively under the responsibility of the applicants. The MA ROP supported them in the process through different services, especially through help-desk, information posted on the programme web-page. Although information on EO was provided, as in the case of the I&P events this hasn't happen through specific expertise, but through general channels.

²⁸ Please see the attached case and its presentation in the chapter related to EQ 2.3.

Sectoral Operational Programme Increase of Economic Competitiveness (SOPIEC)

Under the SOPIEC we have analysed the Guides of Applicants in force for 4 KAIs and operations covered by our project, respectively KAI 1.1 (non-relevant, not targeted) “Productive and environment friendly investments and preparation for market competition, especially of SMEs”, KAI 3.1 (indirect effect) “Supporting the ICT use”, the operation 3.1.1 Support access to broadband and connected services, KAI 3.2 (indirect effect) “Developing and increasing the efficiency of electronic public services”, the operation 3.2.1 Support the implementation of e-government solutions and ensuring broadband connection where necessary, and KAI 3.3 (non-relevant, not targeted) “Sustaining the E-Economy”, the operation 3.3.2. Support the development of e-commerce systems and other electronic solutions for business.

▶ *Call for proposals – Preparation*

As discussed in the interview with representatives of the MA SOPIEC, no specific expertise, in the sense of involving an external EO-expert, was involved in the preparation of Applicants’ Guidelines, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination.

▶ *Applicants’ Guidelines – explanations of EO principle*

None of the four Guides of Applicants analysed refers or explains the principle of equal opportunities or puts in place any type of equality-indicators, although the application form requires the applicants to explain how they intend to implement the equal opportunities principle in their project.

▶ *Financing application form – contents*

The application forms used by the MA SOPIEC for the 4 KAIs/operations ask the applicant to explain how they apply the EO principle, but the information required are vague (i.e. how the principle is taken into consideration in “developing the project”, in its future implementation, project management and identifying the target groups). Mainly the AFs refer to equality among employees which needs to be ensured by the applicant/beneficiary. The applicant/beneficiary needs to ensure that the principle of equal treatment of employees is also respected by the contractors under the projects through inserting a specific provision in the contracts signed in the framework of the project.

▶ *Financing application form – Monitoring requirements*

As in the case of the Applicant’s Guides, the application forms does not contain any reference to a monitoring system and process the beneficiaries will be subject to during the implementation of their project.

▶ *Launch of call for proposals – information and publicity*

In accordance with the information collected during the interview with the representatives of the MA SOPIEC, no specific information and publicity events on EO were carried out when launching the calls for proposal. The EO-related issues were presented in the framework of wide I&P events, among the other issues relevant and important for the potential beneficiaries.

▶ *Submission mechanism*

The MA SOPIEC hasn’t considered the barriers for the process of submitting financing applications by the representatives of certain vulnerable groups. The conditions for submitting the financing applications were the same for all applicants and no special conditions were provided for persons with disabilities to submit applications (if the case), except the fact that Ministry of Economy and the Interim Bodies has the necessary infrastructure which guarantees access in the building to physically disabled persons. However, the MA and Ministry do not have infrastructure or other facilities for any other type of disabled persons (e.g. blind and deaf), in accordance with the provisions of the Law 448/2006 for protecting and promoting the rights of people with disabilities).

▶ *Launch of calls – project generation*

Preparing the project proposal fell exclusively under the responsibility of the applicants. The MA SOPIEC supported them in the process through different services, especially through help-desk, information posted on the programme web-page. Although information on EO was provided, as in the case of the I&P events this hasn’t happen through specific expertise, but through general channels.

Sectoral Operational Programme Environment (SOP ENV)

Under the SOP ENV we have analysed the Guides of Applicants (GA) in force for the 2 KAIs covered by our project, respectively KAIs 1.1 “Extension/modernization of water and wastewater systems” and 4.1 “Development of infrastructure and management plans to protect biodiversity and Natura 2000”.

► *Call for proposals – Preparation*

As discussed in the interview with representatives of the MA SOP ENV, no specific expertise, in the sense of involving an external EO-expert, was involved in the preparation of Applicants’ Guidelines, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination.

► *Applicants’ Guidelines – explanations of EO principle*

The two Guides analysed make almost no reference to the EO principle. Guide for KAI 1.1 refers shortly to equality principle under public procurement law and when reiterates the programme’s objective related to preventing natural disasters in vulnerable areas, which partially interrelates also with poverty and social inclusion. The Guide for KAI 4.1 only mentions the eligibility criterion according to which the applicants need to respect the EO principle as provided by the national legislation in force.

► *Financing application form – contents*

However, while the application form for KAI 1.1 makes no reference to the equal opportunity principle (although SOP ENV does capture EO through an eligibility criterion), the form for KAI 4.1 refers specifically to persons with disabilities and requires that the infrastructure projects financed under this KAI also cover the facilities needed for this category of vulnerable persons. The AF also requires works contracts signed under projects to be implemented in the framework of the KAI also respect the legislation in place as regards the infrastructure this vulnerable group needs. At the same time, the Application Form requires the beneficiaries to respect equal treatment of men and women as employees.

► *Financing application form – Monitoring requirements*

Only the AF for KAI 4.1 draws the attention to applicants that the manner in which the beneficiaries implement the EO&ND legislation will be monitored throughout the project lifetime *and beyond*. However, no further details on how this will be conducted are given (especially after the project is closed),

► *Launch of call for proposals – information and publicity*

In accordance with the information collected during the interview with the representatives of the MA OP ENV, no specific information and publicity events on EO were carried out when launching the calls for proposal. The EO-related issues were presented in the framework of wide I&P events, among the other issues relevant and important for the potential beneficiaries.

However, as developed under section 2.3 of this report, SOP ENV represents a good practice in terms of information and publicity activities carried out in order to implement the EO principle in terms of access of all potential beneficiaries, belonging to any minority, to the programme (please see also annex 5 for a complete description of the SOP ENV in this respect). A dedicated campaign targeting ethnic minorities through the use of dedicated media channels was implemented between March and August 2012 with the aim of increasing the level of awareness about the Programme among the general public.

► *Submission mechanism*

The MA SOP ENV hasn’t considered the barriers for the process of submitting financing applications by the representatives of certain vulnerable groups. The conditions for submitting the financing applications were the same for all applicants and no special conditions were provided for persons with disabilities or representatives of ethnic minorities to submit applications (if the case), except the fact that Ministry of Environment and the Interim Bodies has the necessary infrastructure which guarantees access in the building to physically disabled persons. However, the MA and Ministry do not have infrastructure or other facilities for any other type of disabled persons (e.g. blind and deaf), in accordance with the provisions of the Law 448/2006 for protecting and promoting the rights of people with disabilities).

► *Launch of calls – project generation*

As discussed during the interview with the representatives of the MA SOP ENV, the MA and IBs supported the applicants to develop their projects and application in the process but although information on EO was provided, as in the case of the I&P events this hasn’t happen through specific expertise, but at general level.

Sectoral Operational Programme Transport (SOP T)

Under the SOP T we have analysed the GA in force for the 2 KAIs covered by our project, respectively KAIs 2.1 Modernization and development of railway infrastructure along the TEN-T priority axis 22 and 4.1. Support for effective SOP T management, implementation, monitoring, and control.

▶ *Call for proposals – Preparation*

As discussed in the interview with representatives of the MA SOP ENV, no specific expertise, in the sense of involving an external EO-expert, was involved in the preparation of Applicants' Guidelines, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination.

▶ *Applicants' Guidelines – explanations of EO principle*

The AG related to KAI 2.1 refers to EO in terms of equal access to new jobs created by the projects financed by the programme under its framework. It also states that this KAI respects the provisions of the Law 202/2002 regarding equal opportunities between man and women, but it does not give further detail about how this is applied in practice. The AG for KAI 4.1 only mentions that the KAI will contribute to the implementation of equal opportunities, and that the MA SOP T human resources policy is non-discriminatory.

▶ *Financing application form – contents*

Despite the sketchy information in the AGs, the application form approach contains an overall requirement for the applicants/beneficiaries to present the way in which the project respects the equal opportunities principle but provides no further details about how this should be done.

▶ *Financing application form – Monitoring requirements*

Neither the AG, not the AF for KAI 4.1 draws the attention to applicants that the manner in which the beneficiaries implement the EO&ND legislation will be monitored throughout the project lifetime.

▶ *Launch of call for proposals – information and publicity*

In accordance with the information collected during the interview with the representatives of the MA SOP T, no specific information and publicity events on EO were carried out when launching the calls for proposal. The EO-related issues were presented *to a very limited extent* in the framework of wide I&P events, among the other issues relevant and important for the potential beneficiaries.

▶ *Submission mechanism*

The MA SOP T hasn't considered the barriers for the process of submitting financing applications by the representatives of certain vulnerable groups. This approach is mostly due to the limited number of beneficiaries of the programme, which would have rendered such efforts as redundant.

▶ *Launch of calls – project generation*

As discussed during the interview with the representatives of the MA SOP T, the MA supported the applicants to develop their projects and application in the process but although information on EO was provided, as in the case of the I&P events this hasn't happen through specific expertise, but at general level.

Operational Programme Technical Assistance (OPTA)

For OPTA we have analysed the Applicant's Guide and Application Form relevant for the two KAIs analysed: KAI 1.2 Support for the evaluation and KAI 3.1 Dissemination of general information and publicity activities regarding the Structural Instruments allocated to Romania.

▶ *Call for proposals – Preparation*

As discussed in the interview with representatives of the OPTA, no specific expertise, in the sense of involving an external EO-expert, was involved in the preparation of Applicants' Guidelines, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination through the projects financed under OP TA.

▶ *Applicants' Guidelines – explanations of EO principle*

The applicants' guides for the two KAIs analysed under the OPTA do not refer in any manner to the equal opportunities principle or to non-discrimination and gender equality.

► **Financing application form – contents**

The application form provides for a standard EO-related paragraph to be inserted in all applications, which states that the projects will promote and apply the principle of equal opportunities, in relation to men and women as provided for by the Law 202/2002 and to ethnic minorities. The principle promoted by the OP TA application form relates specifically only to equal access of men, women and ethnic minorities to labour market.

The application form leaves the freedom to applicants to insert more information on how they intend to apply the EO principle, but does not require more than the simple insertion of the standard paragraph presented above.

► **Financing application form – Monitoring requirements**

Neither the AG, not the AF mentions or draws the attention to applicants that the manner in which they will implement the EO&ND legislation will be monitored throughout the project lifetime (in the case the request for financing is approved).

► **Launch of call for proposals – information and publicity**

In accordance with the information collected during the interview with the representatives of the MA OPTA, no specific information and publicity events on EO were carried out in the process of receiving and selecting projects under this programme. This approach is also due to the particular manner in which OPTA is implemented; however, the I&P types of activities related to this programme haven't emphasized EO, as so does the programme itself.

► **Submission mechanism**

The MA OPTA hasn't considered possible barriers for the process of submitting financing applications by the representatives of certain vulnerable groups. However, this approach is also due to the specific type of beneficiaries of the programme, which would have rendered such efforts as redundant.

► **Launch of calls – project generation**

As discussed during the interview with the representatives of the MA OPTA, the MA has supported the applicants to develop their projects and application but no specific expertise was involved in this process as the programme itself is not emphasizing on the implementation of the EO principle.

Sectoral Operational Programme Human Resources Development (SOP HRD)

Under SOP HRD we have analysed 18 KAIs, in total, out of which 9 targeted and 9 non-targeted (as inserted in annex 2 and also presented under). The programme provided for general guides (2008, 2009, and 2010) to which several annexes were attached, such as application form, evaluation grids. Further on, for each KAI at least two specific guides, one per year and in some cases also different guides for grant and strategic projects were issued, thus we have screened more than 60 applicants' guides, including annexes and corrigenda.

The 9 targeted interventions analysed under SOP HRD are:

N	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
1.	2. Linking life long learning and labour market	2.1 Transition from school to active life	Develop work skills of assisted persons (pupils, students, graduates) in order to facilitate their insertion on the labour market	Employment: enhance labour market participation	Direct impact
2.	2. Linking life long learning and labour market	2.2 Preventing and correcting early school leaving	<ul style="list-style-type: none"> • Development and increased access to pre-school and school education, "after school" type programs, provision of guiding and counselling, development of relevant curriculum, learner centred teaching, awareness raising campaigns etc. • Development of programmes for reintegrating early school leavers in education, second chance education, remedial education, flexible forms of education etc. 	Education: enhance access to education	Direct impact
3.	3. Increasing adaptability of workers and enterprises	3.3 Development of partnerships and encouraging initiatives for social partners and civil society	Support the improvement of capacity of social partners and civil society, i.e. trade unions, employers' organizations, Sectoral Committees, NGOs, Regional Pacts and Local Partnerships for Employment and Social Inclusion and their Permanent Technical Secretariats, other relevant networks in employment and social field to fully contribute to the development of human resources in Romania	Employment: enhance labour market participation	Direct Impact
4.	5. Promoting active employment measures	5.1 Developing and implementing active employment measures	To make the youths and long-term unemployed flexible in order to meet the changing needs on the labour market.	Employment: enhance labour market participation	Direct impact

N	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
5.	5. Promoting active employment measures	5.2 Promoting long term sustainability of rural areas in terms of human resources development and employment	Extracting economically inactive people living in rural areas, who earn their livings from subsistence agriculture activities, performed in their households and orienting them towards non-agricultural sector, i.e. industry and service sectors. Special attention will be given to the youths and women.	Employment: enhance labour market participation	Direct impact
6.	6. Promoting social inclusion	6.1 Developing social economy	Support entities such as NGOs, social cooperatives, mutual associations, other charity and voluntary organizations, to provide a flexible and sustainable tool that can help communities to achieve their own objectives, such as: <ul style="list-style-type: none"> stimulating job creation and skills development enhancing community capacity for social supports supporting economic growth and neighbourhood revitalization protecting the environment mobilizing disadvantaged groups. 	Employment: enhance labour market participation, promote self-employment and entrepreneurship. Health, wellbeing, social inclusion: community level projects	Direct impact
7.	6. Promoting social inclusion	6.2 Improving the access and participation for vulnerable groups on the labour market	Increase participation and combating social exclusion by motivating people in getting integrated/reintegrated on the labour market, assisting them with effective job search, facilitating access to training and other active labour market measures, including aid to people with health problems, removing unemployment, poverty and inactivity traps.	Employment: enhance labour market participation, avoid discrimination in the labour market Education and training: adaption and equipment to facilitate access	Direct impact
8.	6. Promoting social inclusion	6.3 Promoting equal opportunities on the labour market	Eliminate discrimination and discriminatory practices on multiple grounds including ethnic origin, disability or age.	Fundamental rights Employment: avoid discrimination in the labour market	Direct impact
9.	6. Promoting social inclusion	6.4 Trans-national initiatives on inclusive labour market	Create a more permissive, flexible and inclusive labour market and will cover a broad range of activities as: exchange of information and people between administrations, trainers, stakeholders in labour market and social policies, adaptation and transfer of experience from other countries, studies and assessments, joint actions.	Fundamental rights Employment: enhance labour market participation	Direct impact

The 9 non-targeted interventions (with indirect impact) analysed under SOP HRD are:

N	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
1.	1. Education and training in support for growth and development of knowledge based society	1.1 Access to quality education and initial VET	Modernization and restructuring of education and initial VET in an integrated approach (actions for the system, support for providers, staff development, development and provision of education and initial VET offers/programs, integrated support services for education and initial VET, such as guiding and counselling, innovative actions in view of supporting access to quality education and initial VET).	Education and training: participation in VET, modernizing education	Indirect impact
2.	1. Education and training in support for growth and development of knowledge based society	1.2 Quality in higher education	Modernization and restructuring of university education in an integrated approach (actions for the system, support for providers, staff development, development and provision of university offers, innovative actions to support the improvement and development of university education).	Education and training: participation in VET, modernizing education	Indirect impact
3.	1. Education and training in support for growth and development of knowledge based society	1.3 Human resources development in education and training	Improve initial VET and CVT and qualification of teachers, teaching staff and trainers.	Education and training: participation in VET, modernizing education	Indirect impact
4.	1. Education and training in support for growth and development of knowledge based society	1.4 Quality in CVT	Increase the public and private CVT system's capacity of providing quality services in order to support the raise of participation in training focusing on system development (instruments, tools, methodologies, standards etc.), and quality assurance.	Education and training: participation in VET, modernizing education	Indirect impact

N	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
5.	2. Linking life long learning and labour market	2.3 Access and participation in CVT	Improve the access and participation in CVT programmes, facilitating employee qualification	Employment: adaption and equipment to facilitate access	Indirect impact
6.	3. Increasing adaptability of workers and enterprises	3.1 Promoting entrepreneurial culture	Make entrepreneurship a career option for everybody , as an important solution for counterbalancing the negative effects of the structural adjustment and industry restructuring process, generating economic and social alternatives and improving the economic status of a significant number of people.	Employment: promote self-employment and entrepreneurship	Indirect impact
7.	3. Increasing adaptability of workers and enterprises	3.2 Training and support for enterprises and employees to promote adaptability	Create the enterprises' internal capacity to develop their own human resources , including specialized training programmes, focusing on new technologies.	Employment: productivity and quality of work	Indirect impact
8.	4. Modernization of Public Employment Service	4.1 Strengthening the Public Employment Service capacity to provide employment services	Support activities regarding the capacity strengthen of PES to provide employment services. Will be promoted interventions that will lead to an improved relationship between PES and its clients, and also to an increased access to active employment measures .	Employment: enhance labour market participation	Indirect impact
9.	4. Modernization of Public Employment Service	4.2 Training of the PES staff	Build up and set up the strategy of CVT of PES in order to increase the quality and efficiency of services provided and to consolidate PES capacity to adapt to the labour market.	Employment: enhance labour market participation	Indirect impact

► **Call for proposals – Preparation**

As discussed in the interview with representatives of the SOP HRD, no specific expertise, in the sense of involving external EO-experts, was involved in the preparation of Applicants' Guidelines for the 18 KAIs or the remaining ones, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination through the projects financed. However, as SOP HRD is the main programme in Romania covering EO-related projects, directly and indirectly, the MA staff should have the necessary knowledge to adequately implement the principle.

► **Applicants' Guidelines – explanations of EO principle**

The 9 KAIs with a direct effect on equal opportunities aim to set aside factors potentially leading to discrimination by acting upon certain categories of people in vulnerable situations (e.g. early school leaving by pupils, unemployment in rural areas) or by creating the necessary conditions for vulnerable groups to have (equal) access to labour market (e.g. social economy). Among these 9 KAIs, two (i.e. 6.2 Improving the access and participation for vulnerable groups on the labour market and 6.3 Promoting equal opportunities on the labour market) are particularly focused on the two dimensions of the EO principle, non-discrimination (i.e. vulnerable groups) and gender equality but to only one area, respectively access to labour market.

The application guides issued for these targeted interventions adequately present the rationale of the KAIs, as well as eligible activities, beneficiaries and target groups, and these elements are logically flowing from the OP's and FID's objectives and provisions as regards the principle of equal opportunities and non-discrimination.

In terms of targeted areas as identified by the EO-concept developed in the first chapter of this report, the Guides of the 9 KAIs address especially: (1) education: enhance access to education/education and training: adaption and equipment to facilitate access, (2) employment: enhance labour market participation, promote self-employment and entrepreneurship, avoid discrimination in the labour market; (3) health, wellbeing, social inclusion: community level projects and (4) fundamental rights, the latter in the sense of promoting and contribute to the implementation of the equal opportunities principle for all.

The Guides of the 9 targeted KAIs contain clear wording regarding the vulnerable groups as identified by the EO-concept developed in the first chapter of this report, in line with the KAIs' logic of intervention: all categories are addressed by 6.2 Improving the access and participation for vulnerable groups on the labour market and 6.3 Promoting equal opportunities on the labour market and the remaining KAIs specifically address: assisted persons (pupils, students, graduates), early school leavers, youths and long-term unemployed, economically inactive people living in rural areas, especially youths and women, people in poverty, persons subject to multiple grounds including ethnic origin, disability or age.

In terms of targeted areas as identified by the EO-concept developed in the first chapter of this report, the Guides of the 9 non-targeted KAIs address especially: (1) education and training: participation in VET, modernizing education, (2) employment: adaption and equipment to facilitate access, promote self-employment and entrepreneurship, productivity and quality of work, enhance labour market participation. The principle of equal opportunities and non-discrimination is mainstreamed, in line with the OP and FID provisions, in some cases, through indicative eligible activities: in accordance with the specific Guide KAI 1.1 finances the development of an educational system to which *all* have access (i.e. inclusive education) and the General Guide provides that under this KAI “improving/delivery of school mediation services etc. for pupils with disabilities, of Roma origin from the rural areas and/or belonging to other vulnerable groups will be financed. KAI 1.2 finances activities which lead to the increase of access to tertiary education especially for population in the rural areas and in the Roma community etc.). KAI 4.1 finances programmes for unemployed and job-seekers; KAI 1.4 finances the integration of the EO principles in the developed and implemented activities and processes.

All the AGs of the non-targeted KAIs give the possibility to the beneficiaries (as in the case of KAI 1.4, mentioned in the previous paragraph) to implement in the framework of their project activities focused on EO, e.g. specific modules in the framework of training sessions. However, although these are a good manner to mainstream the EO at project level, these are not obligatory and in the case of OP DAC.

Further than the activities targeted on vulnerable groups and EO-related area by both the targeted KAIs and the non-targeted KAIs, all 18 AGs clearly refer to EO as horizontal objective of the programme, with the purpose of mainstreaming it in the interventions financed in their framework. The AGs’ description of the EO principle refers comprehensively to the provisions of the core legislation in the field, especially GO 137/2000 and Law 202/2002, thus both to gender equality and non-discrimination, but also to active ageing and social inclusion. Through their wording the AGs forbid discrimination and promote, through mainstreaming, the setting aside of all discrimination criteria and in all fields envisaged by the legislation in place. However, the AGs are not precise as to how this mainstreaming should take place at project level: the AGs mention that the implementation of the principle should be taken into consideration when the project is elaborated and when its activities are conducted.

The application forms used by SOPHRD for the 19 KAIs extend slightly the concept of EO as used by the programme for mainstreaming purposes as it refers, further than the Laws 137/2000 and 202/2002, to the provisions enshrined in the Constitution, Labour Code, GO 96/2003 for protecting maternity and Law 2010/1999 regarding paternity leave).

► ***Financing application form – contents***

All application forms contain requirements for the applicant to show how the EO principle will be mainstreamed in their projects: in the (1) development phase, (2) in its activities and (3) in the project management. However, as in the case of the AGs, the information is not specific enough to give a clear idea to applicants how they can implement this requirement of the programme.

► ***Financing application form – Monitoring requirements***

Both the guides and the application forms are specific in providing the applicants with information related to monitoring procedures (reports and visits) they will have to follow, as well as to the indicators for which the beneficiaries need to collect and report data.

At the same time, the indicators inserted in the Guides represent also programme performance indicators but also the indicators related to the projects target groups, for which the beneficiaries need to carry out primary data collection and report to the MA as required by Annex XXIII to the Implementation Regulation. The guides also require from beneficiaries to report through project progress reports information on specific activities related to equal opportunities, as the ESF Regulation, article 10, requires from the SOP HRD itself, through the annual/final implementation report²⁹.

²⁹ As it is the case: (a) gender mainstreaming as well as of any gender-specific action; (b) action to increase participation of migrants in employment and thereby strengthen their social integration; (c) action to strengthen integration in employment and thereby improve the social inclusion of minorities; (d) action to strengthen integration in employment and social inclusion of other disadvantaged groups, including people with disabilities; (e) innovative activities, including a presentation of the themes and their results, dissemination and mainstreaming; (f) transnational and/or interregional actions.

► **Launch of call for proposals – information and publicity**

Considering the logic of intervention of the SOP HRD, the situation in terms of promoting equal opportunities and non-discrimination issues is more complex than in the case of non-targeted programmes, which only mainstream the principle. As discussed during the interview with the representatives of the MA SOP HRD, the programme has implemented numerous communication and information activities to promote and explain the opportunities and requirements of all KAIs, targeted or non-targeted. Further than the specific activities presenting the EO as financed under these KAIs (as presented under), EO as horizontal objective of the programme has also been addressed in their framework.

► **Submission mechanism**

Despite its focus on EO and on activities interlinked with EO, the MA SOP HRD hasn't considered possible barriers for the process of submitting financing applications by the representatives of certain vulnerable groups. Such an approach would have been more relevant for SOP HRD, especially because among its eligible beneficiaries there are also NGOs representing the interests of vulnerable groups.

► **Launch of calls – project generation**

As discussed during the interview with the representatives of the MA SOP HRD, the MA and its IBs have supported the applicants to develop their projects and application. The specific expertise involved in this process was internal (i.e. MA and IBs staff), but external support was also ensured, e.g. through externalising the help-desk services.

Operational Programme Development of Administrative Capacity (OP DAC)

For OP DAC we have analysed the most recent AGs for the 3 KAIs covered by this horizontal evaluation: KAI 1.2 Strengthen the accountability framework, KAI 1.3 Improvement of organizational efficiency and 2.2 Improve the quality and efficiency of service delivery as these are the most complete but do not substantially differ from their previous versions.

► **Call for proposals – Preparation**

As discussed in the interview with representatives of the OP DAC, no specific expertise, in the sense of involving an external EO-expert, was involved in the preparation of Applicants' Guidelines, so as to get a positive impact in terms of equal opportunities and/or prevention of any forms of discrimination through the projects financed under OP TA.

► **Applicants' Guidelines – explanations of EO principle**

The three applicant's guides refer in the same manner to the equal opportunities principle. The approach is holistic, as provided for by the GO 137/2000 but also refers specifically to gender equality on the labour market. Innovatively for programmes without targeted interventions, OP DAC provides for minimum requirements that projects needs to fulfil in order for them to pass the related eligibility criterion set up: the beneficiaries have to organise in the framework of their project a module/module section, course, seminar or a conference which would promote and increase awareness on the importance of the EO principle.

► **Financing application form – contents**

The application forms explicitly ask the applicants to describe in their application how they intend to apply the EO principle and respect the AGs minimum requirements in this sense (i.e. which of the activities required will be implemented by the project – a module/seminar/conference).

► **Financing application form – Monitoring requirements**

The FA does not refer to a future monitoring system, however, the guides explain clearly that projects will have to report to the MA (e.g. through monitoring reports) on how they applied the equal opportunities principle (including the implementation of the minimum requirements). As PO DCA is an ESF-financed programme, it also needs to monitor indicators which capture the profile of the projects' final beneficiaries from the point of view of their age, gender, location (rural/urban) or part of other vulnerable group (as required by Annex XXIII to the Implementation Regulation - see programme fiche for a full description).

► **Launch of call for proposals – information and publicity**

Further than the documentation provided to the potential beneficiaries when launching the calls for proposals, as presented above, a series of information activities were also conducted for all analysed KAIs and the whole programme. As discussed during the interviews, the EO principle was covered in the framework of these activities, as

distinct theme, and no separate events were organised for the presentation of the equal opportunities and non-discrimination. The information provided during I&P campaigns usually were the same as in the programming documents and guides.

As a good practice, further than the stipulation of clear minimum requirements, MA OP DAC also made available to potential beneficiaries but also to beneficiaries, a brochure presenting more details related to the legislation in force and the concepts of EO and ND. The brochure³⁰ covers a second horizontal objective of OP DAC (i.e. sustainable development) and a horizontal theme important for the programme, i.e. public procurement. The brochure treats the equal opportunities principle from the perspective relevant for its logic of intervention, i.e. it defines gender mainstreaming as integrating the gender equality in the public policy cycle, especially formulation, as well as in the processes, procedures, rules, laws related to public administration and prepared by the administrative-political apparatus.

The brochure makes the distinction between gender equality and non-discrimination, but it explicitly refers only to disabled in the context of the latter. The key European and national legislation in the field is taken stock of, and other nation relevant strategies are mentioned as sources, but they are more related to gender equality.

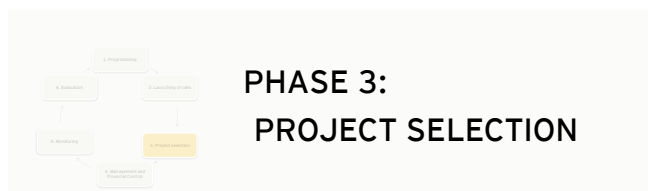
The overall focus of the brochure is actually on this dimension of equal opportunities and approached in general terms. For example, the focus is on gender equality while it is possible that men are underrepresented in the target group of the programme (i.e. employees of public administration) and one issue which is very relevant in the context of PO DAC and EO, i.e. the low share of women in decision-making positions in the political-administrative apparatus is not explicitly mentioned.

► *Submission mechanism*

The MA OP DAC hasn't considered possible barriers for the process of submitting financing applications by the representatives of certain vulnerable groups.

Launch of calls – project generation

As discussed during the interview with the representatives of the MA OP DAC, the MA has supported the applicants to develop their projects and application, both through help-desk services but also directly, by developing together with the potential beneficiaries' project ideas. However, no specific expertise was involved in this process and the EO-related information was provided by the MA staff.



Regional Operational Programme (ROP)

► *Eligibility criteria*

As mentioned above, ROP envisaged already from the programming phase that it would capture the EO principle in the project evaluation and selection grid. The programme does so during the implementation phase, as the respect of EO legal provisions is used by the MA as eligibility criterion, for all KAIs analysed. The fulfilment of this eligibility criterion is proved by a declaration of the applicant (as this is the case for all programmes having an eligibility criterion related to the project's compliance with the EO relevant legislation).

► *Evaluation and selection criteria*

ROP's projects' appraisal system contains also a selection sub-criterion (i.e. 2.8), under the second core criterion of the evaluation grid, i.e. "Quality, maturity and sustainability of the project" through which it is assessed if the project "implements measures to promote the principle of EO and non-discrimination". The EO selection sub-criterion has the

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[http://www.fonduriadministratie.ro/pictures/Document%20inf%20privind%20egalit%20de%20sanse,%20dezv%20durabila%20si%20achiz%20pub\(1\).pdf](http://www.fonduriadministratie.ro/pictures/Document%20inf%20privind%20egalit%20de%20sanse,%20dezv%20durabila%20si%20achiz%20pub(1).pdf)

same weight as the other sub-criteria under the second core criteria – all 10 sub-criteria under this second core criterion may receive a maximum of 6 points. The maximum score of 6 points is attributed to projects which have an EO and non-discrimination policy through 1) setting up mechanisms for ensuring EO in the contracts signed in its framework, 2) identifying the potential aspects related to discrimination in the context of the project and implements mechanisms to solve them (without mentioning any in particular) and 3) creating infrastructure /adapting existing structures to persons with disabilities. Only 3 points receive by the projects which respect the 2nd and 3rd element, while the applications which “respect minimum legal requirements in the field” (which actually pass the eligibility phase), receive 1 point. If the project receives 0 points at this sub-criterion it is automatically excluded from the process; however, in the case of this sub-criterion projects cannot be scored with 0 as all projects reaching this phase has already passed the eligibility check, thus fulfil the minimum requirements of the relevant legislation.

The appraisal of this sub-criterion and the scoring of the request for financing is based on information provided by the applicant in the application form (i.e. the sections referring to project’s target group, activities, project management) and in the feasibility study.

► *Tools / training sessions for project evaluators*

The technical-financial appraisal of applications under the ROP is carried out by a group of evaluators, including one expert with EO expertise (see next criterion). The EO-related selection sub-criterion is scored only by the EO appraiser, thus the ROP system does not apply a “calibration” approach.

In accordance with the interview carried out with the representatives of the MA ROP, the assessors have been provided with all necessary information, also through short training sessions, which have allowed them to carry out their appraising tasks. The information and trainings related to the EO sub-criterion in the evaluation grid were covered in the framework of these overall information and training activities.

► *Contracting project evaluators*

In accordance with the technical specifications of the MA’s request for appraisal services, at least 5% of the team’s expertise should be in the social field, particularly on equal opportunities.

The expert carrying out the EO appraisal was called social services/equal opportunities expert, and had (1) a university degree in social sciences or a similar field, (2) minimum 3 years of professional experience in implementing social services/EO policies and (3) minimum 3 years of professional experience in appraising projects related to social services/promoting EO/setting aside discrimination.

However, the contract covering the appraisal services does not make any specific reference to applying EO in its framework (e.g. when assessors are selected).

Sectoral Operational Programme Increase of Economic Competitiveness (SOPIEC)

► *Eligibility criteria*

As mentioned above, SOPIEC envisaged in the programming phase that it would capture the EO principle in the project selection process. Respecting the relevant national legislation in the field of EO is not a stand-alone eligibility criterion, but part of an overall eligibility criterion which addresses all horizontal themes of the programme (i.e. EO, sustainable development and state aid) as well as its I&P requirements.

► *Evaluation and selection criteria*

The SOPIEC evaluation and selection grid does not contain any EO-specific criterion which would favour project which embed the equal opportunities principle, although, as presented under the previous 2 phases, the programme does sketch an EO profile relevant at both programme and project level.

► *Tools / training sessions for project evaluators*

As the EO is not embedded in the technical-financial appraisal grid, no dedicated project assessors were selected and no specific training and calibration exercises were carried out for/during the evaluation process.

► *Contracting project evaluators*

As the EO is not embedded in the technical-financial appraisal grid, no project assessors with a particular experience in EO were selected and thus no contracts for their involvement were signed, with or without special EO-related clauses.

Sectoral Operational Programme Environment (SOP ENV)

▶ *Eligibility criteria*

The SOP ENV approach is very similar to SOPIEC's (although during the programming phase no specific approach was planned): the EO principle is embedded in this stage in one, overall, eligibility criterion referring to all horizontal themes of the programme (i.e. EO and non-discrimination, sustainable development, ITC, public procurement, state aid) and requiring the applicants to prove through an affidavit that they respect and will continue to respect the national and community legislation applicable to these themes.

▶ *Evaluation and selection criteria*

The SOP ENV evaluation and selection grid does not contain any EO-specific criterion which would favour project which embed the equal opportunities principle, although, as presented under the previous 2 phases, the programme does sketch an EO profile relevant at both programme and project level.

▶ *Tools / training sessions for project evaluators*

As the EO is not embedded in the technical-financial appraisal grid, no dedicated project assessors were selected and no specific training and calibration exercises were carried out for/during the evaluation process.

▶ *Contracting project evaluators*

As the EO is not embedded in the technical-financial appraisal grid, no project assessors with a particular experience in EO were selected and thus no contracts for their involvement were signed, with or without special EO-related clauses.

Sectoral Operational Programme Transport (SOP T)

▶ *Eligibility criteria*

As in the case of SOP ENV, SOP T did not envisage in the programming phase that it would capture, in any way, the EO principle in the projects selection procedure. However, SOP T inserted in this procedure a specific eligibility criterion referring to three horizontal themes: state aid, (if the case), EO and non-discrimination and sustainable development. The affidavit which supports the fact that the applicant respects the legislation in place for the two horizontal themes extends the implementation of the principle also under the contracts to be signed in the framework of the projects.

▶ *Evaluation and selection criteria*

The SOP T evaluation and selection grid does not contain any EO-specific criterion which would favour project which embed the equal opportunities principle, although, as presented under the previous 2 phases, the programme does contain elements related to EO which it intends to apply (e.g. equal access to jobs created under the programme for women and Roma)

▶ *Tools / training sessions for project evaluators*

As the EO is not embedded in the technical-financial appraisal grid, no dedicated project assessors were selected and no specific training and calibration exercises were carried out for/during the evaluation process.

▶ *Contracting project evaluators*

As the EO is not embedded in the technical-financial appraisal grid, no project assessors with a particular experience in EO were selected and thus no contracts for their involvement were signed, with or without special EO-related clauses.

Operational Programme Technical Assistance (OPTA)

▶ *Eligibility criteria*

As mentioned above, in accordance with the FID's provisions, OPTA considered in the programming phase to capture the EO principle in the project appraisal procedure. However, as no clearly cut set of eligibility or evaluation criteria are defined in the framework of this project, there is also no specific EO criterion developed and applied to applications submitted under this programme.

▶ *Evaluation and selection criteria*

Although the Applicant Guide states that the MA will take into account, when assessing the proposals, if these respect the national and community legislation in place, including for equal opportunities, this overall approach is not further developed, e.g. in a selection sub-criterion or something similar. This could have proven particularly beneficial for the

implementation and raising awareness on the importance of the EO principle, through developing/selecting projects which would have contained EO-mainstreaming activities, as done by OP DAC.

▶ **Tools / training sessions for project evaluators**

As the EO is not embedded in the technical-financial appraisal grid of OP DAC, and as the assessment and selection of OP DAC applications are carried out internally, no dedicated (external) project assessors were selected and no specific training and calibration exercises were carried out for/during the assessment process.

▶ **Contracting project evaluators**

As the EO is not embedded in the technical-financial appraisal grid of OP DAC, and as the assessment and selection of OP DAC applications are carried out internally, no project assessors with a particular experience in EO were selected and thus no contracts for their involvement were signed, with or without special EO-related clauses.

Sectoral Operational Programme Human Resources Development (SOP HRD)

In order to analyse how the principle of EO is embedded in the project appraisal and selection system of SOP HRD, we have reviewed the provisions in place in the general and specific applicant guides and the eligibility&evaluation and selection grids applied in the case of the 18 KAIs covered by this evaluation. The provisions in terms of EO and eligibility, evaluation and selection criteria and supporting affidavit are similar for all KAIs.

▶ **Eligibility criteria**

SOP HRD uses two sets of eligibility grids: one for checking the eligibility of the applicant, and one for checking the eligibility of the project. Not of the two grids contain a specific criterion related to EO though which the applicants are compelled to swear that they comply with the EO-related legislation in place at national and European level. However, the applicants need to attach to the application form an annex (in most cases annex no. 5) which represents a sworn statement and through which the applicant commit to respect EO principle as coined by the programme in the application form (i.e. with references to the Constitution, framework Laws 137/2000 and 2002/2000, as well as the ordinances and laws on maternity and paternity leaves). However, this affidavit is considered a component of the AF and it is not attached to a particular criterion (eligibility or evaluation and selection).

The eligibility grids cover also criteria related to “relevance” which ensure that the projects passing into the evaluation phase are in line and will contribute to reaching the programme’s objectives, thus also to the implementation of the different facets of EO as provided for by the programmes KAIs.

▶ **Evaluation and selection criteria**

The evaluation grids for both targeted and non-targeted interventions of SOP HRD, contain 4 core criteria: relevance, methodology, sustainability and cost-efficiency, further detailed in 21 sub-criteria.

As in the case of the eligibility grid, through the “relevance” core criterion it is assessed if the proposed projects are in line with the relevant European and national strategies, as well as with the SOP HRD/PA/KAI strategy. A large number of these strategies are either directly targeting different EO areas and vulnerable groups or at least have an indirect impact on their situation, thus the “relevance” criterion is key to the implementation of the principle through the SOP HRD projects (targeted or not).

Further than the relevance set of criteria, SOP HRD inserts in three specific manners the principle of EO and ND in the evaluation grid:

- ▶ Under the second core appraisal criteria (i.e. “Methodology”) a specific sub-criteria is set, which refers to granting access to the target group of the project to its activity in a non-discriminatory manner. This sub-criterion is scored with 4 points (in some cases with 2) out of 40 points for the overarching criterion (thus 5-10%) and 100 for the entire set of criteria – thus 2-4%).
- ▶ Under the same core criterion, another sub-criterion refers to the contribution of the project to other 4 horizontal objectives of the SOP HRD (i.e. sustainable development, ICT, active ageing and interregional and transnational approach). As this sub-criterion may be scored, in its entirety, with maximum 4 points, “active ageing” may receive a maximum one point thus 1% of the total maximum number of points a project may receive).
- ▶ Under the “sustainability” core criterion”, a sub-criterion refers to the “mainstreaming approach”, defined as the extent to which the results of the project will be integrated (=taken up) in other strategies or activities. The sub-criterion may be scored with maximum 4 points thus 4% of the maximum possible score).

Leaving aside the “relevance” criterion, mainstreaming EO represents 7 to 9% from the total aspects the projects financed under SOP HRD should convey.

► **Tools / training sessions for project evaluators**

As informed by the MA SOPHRD during the interview held with its representatives, and as also presented and analysed by the first interim evaluation of the SOP HRD³¹ the necessary guidelines and training sessions were provided to the evaluation committee members and they have addressed the EO principle both in terms of (1) objectives, operations, activities of the KAIs and the expected outputs and results of (targeted and non-targeted) interventions as well as of (2) mainstreaming it in accordance with the selection criteria presented above.

The appraisal system provides for an overall possibility to calibrate the scores given to applications, thus, implicitly, also for the EO-related sub-criteria, as each application is assessed by two evaluators and if the application is approved by one evaluator and rejected by a second one, a reconciliation procedure is launched. The scores assigned to the application are reconciled between the two evaluators if the difference between them is lower than 20 points and by a third evaluator if it is higher than 20 points.

► **Contracting project evaluators**

The project appraisal was carried out with the support of internal SOP HRD staff and external evaluators. External evaluators were selected directly by the MA and constituted in a data-base mainly on four criteria: (1) experience in multi-criteria analysis, (2) financial management and (3) project management and (4) previous similar experience. External evaluators were also contracted through TA service contracts; in this case they were selected by the contractor and in this process the experience of the team relevant for the provisions of the KAIs, including the ones related to EO, was the most important criterion.

In accordance with the information provided by the MA SOP HRD during the interview carried out with its representatives the evaluators had necessary expertise for adequately assessing the application and mainstreaming of the EO principle, as overall they were specialists in the related fields, as financed under the programme.

However, the contact through which they were hired did not have any specific provision on selecting the assessors by respecting the EO principle.

Operational Programme Development of Administrative Capacity (OP DAC)

► **Eligibility criteria**

In order to implement its original approach in terms of mainstreaming the EO in its interventions, OP DAC has inserted in its selection grid both an eligibility criterion and a selection criterion addressing this principle.

The eligibility criterion ensures that the minimum requirements regarding EO mainstreaming at project level (through training modules/workshops/conferences) are implemented: projects not embedding these actions in their set of activities and not envisaging clearly a budget for them are eliminated already in the administrative and eligibility check phase.

The extent to which the project fulfils this eligibility criterion is assessed on the basis of the information inserted in the application form itself.

► **Evaluation and selection criteria**

Further than the eligibility criterion a selection criterion covering the EO principle is inserted in the evaluation grid of the programme. The EO-related criterion may be scored with a maximum of 2 points out of 100, if the project proposes EO-related measures *further* than the minimum requirements set. However, the evaluation grid does not offer further information on types of activities the beneficiary may carry out in order to fulfil this criterion and receive the 2 points (or one, if only partially fulfilled), although this is set and scored separately from other horizontal principles.

► **Tools / training sessions for project evaluators**

³¹ Please see page 88 of the Final Evaluation Report, First interim evaluation of the SOP HRD

As mentioned under and discussed during the interview with the MA OP DAC, it seems that no external project evaluators with specific expertise in the field of EO were involved in the appraisal of the applications. However, overall, the external assessors received all necessary information and training, in order for them to carry out their tasks, including on how to assess if the applications fulfil the EO-selection criterion and may receive the 2 points assigned. The 1st interim evaluation of the programme confirmed this effective approach³².

► **Contracting project evaluators**

The assessors teams involved under OP DAC did not contain a member with specific expertise in the field of EO, to adequately the extent to which the applications fulfil de EO-selection criterion and deserve the 2 points assigned. At the same time, the contact through which they were hired did not have any specific provision on selecting the assessors by respecting the EO principle.



All OPs are presented jointly

► **Financial allocation**

The two programmes which finance targeted interventions, i.e. SOP HRD and ROP, allocate clearly a funding share to these. However, the allocation is done at KAI level and not further break-down (e.g. by gender, vulnerable group) has been ensured when the financial allocation of the programme was operated. None of the other 5 programmes, not even OP DAC which has a mainstreaming strategy, have allocated and earmarked funds for EO-related interventions.

► **Structures**

This section was written based on the “Descriptions of the management and control systems” (DMCS) of all operational programmes, the description of the management and implementation structure presented in the text of the OP, as well as on the information received during the interviews carried out with the representatives of the MAs.

No specific norms, mechanisms, structures related to EO are in place in the management and financial control systems of the 7 programmes. Overall, for all programmes, the above-mentioned documents contain general statements related to equal opportunities and non-discrimination which stem from the overarching legislation in force:

1. The MA is responsible with the management and implementation of the programme in accordance with the Community law (including on equal opportunities);
2. The Monitoring Committee is informed on actions taken related to horizontal themes: equal opportunities and sustainable development;
3. All public procurement contracts will be awarded in compliance with the new harmonised national legislation; the principles applied in contracting are: non-discrimination, equal treatment [...];
4. Where it is the case, i.e. all programmes with the particular exception of OP TA, the DMCS stipulates that EO will be taken over in the project evaluation procedure, as eligibility criterion;
5. The text of all operational programmes contain an overall reference to the system of indicators, as provided for in European overarching legislation: data need to be broken down (where appropriate) by different criteria, including gender. No other vulnerable group is mentioned in this context.
6. The template of the financing contract used by all OPs contains an overall clause obliging the beneficiaries to respect the applicable national and European legislation, including the one related to equal opportunities.

³² Final evaluation report, paragraph 176

As mentioned under stage 1, “Programming”, some 4 OPs envisaged from the outset to apply the gender equality principle in setting up the membership of the MC, specifically ROP³³, SOP IEC, OP TA and OP DAC. In practice this good intention was not materialised as naming the individual representatives to the MC is the responsibility and task of the member institution - with the exception of OP TA which it seems that it had required the institutions to nominate women as members of the MC³⁴ for this to contain 60% women and 40% men and stimulate, in this manner, the presence of women in deciding-making positions.

Only some of the Monitoring Committees of the 7 programmes include in their membership institutions related to the EO principle, but in some cases they are only observers.

The SOP HRD constitutes, in this respect, a good example, as it should be considering its logic of interventions: the MC of the SOP HRD includes in its membership all institutions which represent the main stakeholders to the equal opportunities (children rights, adult vocational training, Roma, women and men, persons with disabilities) but also other representatives of civil society (e.g. Centre “Partnership for Equality”).

The institution most present in the membership of the programmes’ MC is the General Direction (i.e. previously National Agency) of Gender Equality – as permanent member for SOP IEC, OP TA and as observer for SOP ENV, OP DAC. No other EO-related institutions are represented in the MC of these 4 programmes, with the exception of SOP HRD itself.

In a nutshell, the MCs of different programmes contain:

- ▶ SOP IEC, OP TA: General Direction (i.e. previously National Agency) of Gender Equality (GDGE) – as permanent member and MA SOP HRD as permanent member;
- ▶ SOP ENV, OP DAC: General Direction (i.e. previously National Agency) of Gender Equality – as observer and MA SOP HRD permanent member;
- ▶ ROP: SOP HRD as permanent member and the National Agency for Roma as observer;
- ▶ SOP-T: none.

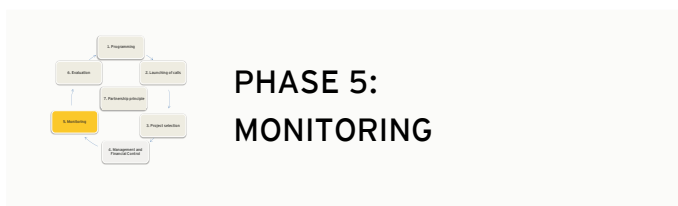
Considering the overall approach to EO, OP TA is a positive example of MC membership as regards EO, while ROP’ MC focuses narrowly on Roma, while its set of indicators capture at least three others categories of vulnerable groups: pupils&students/disabled/women. However, during the interviews carried out with the representatives of the MAs it was asserted that at least the representatives of the GD GE do not contribute to the debates which take place in the MC.

With the exception of the SOP HRD and ROP, where the necessary experienced personnel in order to manage the EO aspects of the programme is considered to be in place³⁵, in no MA dedicated staff exists for this purpose, and for sure *no Equality Councillor*. This is also not deemed necessary, as asserted by the interviewed representatives of the MA SOP T and MA OPTA, two programmes which constitute, again, less good practices in the context of this study.

³³ Which envisaged also that several institutions representing vulnerable groups (women, disabled, minorities, pensioners) will be members of RCSAs

³⁴ OP TA 2008 AIR, page 12

³⁵ In accordance with the information collected during the interviews carried out



Regional Operational Programme (ROP)

► **System of indicators**

For this forth phase, i.e. “Monitoring”, ROP was selected as a good practice, as it fulfilled most sub-criteria set up for this purpose, with the exception of criteria 1.1 “Existence within the programme system of indicators of necessary for its analysis and monitoring (please see section 2.2.3 and Annex 5 for a full account of this good practice).

Although not an ESF programme, due to its focus on social infrastructure ROP has set up an indicator system to capture the positive effect of its operations on the target groups from the perspective of equal opportunities (i.e. the indicators are broken down, when the case, by gender, ethnic minorities, disabled, ages, rural/urban area, pupils/students with disabilities).

The EO indicators at programme level are taken over by projects, through the application form which becomes annex to the financing contract and the beneficiaries submit to MA ROP the related data through the projects regular progress reports. This allows the MA to collect the data needed for the EO indicators at programme level and present it in the Annual Implementation Reports.

The template of the project progress reports also contains a standard section (5.4), where the beneficiaries needs to present (if it is the case) qualitative information on how they apply, in the framework of their project, the EO principle.

► **Reporting requirements**

As the MA ROP has in place the necessary indicator system, with both programme and project layers, to collect the data on equality indicators, the AIRs present comprehensive information on this matter. The ROP is also the only programme (further than SOPHRD) which has prepared other types of reports related to EO than the AIRs. These focused on the effects of the programme on the Roma minority and were issued at the request of the MC but not on a regular basis (please see case in Annex 5 for a detailed description of both aspects).

► **Implementation manuals**

Further than the provisions of the Applicant Guide and the brochure mentioned above (presented in detail in the case attached in Annex 5), no further information is provided to the beneficiaries on how they should/could foster/embed EO in their projects. As confirmed during the interview with the MA ROP representatives, beneficiaries received further advice from the MA to tackle this issue through the regular support channels (e.g. help-desk and IBs), in line with the programme’s approach to EO explained in the EO brochure.

Sectoral Operational Programme Increase of Economic Competitiveness (SOPIEC)

► **System of indicators**

There are no context indicators in the programme indicator system to support the context analysis and monitoring of the EO issues relevant for SOPIEC.

Although some of the KAIs of the programme may have an indirect impact on a series of vulnerable groups (i.e. youth, women, disabled, persons in isolated areas) and this cause-effect chain is identified by the programme, this is not captured in the indicator system set up by the SOP IEC. With the exception of the indicator “new jobs created”, for which data are collected and reported by gender (men/women), none of the SOPIEC indicators, especially the ones used to monitor the KAIs with indirect effect on EO, is further broken down by vulnerable categories.

The template of the project progress monitoring report contains, however, a section (also 5.4, as in the case of ROP) where the beneficiary may present (if it is the case), in a qualitative manner, how they apply, in the framework of their operation, the EO principle.

► **Reporting requirements**

The AIRs reflect this approach, as *they contain only general information in the dedicated sub-section and no details on how the programme improved the situation of the vulnerable groups reached* (e.g. on persons in remote rural areas, young researches, women entrepreneurs).

The EO horizontal theme of the programme is treated in the chapter 2.2 Compliance with Community Law. This section refers only to the effects of the programme in terms of access of women to employment, in line with the objectives of Lisbon Agenda. At the same time, the section present in an unspecific and unclear manner, that investments in R&D and ITC have a positive effect on equal opportunities and reiterates the steps taken by the programme to apply the principle through capturing EO as eligibility criterion³⁶ supported by affidavit, in the application form, financing contract, project monitoring reports, and in the communication plan (as presented and analysed by this evaluation)

► **Implementation manuals**

The only information provided to the beneficiaries of SOPIEC on how they should foster/embed the EO at project level (in this step which follows stage 3, “selection”) are to be found in the instructions for drafting the project progress reports. However, these are limited to two details: (1) how the beneficiaries apply the EO principle in awarding contracts and (2) that the description in the progress report should be in line with what the beneficiary presented in the application form.

Sectoral Operational Programme Environment (SOPENV)

► **System of indicators**

There are no context indicators in the programme indicator system to support the context analysis and monitoring of the EO issues relevant for SOP ENV.

The indicator system of SOP ENV does not break down any data collected on sub-groups which would reflect the effects of the programme on vulnerable categories, especially - and the most important, the effects of the programme on Roma population, but also on disabled and women. Consequently, although the template of the project reports refer to the equal opportunity principle and require the beneficiaries to present how they apply the EO principle in their project (only through a yes/no question) which implies no information related to these aspects are collected, approach which implies that the programme starts anyway from the assumption that the projects do not have an effect on EO or monitor this.

► **Reporting requirements**

Consequently, the quality of information on the application of the „equal opportunities” principle presented in AIRs of SOP ENV is poor. AIRs 2009 and 2010 contain very general information on EO: that the programme applies an eligibility criterion which ensures that the selected beneficiaries comply with the legislation in the field; that it requires the beneficiaries to fill out, in the application form, how they apply the principle at project level, and that their activity/approach in this respect is monitored during the project implementation (through the progress report).

The 2011 AIR does not contain any information on EO anymore and no other reports related to EO are required or presented by the programme.

► **Implementation manuals**

There are no information in the materials made available to SOP ENV beneficiaries to guide them on implementing their projects (i.e. “Rules on implementing the SOP ENV projects” and the instruction on filling out the request for reimbursement which is supported by the project progress reports) on how they should implement the EO principle.

Sectoral Operational Programme Transport (SOPT)

► **System of indicators**

³⁶ And, in accordance with the AIR 2011, page 26, as selection criterion in some cases – however, or analysis did not identify such cases.

The approach under SOP T is very similar to the one under the SOP ENV. There are no context indicators in the programme indicator system to support the context analysis and monitoring of the EO issues relevant for SOP T, e.g. on disabled persons and their transport needs or access to transport.

The indicator system of SOP T does not break down any data collected on sub-groups which would reflect the effects of the programme on vulnerable categories, e.g. the number of disabled among the passengers on the transport modes.

SOP Transport does not monitor EO-related indicators and the projects do not report on the manner in which they may influence/apply the EO principle, not even, e.g. in the case of PA 2 where it is envisaged that rural areas will have better access to health services due to the programmes' interventions or at least the number of projects providing for better access of disabled to rail, road, water and air transport infrastructure.

The template of the project progress report does not contain any reference to EO and to information, not even qualitative, on how the beneficiary applies this principle at project, including at contract level.

▶ **Reporting requirements**

Consequently, the quality of information on the application of the „equal opportunities” principle presented in AIRs of SOP T is very poor. The AIRs present only one paragraph with very general information on EO: that the programme applies an eligibility criterion which ensures that the selected beneficiaries comply with the legislation in the field and that it requires the beneficiaries to fill out, in the application form, how they will apply the principle at project level.

▶ **Implementation manuals**

As the EO principle is not followed in any way after the projects are selected and approved, there are no information in the materials made available to SOP T beneficiaries to guide them on implementing their projects.

Operational Programme Technical Assistance (OPTA)

▶ **System of indicators**

There are no context indicators in the programme indicator system to support the context analysis and monitoring of the EO issues relevant for OPTA.

OP TA does not monitor EO-related indicators although it has envisaged and it implements EO – related activities and activities in which EO could have been mainstreamed. At the same time, the OPTA system of indicators does not present information broken down by gender, despite the types of interventions (e.g. training) under which the mainstreaming of the EO principle would have been possible.

In the template of the project progress report a section dedicated to EO is inserted, however the programme does not collect information, not even qualitative, on how the financed projects address the principle.

▶ **Reporting requirements**

Consequently, the paragraphs in the AIRs present only overall information on how the programme applies, in general terms, this principle. The information presented is in line with the EO concept observed by OPTA, as described in the previous sections:

- ▶ Equal opportunities applied when individual representatives of institutions were nominated as members in the MC in order to enhance women's access to decision-making (in 2008 it was envisaged that 60% of the individual members of MC would to be women³⁷),
- ▶ Representative of the General Direction of Gender Equality in the MC;
- ▶ Beneficiary has the possibility to provide information on how he/she applies EO in the application form and project progress report;
- ▶ Principle is respected in the contracts signed by MA OPTA and under the projects financed in its framework.

No special reports on EO are issued by MA OP TA, regularly on not-regularly.

³⁷ in June 2012, 58% of the MC members were women and the MC was led by a man, though

► **Implementation manuals**

No further information is provided by the MA OP TA to the beneficiaries on how they should foster/embed the equal opportunities principle in their projects.

Sectoral Operational Programme Human Resources Development (SOPHRD)

► **System of indicators**

Although not defined as context indicators, SOP HRD is underpinned by a comprehensive socio-economic analysis based on a significant macro-economic and statistic indicators used at both national and EU level. The indicators under (among others), used in the SOP HRD analysis may be labelled as context indicators for this programme and embed several facets of the EO principle:

- Share of the population aged 18-24 with at most lower secondary education and not in further education or training
- Share of adult population aged 25-64 participating in education and training
- Share of early leavers from education and training by gender
- Share of population aged 30-34 having completed tertiary educational
- Share of employment of people aged 55-64
- Employment rates, by age, gender & education levels
- Long term unemployment rate, by sex and key age groups
- Share of Population at risk-of-poverty or exclusion, by gender
- Share of population at risk-of-poverty after social transfers, by gender

The reason for which SOPHRD was not selected as a good practice for this phase, despite the rich information its monitoring and reporting system produces regarding equal opportunities and non-discrimination is the fact that the programme rather subscribes to formal requirements and does not present notable innovations in terms of equal opportunities monitoring.

In accordance with the requirements of the Annex XXIII of the Implementation Regulation, as it can be seen in the table under, SOPHRD breaks down the participants to the programme (for the indicators where this is possible) by PA and KAI, into several categories and by taking into account several criteria: women/men (gender); urban/rural (location); people with disabilities (vulnerable group); Roma (vulnerable group – ethnic criteria); employed/unemployed/long term unemployed/self-employed/inactive persons; migrants; young/elderly/young people that leave the state child protection system etc.

Annex XXIII- Data on participants in ESF operations	SOP HRD OUTPUT (O) AND RESULT (R) INDICATORS
NUMBER OF PARTICIPANTS PER YEAR (people entering, those leaving, carry-over from one year to the next)	
BREAKDOWN OF PARTICIPANTS BY GENDER	(O) Number of ESF participants-women (KAI 1.1, KAI 1.3) (R) Number of certified training participants- continuous professional training, out of which: By gender: women, By environment – rural (KAI 1.3) (R) Share of trained and certified people, including the sectoral committees (%), out of which: women (KAI 1.4) (O) Number of ESF participants-women (KAI 1.4) (O) Number of participants in "second chance " educational programs, out of which: women (KAI 2.2) (O) Number of ESF participants – women (KAI 2.2) (O) Number of ESF participants- women (KAI 2.3) (O) Number of participants trained to start up a business, out of which: - women (KAI 3.1) (O) Number of ESF participants- women (KAI 3.1) (O) Number of participants in management and organization of work, out of which: - women (KAI 3.2) (O) Number of ESF participants – women (KAI 3.2) (R) Number of ESF participants – women (KAI 5.1) (R) Share of certified participants from rural areas in integrated programs (%), out of which: - women (5.2) (O) Number of ESF participants- women, (KAI 5.2) (R) Certified participants to training programs for social inclusion specialists (%), out of which:

Annex XXIII- Data on participants in ESF operations	SOP HRD OUTPUT (O) AND RESULT (R) INDICATORS
	women (KAI 6.1) (O) Number of ESF participants – women, (KAI 6.1) (O) Number of ESF participants – women (KAI 6.2) (O) Number of ESF participants – people with disabilities (KAI 6.2) (O) Number of ESF participants – Roma ethnics (KAI 6.2)
BREAKDOWN OF PARTICIPANTS ACCORDING TO STATUS IN THE LABOUR MARKET - Employed (total number of employed, including self-employed) - Self-employed - Unemployed (total number of unemployed including long-term unemployed) - Long-term unemployed - Inactive persons (total number of inactive persons, including those in education, training or retirement, those having given up business, the permanently disabled, those fulfilling domestic tasks or other) - Inactive persons in education or training	- Unemployed - Long-term unemployed - Inactive persons
BREAKDOWN OF PARTICIPANTS BY AGE - Young people (15-24 years) - Older workers (55-64 years)	(O) Number of long term unemployed taking part in integrated programs, out of which: - <i>women</i> - <i>young people</i> (KAI 5.1) (R) Number of certified long term unemployed that took part in integrated programs (%), out of which: - <i>women</i> - <i>young people</i> (KAI 5.1) (R)Number of ESF participants - the 15 – 24 years age group, (KAI 5.1)
BREAKDOWN OF PARTICIPANTS BY VULNERABLE GROUPS, IN ACCORDANCE WITH NATIONAL RULES - Minorities - Migrants - Disabled - Other disadvantaged people	(O) Number of ESF participants– Roma ethnics, (KAI 6.1) (O) Number of ESF participants– Roma ethnics, (KAI 6.1) (O) Number of ESF participants – other vulnerable groups, KAI 6.1 (O) Number of participants in qualification/ requalification programmes for vulnerable groups, out of which: <i>Roma ethnics, People with disabilities , Young people that leave the state child protection system (KAI 6.2)</i> (R) Share of certified training participants in qualification/ requalification programs for vulnerable groups, out of which: <i>Roma ethnics, People with disabilities , Young people that leave the state child protection system (KAI 6.2)</i>
BREAKDOWN OF PARTICIPANTS BY EDUCATIONAL ATTAINMENT - Primary or lower secondary education (ISCED 1 and 2) - Upper secondary education (ISCED 3) - Post-secondary non-tertiary education (ISCED 4) - Tertiary education (ISCED 5 and 6)	Available information in SMIS

The data collected and made available at programme level is collected from project level through project progress reports and specific reporting tables (i.e. Registration form for the target group) covering all categories and requirements of the Annex XXIII. As EO constitutes also an overall horizontal theme of the programme, the projects report separately in the progress reports also on how they mainstream the principle (i.e. “how they respect the rules related to EO”) beyond than the projects’ core activities which are directly related to its objectives.

At the same time, the beneficiaries provide (if applicable and in a synthetic manner) in the progress reports information on the heading under, as required from the programme by the article 10 of the ESF Regulation:

- ▶ gender mainstreaming as well as of any gender-specific action;
- ▶ actions to increase participation of migrants in employment and thereby strengthen their social integration;
- ▶ actions to strengthen integration in employment and thereby improve the social inclusion of minorities;
- ▶ actions to strengthen integration in employment and social inclusion of other disadvantaged groups, including people with disabilities;
- ▶ innovative activities, including a presentation of the themes and their results, dissemination and mainstreaming;

▶ **Reporting requirements**

The Annual Implementation Reports present extensive information on the profile of the participants to the programmes activities, in accordance with the programme’s set of performance indicators and the requirements of the Annex XXIII of the Implementation regulation, for each KAI and PA (as presented in the above-inserted table). The qualitative analysis carried out for each KAI and PA presents in a detailed manner the state of affairs of the

implementation, results, problems identified and solutions proposed, related to the respective KAIs/PA and the effects they had on their target groups, among which vulnerable groups relevant to the respective KAI. The qualitative analysis is carried out in comparison with the situation in the previous years.

For each priority axis information is provided on the aspects required by article 10 of the ESF Regulation, but this is rather synthetic and mainly based on the quantitative data related to the programme's target groups. Limited information is provided by the SOP HRD in its AIRs on sub-categories of vulnerable groups subject to multiple discrimination (with some exceptions under the targeted interventions, e.g. youth exiting the institutional care, single parents, young detainees, victims of home violence).

Equal opportunities is presented as a separate heading under the horizontal, programme level analysis of progress registered in the covered year (not in the chapter related to the consistency between the programme and the national and European legislation) and refers only to two aspects: (1) EO is applied when selecting the target groups/participants to the programme/projects and (2) when constituting the management team of SOP HRD projects. In accordance with AIR 2011, the monitoring and verification visits carried out by the programme up to December 2011 haven't identified breaches in respecting the EO principle and the relevant legislation at project level but no further details are given (e.g. the criteria and procedures applied to make these verifications).

Gender equality is separately analyzed for each PA, too. The AIRs states that this principle is promoted among the PA target group and in the management teams of SOP HRD financed projects. However, information is presented only related to the target group and the % of women in this category in the case of all PA is more than 50% (i.e. up to 70% in the case of PA 4, PA 6 and PA 1 and an average of 56% at programme level in 2011).

As discussed during the interview with the MA representatives, different types of ad-hoc reports are prepared by the MA, as well, further than the annual report and the reporting done for the MC meetings. These are usually required by decision-makers or are prepared for events to which MA SOP HRD participates and which cover topics related to the programme's logic of intervention.

► **Implementation manuals**

The information in terms of fostering/embedding the equal opportunities principle at project level in the implementation phase is inserted in the Beneficiary's Manual. The set of information provided is quite limited (2 paragraphs) take over the core provisions of the legislation in place (i.e. Law 202/2002 on gender equality and GO 137/2000) and ask the programmes beneficiaries to ensure the mainstreaming of the principle in their project. However, little detail is given as to how this mainstreaming should take place: the Manual refers to three aspects which are to be found back in the Guides, Application Form and taken over in the Annual Implementation Reports:

- equal opportunity to participate in the project activities, as representatives of the target group (i.e. the beneficiaries need to identify the barrier to participation of the target group to the project and explain how they intend to set them aside);
- beneficiaries need to identify negative stereotypes related to the target group and present measures to set them aside,
- Beneficiaries also need to identify external factors affecting the implementation principle and take measure to set them aside.

Operational Programme Development of Administrative Capacity (OPDAC)

► **System of indicators**

As ESF programme, OPDAC collects and reports on the types of participants to the programme, as required by Annex XXIII³⁸ of the Implementation Regulation but less extensively than SOPHRD and only beginning with 2011. The data for the indicators are collected from project level, through specific tables annexed to the project progress reports. The most important indicator for the OP DAC: "number of participant days to training" is broken down by gender.

Projects report also qualitatively on how they mainstreamed the EO principle on their project through the progress reports but information is mainly limited to the minimum requirements of the programme in this respect.

³⁸ Please see table above, presented for SOP HRD, for details regarding the type of data ESF programmes need to collect and report.

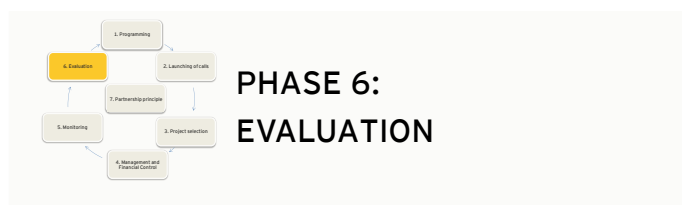
► **Reporting requirements**

Surprisingly, despite the fact that projects respect the minimum requirements of the programme in terms of EO-specific activities embedded in the project (i.e. organise a seminar/training session/module/conference on EO), the AIRs present no quantitative information on the dedicated trainings sessions organised or other similar measures. A possible explanation for this gap is that the PODCA data collection system does not cover these pieces of information or that they are not aggregated, in case they are available in the system. Only beginning with 2011 quantitative data on participants in accordance with Annex XXIII were inserted in the AIR.

No other reports on EO are provided by MA PO DCA.

► **Implementation manuals**

The implementation manual repeats the information in the Guides, application form and brochure presented above and no further details are offered to the programmes beneficiaries.



All OPs are presented jointly

► **Planning of evaluations**

In order to analyse how the equality principle was implemented in the evaluation phase of the 7 OPs, we have taken into account the most recent version of the programmes' and NSRF's Multi-Annual Evaluation Plans (MAEPs) and we validated our findings during the interviews carried out.

Only two programmes and the NRSF MAEP provide for evaluations which address equal opportunities issues. ROP planned a stand-alone evaluation to be carried out in 2013. This planned thematic evaluation would cover all PAs and KAIs of ROP and would analyse the manner in which the concept of equal opportunities was implemented by the OP, through the perspective of disabled people, Roma people and gender equality. As the topic of the ROP planned evaluation would have overlap with this evaluation coordinated by the Evaluation Central Unit, until October 2012 no steps had been taken to launch it. However, an evaluation at programme level focused on the issue of EO could bring added value in terms of evidence on the real effects on vulnerable groups and in-depth information on how the EO should be coined at programme level so that the desired effects are registered.

SOPIEC is the second programme envisaging an evaluation addressing EO, but not as a stand-alone exercise, but as one covering all horizontal objectives of the programme. This evaluation was planned to be carried out in 2012-2013 and to analyse to what extent the programme has facilitated job creation, sustainable development and contributed to the integration/mainstreaming of equal opportunities principle. As discussed during the interview, this evaluation could not be launched at time due to blockages determined by public procurement and it is possible that it will not be implemented until the end of the programme. As in the case of the ROP, this evaluation would have brought useful insights into the programmes' effects on EO and the mechanism which brought them about.

► **Evaluations performed**

As previewed above, with the exception of this evaluation, which is undertaken under the NSRF MAEP financed by KAI 1.2 of, no other evaluation dedicated to equal opportunities, the way a programme has mainstreamed the principle and effected vulnerable groups through its interventions, has been carried out in Romania in the current programming period.

At the same time, this topic was not addressed in the framework of any evaluation (interim or ad-hoc) carried out up to this date for the 2007-2013 programmes. While the first interim evaluation of the SOPHRD covered also the evaluation criteria "effectiveness" and thus analysed also the effects of the programme on its target (including vulnerable) groups, the programme implementation was not very advanced in 2010/beginning 2011 and its results were rather preliminary. However, considering the large number of KAIs with direct and indirect effects on equal opportunities under this programme, one can argue that the entire evaluation addresses EO, too. Still, the evaluation did not analyse the manner in which SOP HRD mainstreamed the EO in the programme, neither from the perspective

of mechanisms in place, not from the perspective of its effects. At the same time with the interim evaluation of the SOP HRD, an ad-hoc evaluation of the KAI 5.2 “Promoting long-term sustainability of rural areas in HRD & Employment” was carried out. However, although this evaluation focuses on a vulnerable category (i.e. population in rural area) it addresses mainly the issue of complementarity with the National Plan for Rural Development.

Recently (March 2013) A second interim evaluation of the SOP HRD was launched, and two further ad- hoc evaluations are planned to be carried out in 2013-2014. The two ad-hoc evaluations are focused on two vulnerable groups, i.e. youth and Roma, and it will for sure enhance the knowledge in Romania on if and how the OPs impact the situation of these groups.



All OPs are presented jointly

This section is drafted mainly based on the information provided by the representatives of the MA during the interviews carried out, as there is very little to none documented evidence on the aspects captured by this good practice criterion.

For all programmes there have been two main channels for ensuring and implementing the partnership principle: partnership as principle applied in the programming phase (1 to 5 steps above related to the elaboration of the Operational Programme) and partnership during the programme implementation which is mainly ensured through the Monitoring Committee.

As presented above, under the “monitoring stage”, the presence of representatives of vulnerable groups (governmental and non-governmental) is low, with the exception of the SOP HRD and even in the case of ROP, which encompasses interventions with a direct effect on certain vulnerable groups.

Regarding the programming stage, the interviewed representatives of the MAs recalled that the representatives of vulnerable groups were involved to the extent they were relevant for the programme and if they participated in the shadow MC organised before the operational programmes’ official approval. Again, the (at that time) National Agency for Gender Equality was mentioned as being more present in this phase among partners.

SOPHRD distinguishes in terms of partnership also during its implementation, as it closely collaborates with the 8 Regional Pacts for Employment and Social Inclusion, covering more than 833 institutions and organisations, representative among all categories of stakeholders of the programme (SOPHRD AIR 2011, page 37).

Despite the composition of the CM, ROP also involves more the representatives of vulnerable groups, as they are part of the regional committees for strategic assessment functioning in each of the 8 development regions in Romania.

However, with the exception of the SOP HRD, there is overall consensus of the limited effects of having representatives of vulnerable groups among the programmes’ partners: most MAs state that they do not contribute in any manner to the working of the MCs.

The representatives of the vulnerable groups are not explicitly involved in the steps 6 to 9 listed above. SOPHRD publishes the draft guidelines for applicants for consultation on its web-page as an overall communication strategy but no specific measures related to vulnerable groups are taken.

The representatives of vulnerable groups are involved in evaluation and communication and dissemination activities to the extent they are relevant to the aspects evaluated/disseminated, but no specific mechanism is put in place for their permanent involvement.

There is limited information on the partnership principle and EO, except the information related to the Monitoring Committee membership (presented above) and the dedicated sections on “partnership” in the operational programmes, which mainly refer to their setting up. During the interviews the representatives of all MAs recalled that the partnership put in place for elaborating the programme was comprehensive and that it contained also EO stakeholders, such as the (at that time), the National Agency for Gender Equality.

SOPHRD distinguishes in terms of partnership also during its implementation, as it closely collaborates with the 8 Regional Pacts for Employment and Social Inclusion, covering more than 833 institutions and organisations, representative among all categories of stakeholders of the programme (SOPHRD AIR 2011, page 37).

Conclusions

2.1: How have the European and national provisions been mainstreamed into various stages of the Programmes related to the cohesion policy, co-financed through ESF, ERDF and the Cohesion Fund in Romania?

- C14.** The implementation of the equal opportunities and non-discrimination is strong under ESF-financed programmes (especially SOP HRD), less strong under ERDF programmes and weak under (predominantly) CF-funded programmes, in line with the characteristics of the funds.
- C15.** Two main approaches were applied by the seven operational programmes in transposing the equal opportunities concept in each of the 7 stages analyzed. The first approach is embodied by **targeted interventions** (or interventions with a direct effect of vulnerable groups) financed under the OP, while the second is the **mainstreaming of the principle in the programmes' interventions** with an indirect effect or no effect on vulnerable groups. A combination of the two approaches could be identified both under the SOP HRD and the ROP, where the EO principle is transposed/mainstreamed also under the targeted interventions.
- C16.** Overall, the EO principle as concept is transposed at programme level by taking on board the provisions of the core legislation in place, especially Law 202/2002 on gender equality and Government Ordinance 137/2000. Other relevant and important pieces of legislation (such as the Labour Code, the National Education Law and Law 448/2006 on disabled persons) are rarely mentioned and taken into account.
- Outside targeted interventions the transposition of the EO concept is more focused, among vulnerable groups, on gender equality and, among topics, on access to labour market (as discussed also during the focus group), although the programmes re-state the overall approach of Law 137/2000 which forbids all types of discrimination, on all categories of persons, on any area.
- C17.** **Under the targeted interventions** the transposition of the EO is strong especially in the stages of programming, launch of calls, projects selection and monitoring. As ESF programme, SOP HRD aims explicitly to contribute to ensuring equal opportunities and embeds the principle in its logic of intervention (i.e. in its objectives, key areas of intervention, eligible operations, activities, target groups and beneficiaries and indicator system). Consequently, the implementation system contains the necessary provisions (i.e. conditions and information for the application process, applications appraisal and selection grids and project implementation and monitoring information) which ensure that the EO principle is transposed also in practice. The approach of ROP's targeted interventions is more focused on infrastructure, as this is an ERDF programme, but very strong in monitoring, as the programme is keen to obtain the effects desired in terms of social development of regions.
- C18.** **Mainstreaming the EO principle in non-targeted interventions is, overall, poor.** There is no programme which does not have any effect on different vulnerable groups and, thus, for which equal opportunities is totally irrelevant. However, except OP DAC, no programme has made real efforts and implemented real measures to mainstream the principle and thus to contribute to its enhancement through specific actions. The further we go into the programme cycle, the weaker the transposition is: if in the programming phase the principle is taken into consideration, and implemented further through filtering projects not respecting it through an eligibility criterion and asking the selected projects to report on how they apply it at project level in the project reports, no monitoring (through indicators), reporting (in the AIRs) (6) and evaluation at programme level on the adequacy and effects of mainstreaming are carried out.
- C19.** OP DAC is the only programme with a mainstreaming approach among the non-targeted programmes; however, its efforts are not capitalized by adequately monitoring and presenting them in the Annual Implementation Reports.
- C20.** Overall, transposition, both under the targeted and non-targeted interventions is the weakest in the stage management and control system, followed by partnership and evaluation.
- C21.** Under non-targeted interventions the manner in which the principle of equal opportunities is coined at the programme level, in the programming stage, is followed in the next stages of the programme cycle and

2.1: How have the European and national provisions been mainstreamed into various stages of the Programmes related to the cohesion policy, co-financed through ESF, ERDF and the Cohesion Fund in Romania?

mainly refers to:

- the beneficiary needs and commits to respect the European and national legislation in place, thus refrains from discriminating and promotes equal opportunities in its project at the level of activities, project management, selection of the target group and its participation in the project;
- the beneficiary imposes the same conditions to the contractors involved in the project;
- the beneficiaries apply the public procurement rules in a non-discriminatory manner (as provided by the GEO 34 itself);
- the beneficiaries and the MAs/implementation system respect themselves the EO principle, but perceived, again, mostly as access to jobs and respecting the relevant provisions of the Labour Code (i.e. setting up internal rules for employees which provide also for their equal treatment).

Judging by these elements the transposition of the principle is rather superficial, not nuanced to take into consideration the particularities of a programme: e.g. equal access of women to jobs in the public administration might not be as relevant considering their high percentage among the civil servants or the positive effects SOPT may have on disabled.

- C22.** Further on, there is no uniform approach to the EO principle, among programmes and within programmes. The EO principle is presented more in detail for some KAIs under a programme than for the others, although the KAIs are not that different to justify such a differentiated approach (e.g. this is the case with the 2 KAIs analysed under ROP).
- C23.** This is mainly due to the fact that “non-targeted” programmes did not make in the **programming stage an adequate (or any) analysis** of the requirements of the national and European legislation in force regulating EO and ND and of its types of interventions in terms of their possible (positive and negative) effects on vulnerable groups. As this analysis was not carried out, the programmes could not coin an adequate strategy and mechanisms (i.e. specific measures on specific target groups, as well as monitoring and evaluation mechanisms for assessing their effectiveness) to truly mainstream the principle at project level.
- C24.** Regarding launching the **calls for proposals**, the information provided to the potential applicants on how to mainstream the principle into the project is not more detailed than the information in the OP and KAIs – only two programmes issued (later than the launch of the first calls) brochures with further information, to be used both by the applicants and beneficiaries, but they are not comprehensive. There are cases (i.e. SOPIEC) in which the applicant guides do not provide any info on the issue, although the applicants need to present in the application how they implement the system.
- C25.** All programmes embed in their assessment and selection system an **eligibility criterion** which refers to the EO principle and is supported by a written sworn statement (i.e. affidavit) – with the exception of OP TA which does not have a selection system similar to the one of the other programmes. SOPIEC and SOP ENV do not use an eligibility criterion dedicated to EO, but the principle is put together in an overall eligibility criterion referring to several horizontal themes and respecting the legislation applicable to them (all).
- C26.** Although the projects swore that they respect and will respect the legislation in place related to EO, the analyses done in the first chapter and the discussions in the focus group revealed that the provisions of the legislation are very complex and that, overall, on Romania, they are respected to a limited extent. Thus the affidavit presented by the applicants is not a strong proof and instrument for ensuring the mainstreaming of the principle at project level. Further on, the programmes do not specifically control if the beneficiaries do respect all relevant provisions of the legislation during the programme implementation (with the exception of public procurement) as the “jurisdiction” for this activity is, to some extent, somewhere else: e.g. work inspection.
- C27.** Only two programmes (except SOP HRD) deploy also a technical **evaluation criteria** related to EO, but the scoring assigned to it is not significant, especially under OP DAC.
- C28.** Overall, **further than monitoring, also in the evaluation phase the equal opportunities principle receives very limited attention**. Although a few programmes planned evaluations focusing or covering EO, none was carried out at programme level. Consequently, by the end of the programming period, most probable

2.1: How have the European and national provisions been mainstreamed into various stages of the Programmes related to the cohesion policy, co-financed through ESF, ERDF and the Cohesion Fund in Romania?

limited to no information will be available on the precise effects of the SI on vulnerable groups and why these effects occurred (what worked and why), and on the synergy between SI and other relevant national strategies in place, especially if no evaluations focused on effectiveness will be carried out for SOPHRD and ROP.

- C29. Partnership** during the programme implementation is reduced to membership of Monitoring Committee – with the exception of SOP HRD which posts the Guidelines for Application for wide consultation on their web-page. This approach links back to the EO concept developed and applied by the programme at the outset, which determined limited implication of EO stakeholders, which, in turn, perpetuated a minimalistic approach during the programme implementation.
- C30.** Overall, **specific expertise** is not involved by the programmes to coin or gear the mainstreaming of the EO principle and this surely represents a bottleneck and explains the state of affairs. In this context the discussions in the focus group related to the fact that at this moment there is no clearly cut “profile” of EO-experts is particularly relevant – however, there are projects, notably ROP, which managed to e.g. select project assessors with the necessary expertise. In this context, an Institute of equal opportunities and social inclusion as proposed by a member of the focus group might be the needed initiative which could change this overall situation regarding knowledge and expertise in the field of EO.

2.2.2. EQ 2.2: What other topics relevant to equal opportunities have been promoted / mainstreamed in the various OPs?

The matching between the target groups/activities eligible under targeted KAIs with the areas/topics/groups relevant to the equal opportunities concept defined under EQ 1 is presented maintaining the distinction between discrimination based on gender, discrimination based on grounds other than gender and forms of multiple discrimination.

For discrimination based on gender the target interventions of Romanian Structural Instruments do not address additional topics other than those identified in the European Framework. Educational and training aspects are largely covered in a horizontal, non specific manner by SOP HRD as well as the issues of economic independence. Health, well being and environment are addressed on the other hand by ROP.

Among the topics less addressed are the gender pay gap and reconciliation of work and family life (economic independence), specific health issues of women, public transport, women’s double burden and green jobs (health, wellbeing, environment).

Table 10: Coverage of areas/topics relevant for gender equality

Areas / Topics EU level	ROP (ERDF)	SOP HRD (ESF)
Education and Training		
Gender gap in learning of basic skills		KAI 2.1 (horizontal, not specific)
Participation of women in vocational education and training		KAI 2.1 (horizontal)
Participation of women in lifelong learning		KAI 2.1 (horizontal)
Gender gaps in graduate in S&T		KAI 2.1 (horizontal)
Gender gaps in tertiary education		KAI 2.1 (horizontal)
Economic independence		
Gender gap in employment participation		KAI 5.2, in rural areas KAI 6.1, 6.2,6.3
Gender pay gap		
Occupational segregation (both vertical /horizontal)		KAI 6.3
Self- employment and entrepreneurship		KAI 3.3, KAI 5.1, 6.1, 6.2, 6.3
Reconciliation work and family life (quality care for children, elderly and dependents, parental leave, etc.)		
Health, well being, environment		
Access to health and care services	ROP 3.1	
Access by specific groups (migrant women, elderly women, minorities, etc.)		
Specific health issues of women groups (elderly women, abused women, etc.)		
Public transport		
Transport and social infrastructures in rural areas	ROP 3.2 (social infrastructure)	
Social infrastructures and security in urban areas	ROP 3.2 (social infrastructure)	
Women’s double burden (reconciliation, unpaid work)		
‘Green jobs’		

For discrimination based on grounds other than gender, the targeted interventions of Romanian Structural Instruments do not address additional topics other than those identified in the European Framework (if not in terms of specific attention to the problematic of rural areas) rather there are some areas that have not been addressed and in particular:

- ▶ **education and training:** aged people, people with disabilities and ethnic minorities remain largely unaddressed in particular for what concerns learning of basic skills, participation in VET, lifelong learning, mobility and tertiary education;
- ▶ **employment:** productivity and quality of work and promotion of diversity management as relevant areas for all vulnerable groups;
- ▶ **health, well being, social inclusion:** specific health issues, communication (in alternative ways), Transport, active ageing, access to and use of ICT technology, Community level projects / urban development, Housing for all vulnerable groups.
- ▶ **fundamental rights and governance and institutional capacity.**

Table 11: Coverage of areas/topics relevant to Discriminated groups other than gender

AS / TOPICS	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL ETHNIC ORIGIN	OTHERS
	YOUNG PEOPLE	AGED PEOPLE					
Education and Training							
Learning of basic skills							
Participation in vocational education and training	SOP HRD 2.1						
Participation in lifelong learning	SOP HRD 2.1						
Reduce early school leaving	SOP HRD 2.2 SOP HRD 6.1 SOPHRD 6.2				SOP HRD 2.2	SOP HRD 2.2 (Roma)	SOP HRD 2.2 (RURAL, others)
Adaptation and equipment to facilitate access	ROP 3.4				ROP 3.4	ROP 3.4	ROP 3.4 Rural areas
Modernising education	ROP 3.4						
Encourage mobility							
Attain tertiary education level	SOP HRD 2.1						
Employment							
Enhance labour market participation	SOP HRD 2.1 SOP HRD 5.2 (rural areas) SOP HRD 6.2	SOP HRD 5.1 (unemployed) SOP HRD 6.2	SOP HRD 6.2	SOP HRD 6.2*	SOP HRD 6.2	SOP HRD 6.2 (Roma)	Structural unemployment Rural areas (incl. small entrepreneurs)
Productivity and quality of work							
Avoid discrimination in labour market (accessing and progressing)	SOP HRD 2.1	SOP HRD 6.2	SOP HRD 6.2	SOP HRD 6.2	SOP HRD 6.2	SOP HRD 6.2	SOP HRD 6.2
Promote diversity management							
Promote self-employment and entrepreneurship	SOP HRD 5.1	SOP HRD 5.1	SOP HRD 5.1	SOP HRD 5.1	SOP HRD 5.1	SOP HRD 5.1*	SOP HRD 5.1 SOP HRD 5.2 (rural areas)
Adaptation and equipment to facilitate access							
Job creations in specific sector (social economy)	SOP HRD 6.1 SOP HRD 6.2	SOP HRD 6.1 SOP HRD 6.2	SOP HRD 6.1 SOP HRD 6.2	SOP HRD 6.1 SOP HRD 6.2	SOP HRD 6.1 SOP HRD 6.2	SOP HRD 6.1 SOP HRD 6.2	SOP HRD 6.1&6.2 (immigrants, minimum income, isolated communities, persons drug- and alcohol-dependent, homeless, victims of domestic violence)
Support to school –work transition	SOP HRD 2.1						
Health, well being, social inclusion							
Access to health services and by specific groups	ROP 3.1	ROP 3.1	ROP 3.1	ROP 3.1	ROP 3.1	ROP 3.1	ROP 3.1
Specific health issues							
Access and supply of goods and services						ROP 3.1	
Communication (in alternative ways)							
Transport							
Active ageing							
Access to and use of ICT technology							
Community level projects / urban development							
Housing							

Combat stereotypes and promote positive image	SOPHRD 6.3	SOPHRD 6.3	SOPHRD 6.3	SOPHRD 6.3	SOPHRD 6.3	SOPHRD 6.3	KAI focuses on women
Access to social protection system	ROP 3.2	ROP 3.2	ROP 3.2	ROP 3.2	ROP 3.2	ROP 3.2 (specifically Roma)	
Participation in social life/empowerment	SOP HRD 6.1	SOP HRD 6.1	SOP HRD 6.1	SOP HRD 6.1	SOP HRD 6.1	SOP HRD 6.1	
Fundamental Rights							
Discrimination- based violence and human trafficking							SOP HRD 6.1, 6.2, 6.3
Representation in decision making positions							
Governance and Institutional Capacity							
Dedicated decision making structure							
Monitoring and 'non discrimination' awareness							

* All vulnerable groups targeted

Forms of multiple discrimination are partly addressed by targeted KAIs with the main gaps being vulnerable groups of women (ethnic/racial minority, disabled), aged (elderly and dependent, low educational attainment, elderly women), migrants with low educational attainment, students with disability. On the other hand SOP HRD is paying attention to the problematic of persons that are drug- and alcohol-dependent, homeless, victims of domestic violence.

Table 12: Coverage of multiple discrimination forms

Vulnerable groups	ROP	SOP HRD
Vulnerable groups of women		
Lone mothers		KAI 6.1
Early mothers		
HIV affected mothers		KAI 6.1
Long term unemployed		KAI 5.1
Women belonging to ethnic/racial minority		
Migrant women		
Disabled women		
Vulnerable groups of young people		
Young early school-leavers		KAI 2.2, 6.1
Young people unemployed and in school-work transition		KAI 5.1, 2.1
Young people over 18 that leave care institutions		KAI 6.1, 6.2
Vulnerable groups of aged		
Elderly and dependent people		
Aged people with low income		KAI 5.1 (unemployed)
Aged people with low educational attainment		
Elderly women in any of the above conditions		
Migrants and minorities		
Migrants with low educational attainment and/or no skills		
People with Disabilities		
Student with disability		
Inactive disabled		KAI 5.1
Other vulnerable groups		
Delinquent, ex-convicted		6.1, 6.2
Youngsters and women in the above condition		2.2 (youngsters)

Conclusions

EQ 2.2: What other topics on equal opportunities have been promoted / mainstreamed in various OPs?

C31. No additional areas/topics other than those defined in the concept of equal opportunities presented under EQ 1 **have been addressed** by the 7 Operational Programmes, while there are on the other hands some uncovered areas.

C32. For discrimination based on gender the areas not covered by the existing targeted interventions are:

- ▶ **Economic independence:** gender equality, gender pay gap and reconciliation of work and family life;
- ▶ **health, wellbeing, environment:** specific health issues of women, public transport, women's double burden and green jobs;

C33. For discrimination based on grounds other than gender:

- ▶ **Education and training,** specifically for people with disabilities and ethnic minorities,
- ▶ **Employment:** productivity and quality of work, promotion of diversity management
- ▶ **Health, well being, social inclusion:** communication in alternative ways, transport, access to and use of ICT, community level projects, urban development and housing
- ▶ **Fundamental rights**
- ▶ **Governance and institutional capacity**

C34. Forms of multiple discrimination are addressed in part by targeted KAIs but gaps are identified for vulnerable groups of women (ethnic/racial minority, disabled), aged (elderly and dependent, low educational attainment, elderly women), migrants with low educational attainment, students with disability.

C35. Some groups are addressed in more than one programme, respectively women, ethnic minorities with a focus on Roma, children and disabled and (in SOPHRD) especially institutionalised children who are exiting the social system but also children dropping out of school too early, youth, especially in their transition to labour market, and, to some extent, aged persons (to compensate for the lack of focus of the legislation on this category) and rural areas.

2.2.3. EQ 2.3: Are there any good practices in the mainstreaming of the equal opportunities principle into the Structural Instruments framework?

The assessment presented under Par. 2.2.1 showed that there are examples of good practices in mainstreaming the equal opportunities principle in the current Programming period, even though none of the Operational Programme fulfils all the good practice criteria. Overall the top performing Programmes in terms of number of criteria fulfilled are SOP HRD and ROP, followed by OP DAC and SOP ENV. An analysis of the most performing Programme by stage shows that:

- ▶ **Programming of Structural Instruments:** the best performing is **SOP HRD with 6 criteria fulfilled out of 7**, followed by ROP with 2, while all the other Programmes fulfil either one (SOP ENV, SOP IEC, DAC) or **none of the criteria** (SOP T, OP TA);
- ▶ **Calls for proposals:** there is an average fulfilment of 4 criteria out of 8 for ROP, **SOP ENV**, SOP HRD and OP DAC, while SOP IEC, SOP T and OPTA are lagging behind;
- ▶ **Project selection:** the best performance is registered by SOP HRD (6 criteria), ROP and OP DAC (2 criteria), while no criteria are fulfilled by OP TA,
- ▶ **Financial Management and control:** SOP HRD and ROP are only Programmes fulfilling all criteria;
- ▶ **Monitoring:** the best performing programme is ROP with 5 criteria out of 7, followed by the 2 ESF Programmes SOP HRD and OP DAC;
- ▶ **Evaluation:** the best performing is OP TA followed by ROP, SOP IEC and SOP HRD;
- ▶ **Partnership:** none of the Programmes fulfils this criterion.

Table 13: Overview of the scoring by Programme and Phase

Element	Number of criteria	ROP	SOP IEC	SOP ENV	SOP T	OP TA	SOP HRD	OP DAC
STAGE 1: PROGRAMMING	7	2	1	1	0	0	6	1
STAGE 2: CALLS FOR PROPOSALS	8	5	1	4	1	0	5	3
STAGE 3: PROJECT SELECTION	7	2	1	1	1	0	6	2
STAGE 3: FINANCIAL MANAGEMENT AND CONTROL	2	2	1	1	0	1	2	1
STAGE 5: MONITORING	7	5	0	0	0	0	3	2
STAGE 6: EVALUATION	2	1	1	0	0	2	1	0
STAGE 7: PARTNERSHIP PRINCIPLE	1	0	0	0	0	0	0	0
Total criteria fulfilled	30	17	5	7	2	3	23	9
Total Criteria not applicable		0	3	3	4	10	0	3

- Selected for further analysis as faulty practice
- Selected for further analysis as good practice

Based on the above, we have analyzed in further detail 5 cases, 3 of good practice and 2 of faulty practice in the mainstreaming of the equal opportunities principle and complemented the analysis with benchmarking examples of best practices from other Member States as summarized below:

PHASE	BEST PRACTICE	FAULTY PRACTICE	BENCHMARKING
<p>PHASE 1: PROGRAMMING</p>	<p>SOP HRD meeting the following criteria:</p> <ul style="list-style-type: none"> ▶ 2.1 Context analysis: the Context analysis” of the OP includes a dedicated section containing an analysis of the specific context of the programme in terms of EO, including 1) Relevant equal opportunities issues; 2) Gender differences and other relevant issues concerning discrimination ▶ 3.1 Strategy development: the „Socio-economic analysis” of OP includes a dedicated section on EO issues relevant for the programme and how the programme can tackle /solve them. ▶ 3.2 Strategy development: prioritization of aspects and, consequently, the identification of priority axes /key areas of intervention/measures to be taken in order to apply the equal opportunities have been made based on the socio-economic analysis. ▶ 4.1 Indicators: objectives aimed at by the OP in terms of application of equal opportunities principle are properly mirrored by the output, result and impact indicators, as well as by their targets. ▶ 5.1 Design of interventions: existence of targeted interventions or positive actions ▶ 5.2 Design of interventions: mainstreaming actions having an positive impact on equal opportunities 	<p>SOP Transport for <u>not</u> meeting the following criteria:</p> <ul style="list-style-type: none"> ▶ 2.1 Context analysis: the Context analysis” of the OP includes a dedicated section containing an analysis of the specific context of the programme in terms of EO, including 1) Relevant equal opportunities issues; 2) Gender differences and other relevant issues concerning discrimination ▶ 3.1 Strategy development: the „Socio-economic analysis” of OP includes a dedicated section on EO issues relevant for the programme and how the programme can tackle /solve them. ▶ 3.2 Strategy development: prioritization of aspects and, consequently, the identification of priority axes /key areas of intervention/measures to be taken in order to apply the equal opportunities have been made based on the socio-economic analysis. 	<p>ESF National Operational Programme for Convergence Regions “Governance and System Actions”, Italy, meeting criteria related to Programming but in particular:</p> <ul style="list-style-type: none"> ▶ 5.1 Design of interventions: existence of targeted interventions or positive actions
<p>PHASE 2: LAUNCHING OF CALLS FOR PROPOSALS</p>	<p>SOP Environment meeting the following criteria:</p> <ul style="list-style-type: none"> ▶ 5.1 Information and publicity: information and publicity activities related to the calls for proposals cover equal opportunities and non-discrimination issues in order to raise the awareness level in terms of EO among potential beneficiaries. ▶ 5.1 Information and publicity: the use during the information and publicity activities of good practice examples (web pages, flyers, etc.) 		<p>Best practice “Equal Opportunities Good Practice Guide: Equality in Practice – Making it work” – Scotland for meeting criterion:</p> <ul style="list-style-type: none"> ▶ 2.1 Applicants’ Guidelines – explanations of EO principle: the Guidelines contain clear wording on the concept and terminology of equal opportunities and non-discrimination, related to the OP approach in this respect
<p>PHASE 3: PROJECT SELECTION</p>	<p>-</p>	<p>OPTA for <u>not</u> meeting the following criteria</p> <ul style="list-style-type: none"> ▶ 1.1 Eligibility criteria: Compliance with the legal requirements is considered an eligibility criterion ▶ 2.1 Evaluation and selection criteria: Evaluation and selection/prioritization criteria intended to encourage the participation of women and /or of other vulnerable groups in 	<p>Progress Call For Proposals VP/2012/007: Call For Proposals For Social Policy Experimentations, European Commission: DG Employment, Social Affairs and Inclusion” for meeting criterion:</p> <ul style="list-style-type: none"> ▶ 2.1 Evaluation and selection criteria: Evaluation and selection/prioritization criteria intended to encourage the participation of women and /or of other vulnerable groups in the project: additional significant scoring of projects which clearly embed

PHASE	BEST PRACTICE	FAULTY PRACTICE	BENCHMARKING
		the project: additional significant scoring of projects which clearly embed the equal opportunities principle.	the equal opportunities principle.
PHASE 4: FINANCIAL MANAGEMENT AND CONTROL	-	-	Gender budgeting, Italy, for meeting criteria: <ul style="list-style-type: none"> ▶ 1.1 Financial allocation: explicit indication of the funding share allocated to actions with positive impact in terms of equal opportunities, separating gender and other discrimination issues, specified in terms of targeted/ positive actions ▶ 2.1 Structures: Existence of dedicated structure or mechanisms at Programme level in relation to the equal opportunities principle
PHASE 5: MONITORING	ROP meeting the following criteria: <ul style="list-style-type: none"> ▶ 1.2 System of indicators: Existence within the programme system of indicators of context indicators necessary for its analysis and monitoring ▶ 1.3 System of indicators: Existence within the programme system of indicators of project indicators necessary for monitoring the project performance in terms of implementation of equal opportunities principle ▶ 1.4 System of indicators: Consistency between equality indicators at project level and those at programme level, so as data necessary for monitoring at programme level is collected. ▶ 2.1 Reporting requirements: Quality of information on the application of the „equal opportunities” principle presented in AIR ▶ 2.2 Reporting requirements: Existence of additional reporting requirements concerning equal opportunities (EO) at Programme level, other than those in the Annual Implementation Reports. ▶ 3.1 Implementation manuals: existence, within the tools used to support the beneficiaries in the implementation of their projects of a set of complete information in terms of fostering/embedding the equal opportunities principle at project level. 	-	ISFOL: Best practice on governance and support to national and regional authorities monitoring and evaluation from an equal opportunities point of view within ESF, Italy meeting criteria related to: <ul style="list-style-type: none"> ▶ Monitoring - System of indicators ▶ Evaluation
PHASE 6: EVALUATION	-	-	

PHASE	BEST PRACTICE	FAULTY PRACTICE	BENCHMARKING
<p>PHASE 7: PARTNERSHIP</p>		-	<p>Mainstreaming Integration Act, Finland meeting criterion:</p> <ul style="list-style-type: none"> ▶ 1.1 Partnership principle: involvement of representatives of vulnerable groups in all stages of the programme management and implementation cycle,

All the above practices are developed in detail in Annex 5 of the Report and for the Best Practices implemented under Romanian Structural Instruments a format suitable for dissemination to the general public has also been prepared.

Conclusions

EQ 2.3: Can be identified cases of good practice in mainstreaming / integrating the subjects on equal opportunities into the Structural Instruments framework?

- C36.** There are examples of good practices in mainstreaming the equal opportunities principle in the current Programming period, even though none of the Operational Programme fulfils all the none of the seven Operational Programmes fulfils all the good practice criteria.
- C37.** **The good practices** identified which can be taken as examples and replicated in the future, related to the approach to Programming of SOP HRD, the Information and Publicity activities carried out under SOP Environment, the monitoring system of ROP as well as the evaluations focused on Equal Opportunities carried out under OP TA.
- C38.** **There are also lessons learned** in terms of aspects that should be improved, specifically the further embedding of the equal opportunities principle in the Programming Phase for non-ESF Operational Programmes as well as selection criteria going beyond the respect of minimum legal requirements thus promoting the adoption of positive actions on behalf of beneficiaries.
- C39.** For all Programmes there is a need to adopt a more rigorous approach for fully integrating the principle of equal opportunities in the Programme lifecycle, that stemming from the definition of objectives in the programme design phase, allows its correct implementation, monitoring and evaluation, following the steps suggested by the criteria for best practice selection.

2.3. Evaluation Question no. 3

EQ 3 To what extent have the existing programming and implementation mechanisms triggered access to financing for people in vulnerable groups?

In order to assess if the current programming and implementation mechanisms have impeded access to financing for vulnerable groups, a set of potential barriers was defined by the Evaluation team and validated in occasion of interviews with organizations representative of vulnerable groups capturing the possible additional obstacles that these groups may face compared to non-vulnerable target groups of SI.

Potential barriers in access to Structural Instruments finance for vulnerable groups:

Barriers related to information and publicity activities refer to the lack of variety of communication means used, the lack of involvement of organizations with strong links with vulnerable groups in communication activities, the use of discriminatory language and the lack of explicit references to vulnerable groups and equal opportunities in information and publicity material.

Barriers related to the launching of calls for proposals refer mainly to language used in guidelines for applicants, the lack of explanation of the equal opportunities principle, the absence of any request of information related to the approach of projects to equal opportunities issues in the application form, the lack of provisions concerning monitoring requirements and the lack of support to project generation.

Barriers related to project selection refer mainly to the lack of adequate eligibility and selection criteria related to equal opportunities.


Barriers related to project implementation refer mainly to the non-applicability of the 10% flexibility clause and to the absence of financial mechanisms supporting project implementation (e.g. loans, guarantees)

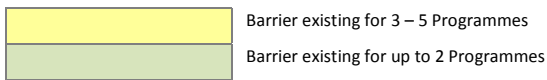
Programme documentation for all 7 OPs was reviewed in order to verify the actual presence of these potential barriers, the findings being summarized in table 14 where the barriers identified under each Programme and the vulnerable groups affected are marked with a "1". The analysis shows that the most recurrent barriers and vulnerable groups affected are:

- ▶ **Barriers related to Information and publicity activities:** the lack of strategic focus of communication plans (for all OPs, with the exception of SOP HRD) is affecting all categories of vulnerable groups; the lack of multi language communication material (for all OP with the exception of SOP ENV) is affecting in particular racial and ethnic groups; the limited number of stakeholders involved in information and publicity activities (SOP Environment, SOP Transport and OP TA) is affecting all vulnerable groups; the lack of reference to vulnerable groups in Programmes materials (SOP IEC, SOP Environment and SOP Transport) affects all categories of vulnerable groups.
- ▶ **Barriers related to the launching of calls for proposals:** lack of multi-language information (for all OPs) affects in particular racial and ethnic grounds; the lack of explanation of EO principle in the Guidelines for Applicants (SOP IEC, SOP Environment, SOP Transport and OP TA) affects all vulnerable groups; the lack of monitoring indicators related to EO (SOP IEC, SOP Environment, SOP Transport and OP TA) affects all vulnerable groups; the lack of specific support to vulnerable groups in project generation (relevant only for ROP, SOP IEC, SOP Environment, SOP HRD, OP DAC due to existing rules on applicants' eligibility) affects all vulnerable groups; the lack of multiple options for project submission (relevant for ROP, SOP IEC, SOP HRD, OP DAC due to existing rules on applicants' eligibility) affects in particular disabled people.
- ▶ **Barriers in project selection:** selection criteria related to equal opportunities, and professional expertise in the selection process to assess equal opportunities issues are lacking in SOP IEC, SOP Environment, SOP Transport and OP TA, affecting all the vulnerable groups.
- ▶ **Barriers in project implementation:** access to finance is a barrier in all the OPs, affecting all the vulnerable groups; the flexibility rule is absent in ROP, SOP Transport and OP TA, affecting all vulnerable groups.
- ▶ **Other barriers** such as lack of a variety of means for information and publicity, use of discriminatory language, lack of requirements in the Financial Request concerning how the EO principle is addressed, use of discriminatory language and lack of eligibility criteria related to EO are almost non-existent across the OPs.

Table 14: Overview of barriers by Programme and vulnerable groups

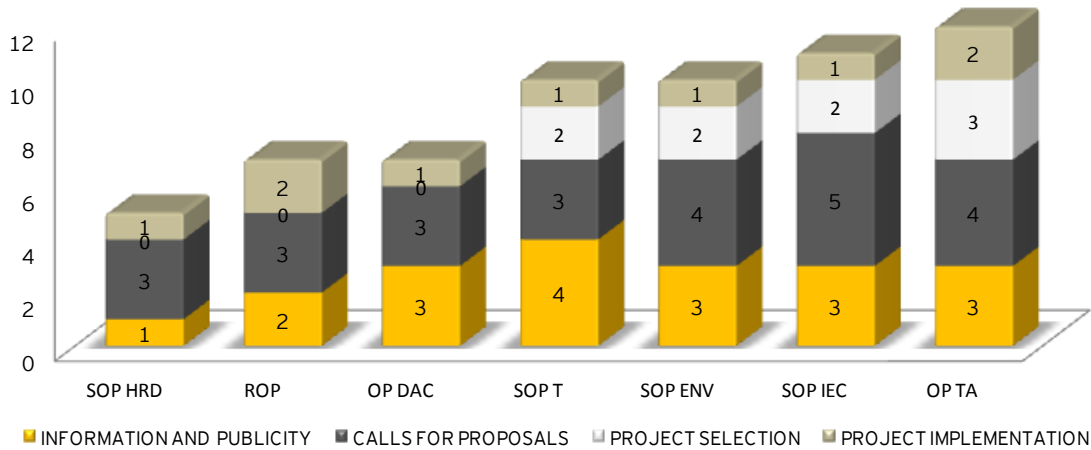
	ROP	SOP IEC	SOP ENV	SOP T	OP TA	SOP HRD	OP DAC	Total OPs with barriers	Women	Young	Aged	Religion / Belief	Sex Orientation	Disability	Racial / Ethnic
INFORMATION AND PUBLICITY	2	3	3	4	3	1	3	19	3	3	3	3	3	4	4
Lack of strategic focus on VGs in communication plans	1	1	1	1	1	0	1	6	1	1	1	1	1	1	1
Lack of a variety of means for information and publicity	0	0	0	0	0	0	0	0							
Limited number of stakeholders involved	0	0	1	1	1	0	0	3	1	1	1	1	1	1	1
Lack of multi-language material	1	1	0	1	1	1	1	6							1
Use of discriminatory language	0	0	0	0	0	0	1	1						1	
Lack of reference to vulnerable groups in materials	0	1	1	1	0	0	0	3	1	1	1	1	1	1	1
CALLS FOR PROPOSALS	3	5	4	3	4	3	3	25	4	4	4	4	4	5	5
Lack of explanation of EO principle in Guidelines for Applicants	0	1	1	1	1	0	0	4	1	1	1	1	1	1	1
Lack of requirements in the Financing Request concerning how the EO principle is addressed	0	0	0	0	1	0	0	1	1	1	1	1	1	1	1
Lack of monitoring indicators related to EO	0	1	1	1	1	0	0	4	1	1	1	1	1	1	1
Lack of specific support for VG in project generation and implementation	1	1	1	0	0	1	1	5	1	1	1	1	1	1	1
Lack of multiple options for project submission	1	1	0	0	0	1	1	4						1	
Lack of multi-language information	1	1	1	1	1	1	1	7							1
Use of discriminatory language	0	0	0	0	0	0	0	0							
PROJECT SELECTION	0	2	2	2	3	0	0	9	3	3	3	3	3	3	3
Lack of eligibility criteria related to equal opportunities	0	0	0	0	1	0	0	1	1	1	1	1	1	1	1
Lack of selection criteria related to equal opportunities	0	1	1	1	1	0	0	4	1	1	1	1	1	1	1
Lack of professional expertise in the selection process to assess equal opportunities issues	0	1	1	1	1	0	0	4	1	1	1	1	1	1	1
PROJECT IMPLEMENTATION	1	1	1	2	1	1	1	8	2	2	2	2	2	2	2
Flexibility rule	1	0	0	1	1	0	0	3	1	1	1	1	1	1	1
Access to finance	1	1	1	1	1	1	1	7	1	1	1	1	1	1	1
Total	7	11	10	11	12	5	7	63	12	12	12	12	12	14	14

 Barriers existing for 6 – 7 Programmes



An analysis by OP reveals that the most effective Programmes in removing barriers in access to finance for vulnerable groups have been SOP HRD, ROP and OP DAC for which the total number of identified barriers is between 5 and 7 out of a total of 18. This analysis is overall coherent both with the nature of the Programmes, SOP HRD and ROP being the 2 OPs providing for targeted interventions and reflects the effective approach of OP DAC in mainstreaming the equal opportunities principle as showcased under EQ2.

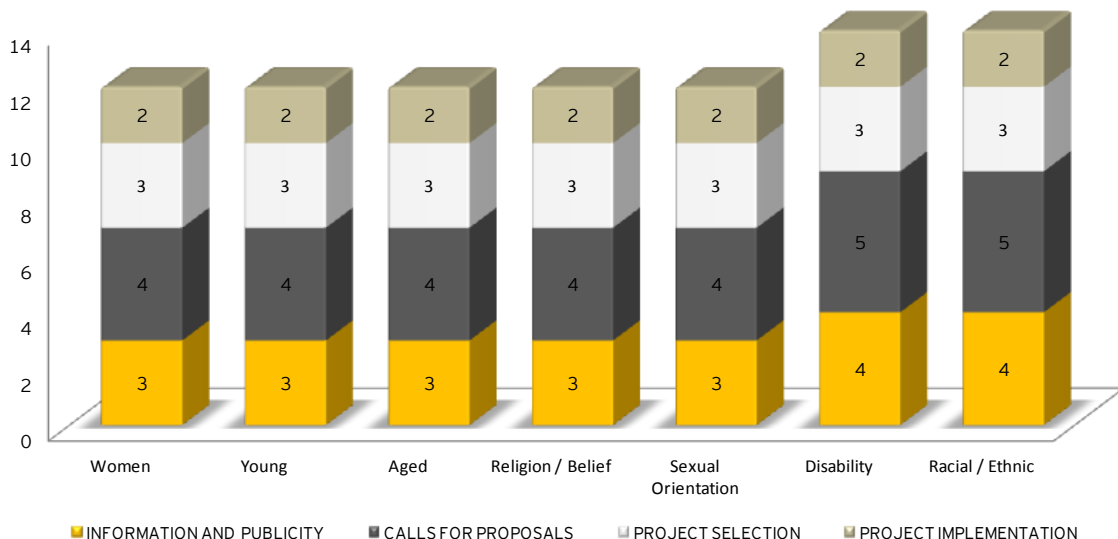
Figure 5: Breakdown of barriers by Operational Programme



A further analysis of the barriers faced by each vulnerable group reveals an almost equal number for each category, with 12 obstacles existing for women, youth, elderly people, people discrimination based on religion/belief and sexual orientation. Despite the aforementioned barriers, disabled persons are additionally affected by the use (in some cases) of discriminatory language in implementation documents as well as by the lack of multiple options for project submission while ethnic groups are additionally affected by the lack of multi-language material related both to information and publicity and calls for proposals.

The following section presents the detailed analysis of the four categories of barriers for each of the seven operational programmes.

Figure 6: Breakdown of barriers by Operational Programme



(1) INFORMATION AND PUBLICITY ACTIVITIES

Regional Operational Programme

The communication strategy of ROP aims at generating awareness regarding available financing opportunities to the wide public, in an accessible, clear and easy to understand manner. The strategy identifies specific target groups and the communication means to be used in order to reach each group without identifying however neither specific categories of vulnerable groups nor targeted communication means in order to reach them.

On the other hand, in implementing the communication plan ROP has been using a balanced mix of communication channels, both traditional (e.g. information desks at regional level, information and training sessions, conferences, various publications, indoor and outdoor campaign, mass-media campaigns) and web based (e.g. REGIO and Intermediate Bodies websites, online campaigns) which are adequate to reach all target groups, including vulnerable ones.

We have performed a compliance verification of the web pages of Managing Authority and Intermediate Bodies with the W3C/WCAG standards which resulted in a good compliance, ranging from 86% - 98%.

Concerted efforts to make communication more effective have been ensured through the REGIO Communicators Network which includes among its members also NGOs and through the publication REGIO, which has recently issued a number³⁹ dedicated to equal opportunities and non discrimination, providing also information on relevant projects financed under ROP for the benefit of vulnerable groups.

Most materials that are posted on the MA web page⁴⁰ make explicit reference to the equal opportunities principle. However, these are edited only in Romanian. On the other hand the “Booklet on Equal Opportunities and Non-discrimination” elaborated in order to support applicants and beneficiaries in implementing the equal opportunities and non-discrimination principle advises beneficiaries to translate informative materials in the language of minorities.

The language used is generally non-discriminatory; only minor improvements could be considered for the next information and publicity activities regarding the terminology. As an example, some expressions/ words found in the documents listed below could be replaced as suggested by the ETTAD guide⁴¹:

Document	Language used	Proposed improvement
Equal opportunities and discrimination – guideline (2009)	Handicap	Dizabilitate
	persoane cu handicap vizual sau mintal	persoane cu dificultăți vizuale, persoane cu dificultăți sau probleme mintale
	persoană în scaun cu rotile	persoană care folosește scaun cu rotile

Therefore, despite the fact that the communication strategy of ROP does not identify specific vulnerable groups, the activities deployed are overall adequate to reach such target as a sub-set of the general public. Some communication activities have addressed directly vulnerable groups and equal opportunities issues (e.g. dedicated publications, guidelines), but there is room for a more focused approach in mainstreaming the concept into communication activities.

The specific barriers identified in information and promotion activities are presented below in terms of relevance by vulnerable group:

³⁹ <http://www.inforegio.ro/sites/default/files/Revista%20Regio%20nr.%2018%20site.pdf>

⁴⁰ “How to operate correctly with a REGIO project”, “Financing opportunities for enterprises in private sector”, “REGIO for teenagers”, “A guide to communication”, “Financing opportunities for universities”, “Equal opportunities and non-discrimination - guideline”, “REGIO for everybody”, “Useful information in accessing structural funds within ROP and European Territorial Cooperation Programmes”, “Glossary”, “A short practice guide to REGIO”, Regio newsletter, 17/2012

⁴¹ “Understanding Disability - a Good Practice Guide”, ETTAD

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✗	✗	✗	✗	✗	✗	✗
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language material	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓
Lack of reference to vulnerable groups in materials	✓	✓	✓	✓	✓	✓	✓

SOP Increase of Economic Competitiveness

As in the case of ROP, the Communication Plan for SOP IEC details the target groups to be addressed by communication activities as well as the media channels to be used, without making however explicit reference to vulnerable groups which remain comprised in the broader “general public”. On the other hand, the plan includes guidelines on the characteristics that informative messages should comply with, i.e. being accessible, accurate, simple and easy to understand.

In rolling out its communication activities, SOP IEC has used a balanced mix of means such as workshops, press conferences, seminars, TV and radio interviews, informative campaigns supported by various entities as trade unions and NGOs, informative materials (e.g. leaflets, brochures, presentations, newsletters), help desk services, web pages of Managing Authorities and Intermediate Bodies designed in line with W3C/WCAG standards⁴². The content of internet web pages is edited in Romanian language and the materials posted appear user friendly and understandable for the general public (leaflet of SOP IEC 2011, informative announcements, press releases, SOP IEC brochure 2011) avoiding discriminatory language

The communication strategy of SOP IEC does not identify specifically vulnerable groups as a target, but provides explicit guidelines on the type of message to be used which is adequate to reach vulnerable groups and communication activities have been rolled out consistently with such provisions. The specific barriers identified are presented below in terms of relevance by vulnerable group:

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✗	✗	✗	✗	✗	✗	✗
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language material	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓
Lack of reference to vulnerable groups in materials	✗	✗	✗	✗	✗	✗	✗

SOP Environment

42 W3C/WCAG compliance verification using <https://amp.ssbartgroup.com/index.php>, indicate a range of 90% - 94%.

The activities foreseen in the Communication Plan are aimed at increasing the public awareness regarding scope, impact and priorities of Structural and Cohesion Funds and of the Programme. However, the communication plan does not specifically target people belonging to vulnerable groups; therefore no special communication tools are conceived.

The communication strategy combines various tools to provide each group with relevant information: large public and civil society are offered general information regarding the programme, financing opportunities and generated projects using both traditional (informative campaigns, TV/audio/radio campaigns, outdoor publicity, etc) and web based channels (internet web page with special sections such as: questions and answers, information requests, etc). For ensuring equal access to information for people belonging to vulnerable groups, the web pages of the Managing Authority and Intermediate Bodies are designed in compliance with W3C/WCAG standards⁴³, though contents are available only in Romanian.

In implementing its communication plan, SOP Environment has shown a specific sensitivity to vulnerable groups, being the only programme launching a promotional campaign in the language of minorities. The campaign aimed at ensuring access to information, equally and without discrimination to Hungarian, German, Ukrainian, Turkish, Roma, Russian and Serbian minorities was rolled out using both press and radio.

The informative materials posted on MA webpage include a power point presentation on SOP Environment contribution to the regional and local development of Romania, a general brochure of the programme available in Romanian, Hungarian and English and press releases written in a fairly easy language.

Overall, SOP Environment adopted a comprehensive communication strategy with a special focus on ethnic minorities which is an example of good practice in mainstreaming the equal opportunities principle as depicted under EQ2. Furthermore, the balanced mix of tools used for communication activities is based both on traditional and web based media which had a high coverage at national level. Nevertheless communication activities could be further extended to other categories of vulnerable groups different from ethnic minorities.

The specific barriers identified are presented below in terms of relevance by vulnerable group:

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✗	✗	✗	✗	✗	✗	✗
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✗	✗	✗	✗	✗	✗	✗
Lack of multi-language material	✓	✓	✓	✓	✓	✓	✓
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓
Lack of reference to vulnerable groups in materials	✗	✗	✗	✗	✗	✗	✓

SOP Transport

The Communication Plan of SOP T does not identify explicitly vulnerable groups as a target group of information activities, assuming their inclusion under the “General public” but emphasizes on the other hand the promotion of equal opportunities in relation to SOP T. The communication activities performed as described in the Annual Implementation Reports include press conferences, interviews (radio, TV, press), informative forums and campaigns, publications (e.g. brochures, leaflets, newsletters), outdoor publicity (e.g. banners, posters) and a regularly updated webpage which are adequate to reach also vulnerable groups as a sub-set of the general public, but lack of a specific focus. The internet web page is created in, both Romanian and English languages, favouring the access of a broader public. Also, the design of the dedicated web page is user-friendly for people with disabilities as it is compliant in a proportion of 92% with the W3C/ WCAG standard.

43 Internet web pages are compliant with the W3C/WCAG standard in a proportion of 90% according to <https://amp.ssbartgroup.com/index.php>

Communication materials accessible on internet webpage (brochures, presentations with the occasion of National Conferences of 2008 and 2011, posters of 2007 and 2011, section questions and answers) are characterized by a general and informative style, clear and simple language, easy to understand and remember and do not contain discriminatory language. Materials are edited only in Romanian and do not make specific reference to the equal opportunities principle.

Overall, the communication strategy of SOP Transport is thoroughly designed however it does not identify specifically vulnerable groups as a target. The mix of communication activities is adequate to reach vulnerable groups as a sub-set of the general public but lacks in focus. The specific barriers identified are presented below in terms of relevance by vulnerable group:

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✗	✗	✗	✗	✗	✗	✗
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✗	✗	✗	✗	✗	✗	✗
Lack of multi-language material	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓
Lack of reference to vulnerable groups in materials	✗	✗	✗	✗	✗	✗	✗

Operational Programme for Technical Assistance

The Communication Plan of OP DAC identifies the relevant target groups for Programme, without specific reference however to vulnerable groups which are implicitly included in the general public. The General public is provided with simple, clear and continuously updated information regarding general aspects of OP TA, beneficiaries and projects approved.

To reach in an effective way this group, a mix of communication tools are used e.g. internet web page which is W3C accessible encompassing all information referring to the programme, call centre service, informative centres at local level, mass-media tools (press releases, TV, radio promotional materials, digital media (CDs, DVDs) which are adequate also for the specific needs of most vulnerable groups although not directly designed for them.

Part of the documents available on the Programme website refer explicitly to equal opportunities, but are published in Romanian only. The informative materials do not use discriminatory language, though some improvements could be made, as indicated by ETTAD guide: in the National Strategic Report regarding the Implementation of structural and Cohesion Funds (2009)⁴⁴ “persoane cu handicap” mentioned could be replaced with “persoane cu dizabilități”.

To increase the awareness about the Programme, MA OPTA has designed and implemented a strategy that facilitates access information on behalf of the general public. However no positive actions are envisaged in order to favour vulnerable groups. The specific barriers identified are presented below in terms of relevance by vulnerable groups:

⁴⁴ Which was made available on the web site of the Ministry of European Affairs

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✗	✗	✗	✗	✗	✗	✗
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✗	✗	✗	✗	✗	✗	✗
Lack of multi-language material	✗	✗	✗	✗	✗	✗	✓
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓
Lack of reference to vulnerable groups in materials	✓	✓	✓	✓	✓	✓	✓

Sectoral Operational Programme Human Resources Development (SOP HRD)

The communication strategy of SOP HRD foresees information and publicity actions targeting the general public, potential beneficiaries and beneficiaries of the Programme, which include vulnerable groups or organizations that may be representative of vulnerable groups.

A wide number of communication activities were performed such as help desks, caravans, conferences, workshops, mass media (TV, radio, press releases), distribution of information materials, a “blue line” service⁴⁵, promotional materials and a Programme website in line with W3C standards. For ensuring a wider impact, communication activities have been carried out in partnership with socio-economic partners, NGOs, trade unions, employers associations also through the use Technical assistance which was contracted in order to carry out a national awareness campaign regarding social inclusion.

The information material published on the Programme website takes into account the specificities of vulnerable groups in terms of type of message, terminology used, tone and style but is available mainly in Romanian (and to a limited extent English) language. Most of the available materials make specific reference to equal opportunities principle and avoid the use of discriminatory languages:

- ▶ Informative brochure SOP HRD (2007)
- ▶ Annual Implementation Reports
- ▶ Interim Evaluation Report
- ▶ Ad-hoc evaluation report for KAI 5.2
- ▶ Informative bulletins of IB for SOP HRD National Centre for the Development of Vocational and Technical Education.

To conclude, the communication strategy and information activities performed address adequately vulnerable groups. Due to the nature of the programme, access of vulnerable groups to information activities is in large part ensured, although not always explicitly, by the full spectrum of communication channels used, both traditional and web based, strengthened by partnership networks with relevant capacity and authority in reaching these groups. The specific barriers identified are presented below in terms of relevance by vulnerable group:

⁴⁵ Free telephone line that operates as a help desk and is available to applicants

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✓	✓	✓	✓	✓	✓	✓
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language material	✗	✗	✗	✗	✗	✗	✓
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓
Lack of reference to vulnerable groups in materials	✓	✓	✓	✓	✓	✓	✓

Operational Programme Development of Administrative Capacity (OP DAC)

The Communication Plan of OP DAC identifies the relevant target groups for Programme communication activities such as NGOs, community associations and general public without specific reference however to vulnerable groups. Guidance is provided on the qualitative contents of the messages to be conveyed, which should be clear, actual, easy to understand manner and adapted to each group.

Communication activities have been deployed through a wide range of tools such as conferences, seminars, working groups, informative and promotional materials, mass-media activities, help desk service. The Programme webpage is available in Romanian and English language and is rich of information materials mainly in Romanian. A compliance validation of internet web page with the W3C/WCAG standard revealed a 85% conformity, thus, favouring people with specific disabilities as blindness and low vision, deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these.

In order to support applicants in addressing equal opportunities issues both in the phase of preparation of the financing application and during the project implementation phase, the Managing Authority adopted in 2010 a set of guidelines encoded in the “Informative document concerning horizontal issues and public procurement for potential beneficiaries”. The document contains a chapter dedicated to equal opportunities, describing the key concepts related to the issue and the relevant legal framework and offers examples of actions to be undertaken by beneficiaries in order to ensure respect of the principle as well as recommendations in order to develop a gender analysis. The document is publicly available in Romanian language on the website of the Programme <http://www.fonduriadministratie.ro>.

Annual Implementation Reports mention that MA DAC engaged in information activities message multipliers, such as representatives of civil society, academia, beneficiaries. Relevant Technical Assistance contracts were also concluded, offering support to the MA in information and publicity activities, covering also the promotion of the equal opportunities principle among government units.

Materials such as AIRs, the Informative Document on Horizontal Themes, the Projects Implementation Manual provide useful guidelines on promoting equal opportunities principle within projects and programme. Most of consulted materials (those mentioned above, all press releases, presentations for good practice projects), are elaborated in a non discriminatory language, although some improvement could be made, considering the suggested terminology by ETTAD guide: “handicap” as found in the Projects Implementation Manual (2nd part, 2012) and in the Informative Document regarding EO, sustainable development and public procurement could be replaced with “dizabilitate”.

The communication strategy for OP DAC does not identify specifically vulnerable groups as a target, however considering the various mix of communication channels utilized, access of vulnerable groups to information is ensured. The EO principle approach is directly addressed through informative documentation which was disseminated in occasion of public events and is available on the Programme website .The specific barriers identified are presented below in terms of relevance by vulnerable group:

EXISTING BARRIERS	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of strategic focus on VGs in communication plans	✗	✗	✗	✗	✗	✗	✗
Lack of variety of means for information and publicity	✓	✓	✓	✓	✓	✓	✓
Limited number of stakeholders involved	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language material	✗	✗	✗	✗	✗	✗	✓
Use of discriminatory language	✓	✓	✓	✓	✓	✗	✓
Lack of reference to vulnerable groups in materials	✓	✓	✓	✓	✓	✓	✓

Benchmarking from Member States

This analysis has been complemented with some benchmarking examples from other Member States that have been particularly effective in removing the barriers related to information and publicity activities and that have the potential for being replicated under Structural Instruments in Romania:

BARRIER REMOVED	BEST PRACTICE PROJECT	BEST PRACTICE ASPECTS
Lack of variety of means for information and publicity	MY PORTFOLIO" financed under the EQUAL Community Initiative, Netherlands	Info-points where to publicize the chances offered by Structural Funds in a friendly and inclusive environment attractive.
Limited number of stakeholders involved	ESPRIT 3 Global Grant, Italy	
Limited number of stakeholders involved	The Society Integration Programme of Jelgava, Latvia	Partnership involving local authorities and organizations representative to disadvantaged groups to access Structural Funds.
Use of discriminatory language	UK Office for Disability Issues' Guide on Delivering Inclusive Communications, UK	Guidelines for Communication that avoid any form of discrimination

The details of these best practices are included in Annex 7.

(2) CALLS FOR PROPOSALS

Regional Operational Programme

Based on the documentation reviewed, it can be stated that ROP has used a non discriminatory language in all the material included in the Application Packages. Minor improvements could be considered for the next information and publicity activities regarding terminology used; as an example, some expressions/ found in the documents listed below could be replaced as suggested by the ETTAD guide⁴⁶:

⁴⁶ "Understanding Disability - a Good Practice Guide", ETTAD

Document	Language used	Proposed improvement
Applicant Guideline for KAI 3.4	elevii cu deficiențe mintale	persoane cu probleme sau dificultăți ale sănătății mintale

Concerning the submission mechanism, all application forms shall be prepared in Romanian language only and submitted in paper format at the office of each Regional Development Agency, personally, via courier or registered mail. Other means of submission such as fax or e-mail will lead to disqualification.

Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✓	✓	✓	✓	✓	✓	✓
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✓	✓	✓	✓	✓	✓	✓
Lack of monitoring indicators related to EO	✓	✓	✓	✓	✓	✓	✓
Lack of specific support for VG in project generation and implementation	✗	✗	✗	✗	✗	✗	✗
Lack of multiple options for project submission	✓	✓	✓	✓	✓	✗	✓
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

SOP Increase of Economic Competitiveness

Based on the documentation reviewed, it can be stated that SOP IEC has used a non discriminatory language in all the material included in the Application Packages. Application forms and all required documents have to be elaborated in Romanian language while the submission mechanism is different for the KAIs that have been analyzed: under PA1 financing requests are submitted exclusively in hard copy, while under PA3 applications are submitted initially online at <http://fonduri.mcsi.ro> and then in hard copy.

Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✗	✗	✗	✗	✗	✗	✗
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✓	✓	✓	✓	✓	✓	✓
Lack of monitoring indicators related to EO	✗	✗	✗	✗	✗	✗	✗
Lack of specific support for VG in project generation and implementation	✗	✗	✗	✗	✗	✗	✗
Lack of multiple options for project submission	✓	✓	✓	✓	✓	✗	✓
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

SOP Environment

All the materials reviewed avoid the use of discriminatory language based on the ETTAD guide principles.

Concerning the submission mechanism, all application forms shall be prepared in Romanian language and submitted in paper format to the premises of Intermediate Bodies, fact which however, given the nature of the Programme and of its beneficiaries, does not appear to be a major barrier impeding vulnerable groups to benefit of the Programme outcomes. Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✗	✗	✗	✗	✗	✗	✗
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✓	✓	✓	✓	✓	✓	✓
Lack of monitoring indicators related to EO	✗	✗	✗	✗	✗	✗	✗
Lack of specific support for VG in project generation and implementation	✗	✗	✗	✗	✗	✗	✗
Lack of multiple options for project submission	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

SOP Transport

As in the case of SOP Environment, the materials included in the Application packages do not include any discriminatory language and applications have to be submitted in hard copy fact which however, given the nature of the Programme and of its beneficiaries, does not appear to be a major barrier impeding vulnerable groups to benefit of the Programme outcomes.

Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✗	✗	✗	✗	✗	✗	✗
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✓	✓	✓	✓	✓	✓	✓
Lack of monitoring indicators related to EO	✗	✗	✗	✗	✗	✗	✗
Lack of specific support for VG in project generation and implementation	✓	✓	✓	✓	✓	✓	✓
Lack of multiple options for project submission	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

Operational Programme for Technical Assistance

The materials included in the Application packages do not include any discriminatory language and applications have to be submitted in hard copy fact which however, given the nature of the Programme and of its beneficiaries, does not appear to be a major barrier impeding vulnerable groups to benefit of the Programme outcomes. Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✗	✗	✗	✗	✗	✗	✗
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✗	✗	✗	✗	✗	✗	✗
Lack of monitoring indicators related to EO	✗	✗	✗	✗	✗	✗	✗
Lack of specific support for VG in project generation and implementation	✓	✓	✓	✓	✓	✓	✓
Lack of multiple options for project submission	✓	✓	✓	✓	✓	✓	✓
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

Sectoral Operational Programme Human Resources Development (SOP HRD)

The information included in the Application Packages does not include any form of discriminatory language. Concerning the submission mechanism in place it has to be mentioned that financing request are submitted exclusively through the internet webpage (ActionWeb) fact which could restrict access to some categories of vulnerable groups, especially when the award mechanism is based on a first come first served principle.

Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✓	✓	✓	✓	✓	✓	✓
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✓	✓	✓	✓	✓	✓	✓
Lack of monitoring indicators related to EO	✓	✓	✓	✓	✓	✓	✓
Lack of specific support for VG in project generation and implementation	✗	✗	✗	✗	✗	✗	✗
Lack of multiple options for project submission	✗	✗	✗	✗	✗	✗	✗
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

Operational Programme Development of Administrative Capacity (OP DAC)

The materials included in the Application packages do not include any discriminatory language and applications have to be submitted in hard copy and digital support (CD/DVD) to the premises of MA.

Based on the above and on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of explanation of EO principle in Guidelines for Applicants	✓	✓	✓	✓	✓	✓	✓
Lack of requirements in the Financing Request concerning how the EO principle is addressed	✓	✓	✓	✓	✓	✓	✓
Lack of monitoring indicators related to EO	✓	✓	✓	✓	✓	✓	✓
Lack of specific support for VG in project generation and implementation	✗	✗	✗	✗	✗	✗	✗
Lack of multiple options for project submission	✗	✗	✗	✗	✗	✗	✗
Lack of multi-language information	✓	✓	✓	✓	✓	✓	✗
Use of discriminatory language	✓	✓	✓	✓	✓	✓	✓

(3) PROJECT SELECTION

In order to understand whether the project selection mechanism has determined barriers for vulnerable groups in accessing Structural Instruments financing or the benefits that may derive from Programme implementation, we have taken into account the findings of EQ 2 related to Programme Phase 3 “Project Selection” and complemented them with additional information related to the use of language in calls for proposals and the submission mechanisms adopted. The analysis has covered the KAIs selected under Evaluation Question n. 2 and findings are presented by Programme.

Regional Operational Programme

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of selection criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of professional expertise in the selection process to assess equal opportunities issues	✓	✓	✓	✓	✓	✓	✓

SOP Increase of Economic Competitiveness

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of selection criteria related to equal opportunities	✗	✗	✗	✗	✗	✗	✗
Lack of professional expertise in the selection process to assess equal opportunities issues	✗	✗	✗	✗	✗	✗	✗

SOP Environment

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of selection criteria related to equal opportunities	✗	✗	✗	✗	✗	✗	✗
Lack of professional expertise in the selection process to assess equal opportunities issues	✗	✗	✗	✗	✗	✗	✗

SOP Transport

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of selection criteria related to equal opportunities	✗	✗	✗	✗	✗	✗	✗
Lack of professional expertise in the selection process to assess equal opportunities issues	✗	✗	✗	✗	✗	✗	✗

Operational Programme for Technical Assistance

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✗	✗	✗	✗	✗	✗	✗
Lack of selection criteria related to equal opportunities	✗	✗	✗	✗	✗	✗	✗
Lack of professional expertise in the selection process to assess equal opportunities issues	✗	✗	✗	✗	✗	✗	✗

SOP Human Resources Development

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of selection criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of professional expertise in the selection process to assess equal opportunities issues	✓	✓	✓	✓	✓	✓	✓

Operational Programme Development of Administrative Capacity (OP DAC)

Based on the findings presented under EQ 2.1 the specific barriers identified are presented below in terms of relevance by vulnerable group:

TYPE OF BARRIER	WOMEN	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATION	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
Lack of eligibility criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of selection criteria related to equal opportunities	✓	✓	✓	✓	✓	✓	✓
Lack of professional expertise in the selection process to assess equal opportunities issues	✓	✓	✓	✓	✓	✓	✓

(4) PROJECT IMPLEMENTATION

The flexibility clause foreseen under Article 34 of the general regulation allows cross-financing possibilities between ERDF and ESF-type of activities up to 10% of the financial allocation of each priority axis. As mentioned under Chapter 1 this clause allows the possibility of financing infrastructure investments within ESF programmes and the financing of training courses addressed to the special needs of people with disabilities under ERDF programmes. Based on the analysis of Programming and Framework Implementation documents flexibility clause it results that only four out of the 7 OPs apply the flexibility clause:

OP	Flexibility Clause applied	Comments
SOP IEC	Yes	Applied limitedly to Priority Axes 1, 2 and 3
SOP HRD	Yes	10% flexibility clause for Priority Axes 1-5 of the Programme 15% flexibility cause for Priority Axis 6, "Promoting Social Inclusion"
SOP Environment	Yes	Applied limitedly to Priority Axis 4, "Implementation of Adequate Management Systems for Environment Protection"
OP ACD	Yes	Applied under all Priority Axes.
OP TA	No	
ROP	No	
SOP Transport	No	

An analysis of the applicability of the flexibility clause among **targeted interventions** reveals that out the 13 targeted KAIs, the 10 KAIs financed under SOP HRD apply the flexibility rule, (those financed under Priority Axis 6, "Promoting Social Inclusion" apply a 15% rule) while the 3 KAIs financed under ROP do not apply it.

For **non-targeted** interventions the situation differs between indirect impact KAIs and non-relevant KAIs. *The 10% flexibility rule is applied by 11 out of the 12 KAIs with an indirect impact, the exception being ROP KAI “1.1 Integrated urban development plans: Growth poles; Urban development poles; Urban centres”*. Out of the 63 KAIs that *do not have a relevant impact* on equal opportunities, only 18 apply the flexibility clause. These KAIs are financed under SOP IEC (PA 1. An innovative and eco-efficient productive system, 2. Research, Technological Development and Innovation for competitiveness, 3. ICT for private and public sectors), SOP HRD (PA 1. Education and training in support for growth and development of knowledge based society, 7. Technical assistance), SOP Environment (PA 4. Implementation of adequate management systems for nature protection) and OP ACD (PA 1. Structural and process improvements of the public policy management cycle, 2. Improved quality and efficiency of the delivery of public services on a decentralized basis, and 3. Technical Assistance).

Concerning the aspect of financial capacity, no evidences were found about tools dedicated to organizations representative of vulnerable groups supporting project implementation, fact which was confirmed in occasion of the interviews with organizations representative that were interviewed in order to define the long list of potential barriers limiting access to finance (EQ3) and the beneficiaries interviewed in order to develop the best practice projects (EQ4).

Benchmarking from Member States

This analysis has been complemented with some benchmarking examples from other Member States that have been particularly effective in removing the barriers related to project implementation and that have the potential for being replicated under Structural Instruments in Romania:

BARRIER REMOVED	BEST PRACTICE PROJECT	BEST PRACTICE ASPECTS
Non application (better use) of the 10% flexibility rule	Integrated Projects for family-work reconciliation, Regione Marche, Italy	Development of new services and models of organization that could flexibilize schedules at work, daycare services for children, for the elderly, leisure schedules, schedules for transportation services and mobility, schedules for the provision of public services
Availability of financial resources supporting implementation	Jeremie Fund, Lombardy Region, Italy	Use of JEREMIE in order to deploy innovative instruments for SMEs and non-profit organizations operating in the field of social inclusion

The details of these best practices are included in Annex 7.

EQ 3: To what extent have the existing programming and implementation mechanisms triggered access to financing for people in vulnerable groups?

C40. Overall Programming and implementation arrangements currently in place have not impeded access to finance on behalf of vulnerable groups. Vulnerable groups however, due to their characteristics, are facing additional barriers compared to non-disadvantaged target groups of Structural Instruments assistance, such barriers potentially limiting their direct participation to operations or to the benefits deriving from their outcomes.

C41. The most effective Programmes in removing barriers in access to finance for vulnerable groups have been SOP HRD, ROP and OP DAC for which the total number of identified barriers is between 5 and 7, while for all other Programmes the barriers are between 10 and 11 out of the total number of 18 potentially existing.

C42. Information and publicity activities, overall adequate to address the wide public, have lacked of specific focus on vulnerable groups both in the planning and implementation phase.

All Communication plans in fact fail to identify vulnerable groups as specific targets thus resulting in a limited involvement of organization with strong links with vulnerable groups in communication activities (in particular for SOP Environment, SOP Transport and OP TA), the lack of explicit reference to the opportunities offered by Structural Instruments for vulnerable groups in information and publicity

materials (in particular for SOP IEC, SOP Environment and SOP Transport) and media campaigns that do not take into account the language barriers faced by ethnic minorities (with the exception of SOP Environment). A limited number of cases of use of discriminatory language in respect of disabled persons were also identified.

- C43.** In the **launching of calls for proposals**, no specific assistance was available for vulnerable groups for supporting project generation (aspect which is relevant for ROP, SOP IEC, SOP Environment, SOP HRD and OP DAC due to existing rules on applicants' eligibility). Furthermore, the lack of explanation of EO principle in the Guidelines for Applicants (SOP IEC, SOP Environment, SOP Transport and OP TA) and the lack of monitoring indicators related to EO (SOP IEC, SOP Environment, SOP Transport and OP TA) are negatively affecting the possibilities of participation of vulnerable groups in project implementation, especially in the case of non-targeted interventions. Additional barriers identified concern lack of multi-language information (for all OPs) affecting in particular racial and ethnic groups and the lack of multiple options for the submission of financing applications (relevant for ROP, SOP IEC, SOP HRD, OP DAC due to existing rules on applicants' eligibility) affecting in particular disabled people.
- C44.** In relation to **project selection**, all OPs with the exception of OP TA provide explicit reference to the respect of minimum legal requirements as a condition for eligibility. On the other hand selection criteria related to equal opportunities and professional expertise in the selection process to assess equal opportunities issues are lacking in SOP IEC, SOP Environment, SOP Transport and OP TA, thus not fostering "positive actions" of beneficiaries in respect of equal opportunities issues and vulnerable groups.
- C45.** The applicability of the 10% flexibility clause provided by Art. 34 of the general regulation increases the possibilities for vulnerable groups of benefiting of the investments financed through Structural Funds. The clause has been applied to all Priority Axes under SOP HRD and OP ACD; SOP IEC and SOP Environment have applied it to a limited number of Priority Axes; OPTA, ROP and SOP Transport have not applied it at all. More specifically, all targeted interventions financed under SOP HRD apply the flexibility rule (PA6, "Promoting Social Inclusion" applies a 15% rule) while the 3 targeted KAIs financed under ROP do not apply it. Among non-targeted interventions, 11 out of the 12 KAIs with indirect impact apply the clause, the exception being again ROP. Among 63 non-relevant KAIs, the clause is applied in 18 cases. Programming and implementation arrangements do not foresee any mechanisms aimed at supporting organizations representative of vulnerable groups in the financial implementation of projects, thus the availability of cash flows represents an issue for those organizations with limited to access financial products of commercial banks.

2.4. Evaluation Question no. 4

EQ 4.1 Which are the specific projects directed or dedicated to vulnerable groups?

EQ 4.2 Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?

2.4.1. EQ 4.1: Which are the specific projects directed or dedicated to vulnerable groups?

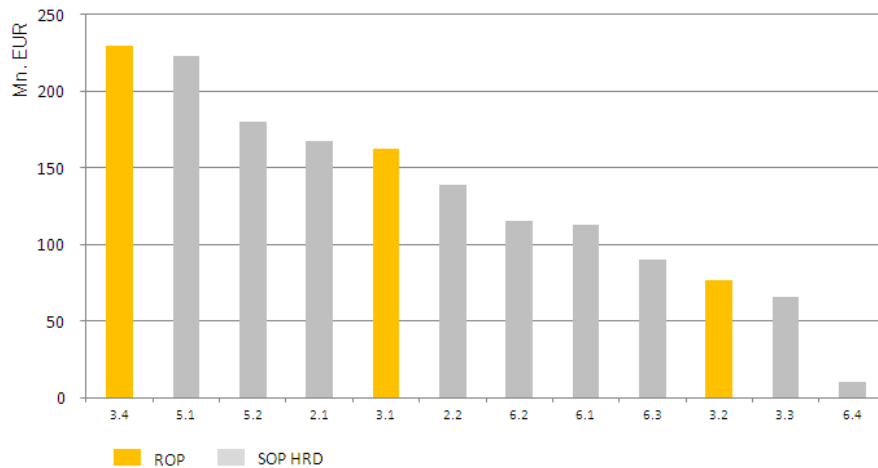
The total number of targeted interventions contracted (inventory of contracted projects) at the end of 2012 amounts to 1,561, out of which 1,127 projects (72%) are contracted under SOP HRD and 434 (28%) are contracted under ROP. The total EU assistance granted amounts to **1.5 billion EUR** with 70% of the amount contracted under SOP HRD and 30% under ROP. The financial resources contracted under targeted interventions amount **approximately 8% of the total financial** envelope for Romania for the period 2007-2013.

Table 15: Number and value of targeted interventions

OP / KAI		CONTRACTED PROJECTS		COMPLETED PROJECTS		UNDER IMPLEMENTATION	
		N.	VALUE (EUR)	N.	VALUE (EUR)	N.	VALUE (EUR)
SOP HRD		1,127	1,104,053,720	351	201,964,997	776	902,088,723
2.1	Transition from school to active life	184	167,625,416	42	18,576,635	142	149,048,782
2.2	Preventing and correcting early school leaving	80	138,982,326	32	16,880,896	48	122,101,430
3.3	Development of partnerships and encouraging initiatives for social partners and civil society	68	65,986,967	32	12,496,915	36	53,490,052
5.1	Developing and implementing active employment measures	405	222,763,035	165	58,707,013	240	164,056,023
5.2	Promoting long term sustainability of rural areas in terms of human resources development and employment	231	179,669,471	36	32,008,986	195	147,660,485
6.1	Developing social economy	58	112,640,495	19	18,929,492	39	93,711,004
6.2	Improving the access and participation for vulnerable groups on the labour market	52	115,645,947	10	20,019,289	42	95,626,658
6.3	Promoting equal opportunities on the labour market	42	90,192,084	14	23,984,451	28	66,207,633
6.4	Trans-national initiatives on inclusive labour market	7	10,547,980	1	361,322	6	10,186,658
ROP		434	469,308,390	75	38,739,995	359	430,568,395
3.1	Rehabilitation, modernization and equipping of the health services' infrastructure	59	162,722,510	8	6,813,603	51	155,908,907
3.2	Rehabilitation, modernization, development and equipping of social services infrastructure	173	76,524,084	29	10,843,746	144	65,680,339
3.4	Rehabilitation, modernization, development and equipping of pre-university, university education and continuous vocational training infrastructure.	202	230,061,796	38	21,082,646	164	208,979,150
TOTAL		1,561	1,573,362,111	426	240,704,992	1,135	1,332,657,119

The highest amount of EU funds has been contracted under KAI 3.4 of ROP in relation to investments in educational infrastructure, followed by KAI 5.2 of SOP HRD related to the implementation of active employment measures both in the range of EUR 225 mn. The funds contracted under KAI 6.2 of SOP HRD related to the involvement of vulnerable groups on the labour market amount to EUR 115 mn. while the lowest amounts have been contracted under DMI 3.3 of SOP HRD aimed at the "Development of partnerships and encouraging initiatives for social partners and civil society.

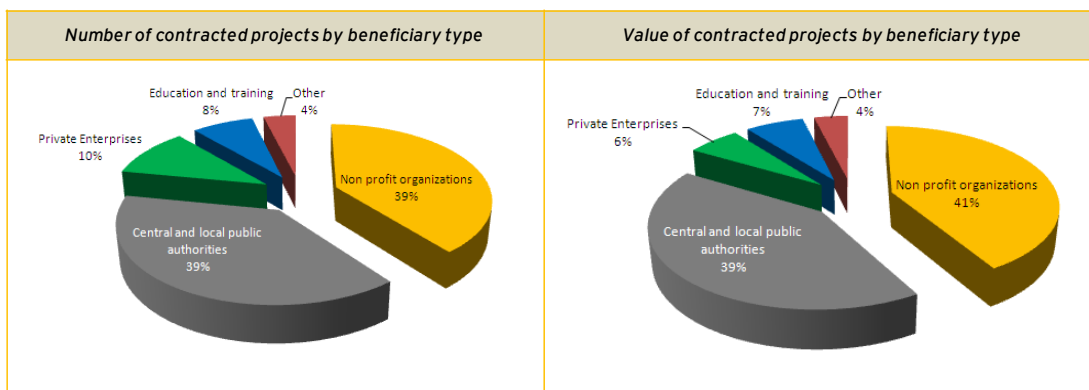
Figure 7: Contracted amounts by KAI



Composition of the inventory by type of beneficiary

The beneficiaries of contracted projects as classified according to SMIS / SIM-SOP HRD have been regrouped into 5 broader categories, in order to analyze the composition of the project portfolio in terms of beneficiary type. The analysis shows overall a balanced distribution of contracts both in terms of number and value between non-profit organizations and central and public authorities, followed by private for profit enterprises and education and training institutions:

Table 16: Distribution of number and value of contracted by beneficiary type

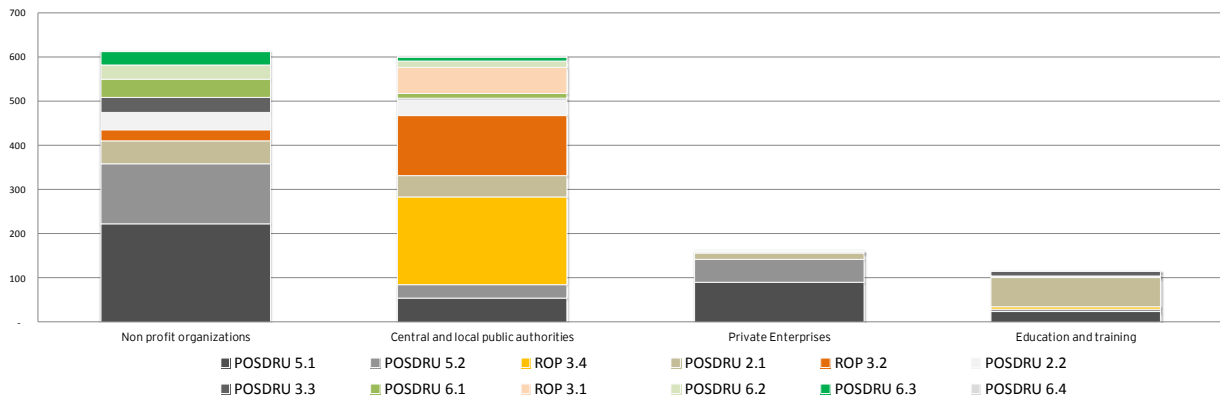


A further analysis of the targeted projects by Programmes (Figure 8) reveals that, consistently with applicants' eligibility rules, out of the 614 projects implemented by non-profit organizations, 96% are financed under SOP HRD and over 60% of these are concentrated under 2 KAIs, respectively 5.1 "Developing and implementing active employment measures" and 5.2 "Promoting long term sustainability of rural areas in terms of human resources development and employment".

As for the over 600 projects implemented by central and local public authorities, approximately 65% are financed under ROP and over 85% of these are concentrated under 2 KAIs respectively KAI 3.4 "Rehabilitation, modernization, development and equipping of pre-university, university education and continuous vocational training infrastructure" and KAI "3.2 Rehabilitation, modernization, development and equipping of social services infrastructure".

Out of the 164 projects implemented by private enterprises, more than 50% are financed under SOP HRD KAI 5.1 "Developing and implementing active employment measures" while the majority of education and training institutions implement projects under SOP HRD KAI 2.1 "Transition from school to active life".

Figure 8: Number of contracted projects by KAI and beneficiary type

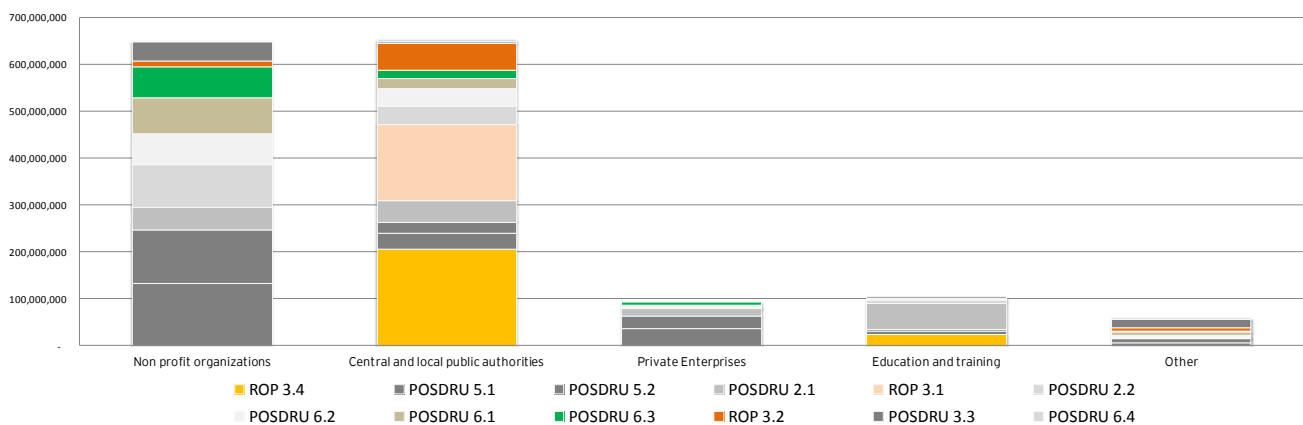


The distribution of financial assistance by type of beneficiary organization (Figure 9) is consistent with the distribution of the number of contracted projects, with approximately EUR 600 mn. contracted respectively with beneficiaries belonging to the non-profit sector and EUR 600 mn. with central and local public authorities. For non-profit organizations, approximately 60% of the amounts are contracted under SOP HRD KAI 5.1 “Developing and implementing active **employment measures**” and 5.2 “Promoting long term **sustainability of rural areas** in terms of human resources development and employment.

For central and local public authorities trends the biggest amounts are contracted under KAI 3.4 “Rehabilitation, modernization, development and equipping of **pre-university, university education and continuous vocational training infrastructure**” and KAI 3.1 “Rehabilitation, modernization and equipping of the **health services’ infrastructure**”.

Private enterprises account for approximately 3% of the total contracted EU assistance (mainly under SOP HARD KAI 5.1 and 5.2) while education and training institutions account for a total of 7% contracted almost entirely under KAI 2.1

Figure 9: Value of contracted projects by beneficiary type and Programme



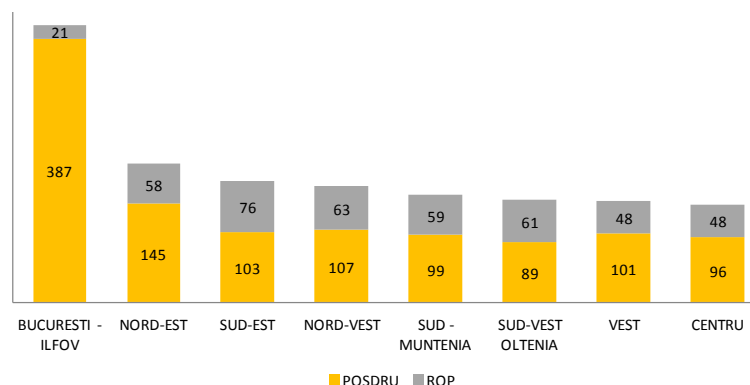
Distribution of targeted projects by Region

The geographical distribution of contracted projects shows that over 400 targeted interventions were contracted in Bucharest-Ilfov while in all other Regions contracted projects range between 150 and 200. The higher number of projects implemented in Bucharest-Ilfov is mainly attributable to SOP HRD (387 contracted projects versus an average of 105 projects for all other development regions), nevertheless it should be considered that benefits of such projects would possibly spill over the territory of Bucharest Ilfov in all cases when the beneficiary organization is a institution

(public or private) with competences at national level. After Bucharest Ilfov, the Region with the highest number of contracted projects is the North-East.

In the case of ROP the average number of contracted projects by Region is 54, with the highest number contracted in the South East (76), North West (63) and South West Oltenia (61) Regions and the lowest number in Bucharest-Ilfov.

Figure 10: Distribution of contracted projects by Region



Possible outcomes of targeted interventions

In order to understand what may be the potential outcome of the projects included in the inventory both in terms of vulnerable groups involved / benefiting of the operations and in terms of the physical infrastructure of which they may benefit, we have analyzed the target indicators included in the financing applications of contracted projects as extracted from the monitoring system SMIS.

Through the 434 projects contracted under ROP it is expected that 460 structures, including social centres, schools, medical units will rehabilitated, modernized or further equipped with the total number of people that are expected to benefit of such investments being approximately 110.000.

Figure 11: ROP target values of targeted interventions

Indicator	Target value
Social centres rehabilitated/modernized/equipped	173
Training centres rehabilitated/modernized/equipped	1
Teaching units rehabilitated/modernized/equipped	228
Medical Units rehabilitated/modernized/equipped	58
Total	460
Indicator	Target value
Students that will benefit of campuses rehabilitated/modernized/equipped	8,216
Students that will benefit of teaching units rehabilitated/modernized/equipped	76,162
Persons that benefit of infrastructure rehabilitated/modernized/equipped	25,376
Total	109,754

In the case of SOP HRD, based on the data provided by applicants, the total number of persons that will benefit from training and counselling under the targeted KAIs amounts to approximately 1.3 mn:

Figure 12: SOP HRD target values of targeted interventions

KAI	INDICATOR	Target value
2.1	Training participants	82,722
	Persons benefiting of counselling/orientation support	95,146
Subtotal		177,868
2.2	Participants to educational Programmes of the type "second chance"	1,030
	Persons benefiting of counselling/orientation support	112,898
Subtotal		113,928
5.1	Training participants	101,705
	Persons benefiting of counselling/orientation support	189,859
Subtotal		291,564
5.2	Training participants	185,007
	Persons benefiting of counselling/orientation support	153,142
Subtotal		338,149
6.1	Training participants	14,666
	Persons benefiting of counselling/orientation support	74,092
Subtotal		88,758
	Training participants	29,001
	Persons benefiting of counselling/orientation support	48,492
Subtotal		77,493
6.3	Training participants	235,110
	Persons benefiting of counselling/orientation support and have advanced in career after 1 year - women	9,422
	Persons that have started an independent activity - women	2,460
Subtotal		246,992
Total		1,334,752

Additionally in the case of SOP HRD we have analyzed the information included in the Annual Implementation Report of 2011 concerning the participation by target group according to the requirements of Annex XXIII of EC Reg. 1828/20676:

Figure 13: Analysis of SOP HRD Participants according to Annex XXIII

Total participants	Women	Age 15 - 24	Age 55 - 64	Minorities	Roma	Migrants	Disabled	Disadvantaged
589,324	334,294	163,895	32,335	51,695	28,198	132	10,751	177,876

Despite the fact that such information is not comparable with those included in the above table it provides an overview of the participation of the main categories of vulnerable groups in SOP HRD operations, showing a strong participation of women that account for more than 57% of the total participants as well as of the other disadvantaged groups.

EQ 4.1: Which are the specific projects directed or dedicated to vulnerable groups?

- C46.** The portfolio of targeted interventions consists of 1.561 projects, 72% of which are financed under SOP HRD and the remaining 28% under ROP for a total contracted EU Assistance of over EUR 1.5 bn equivalent to approximately 8% of the total EU financial envelope for 2007-2013.
- C47.** The highest amount of EU funds has been contracted under KAI 3.4 of ROP in relation to investments in educational infrastructure, followed by KAI 5.2 of SOP HRD related to the implementation of active employment measures both in the range of EUR 225 mn.
- C48.** In terms of type of beneficiary, 40% of the projects are implemented by non-profit organizations almost entirely under SOP HRD and 50% by public authorities, 65% of which under ROP coherently with applicable eligibility rules.
- C49.** As per the geographical distribution of assistance, over 400 targeted interventions were contracted in the Bucharest-Ilfov (with projects however that can have national coverage especially in the case of those implemented by central authorities under SOP HRD) while in all other Regions contracted projects range between 200 and 150. Excluding Bucharest-Ilfov, the distribution of both ROP and SOP HRD contracted projects is relatively balanced among development Regions.
- C50.** The possible outcomes of such interventions, based on the target indicators included in the application forms is measured for ROP in terms 460 structures, including social centres, schools, medical units will rehabilitated, modernized or further equipped and in 110.000 people that are expected to benefit of such investments.

In the case of SOP HRD, based on the data provided by applicants, the total number of persons that will benefit from training and counselling under the targeted KAIs amounts to approximately 1.3 mn.

2.4.2. EQ 4.2: Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?

The criteria used to identify the projects with the potential of good practice are based on consolidated approach used to identify best practices under Structural Instruments, further adapted in order to capture the specific potential impact of projects on equal opportunities issues and vulnerable groups.

Criteria for best practice selection:

Innovativeness: the approach of the project is original, adds value or is an intelligent adaption of successful experiences realized in different fields

External Consistency: with national strategies addressing vulnerable groups or issues related to equal opportunities.

Internal Consistency: presence of a context analysis that includes a clear and well motivated assessment of the condition of vulnerable groups, short-mid- and long-term goals in relation to vulnerable groups and a clear and feasible proposal of data collection aimed at monitoring the of goals with specific reference to vulnerable groups.

Efficiency: lack of irregularities detected concerning the use of financial resources and budget expenditure in line with the planned one.

Effectiveness: the operational objectives related to vulnerable groups are substantially achieved as proved by monitoring data.

Partnership Involvement: the project involves, where applicable, either in terms of partnership or networking, one or more stakeholders with competences related to vulnerable groups that are relevant and essentials for the project’s correct design, implementation and dissemination of results

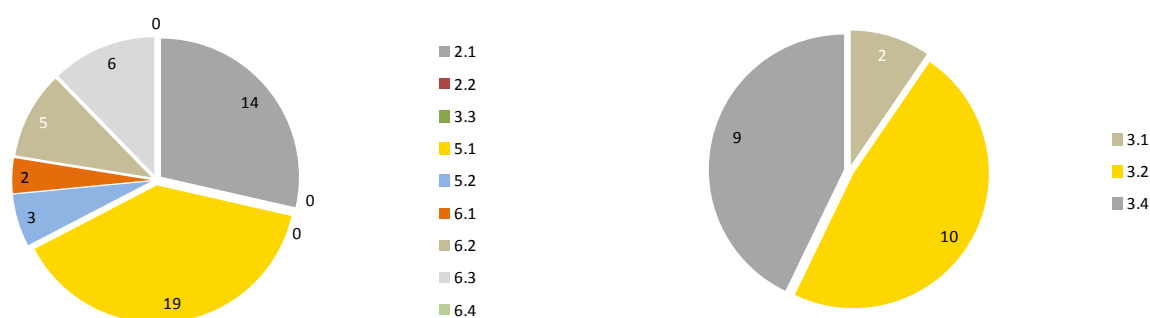
Transferability: to similar or different targets

Sustainability: presence of a detailed analysis of the way in which results of the project will be sustained after the end of the grant

Based on the indications of the Managing Authority a “basket” of 70 projects fulfilling these criteria was identified, containing 49 SOP HRD projects and 21 ROP projects.

For PODRU, 84% of the projects are financed under 2 KAIs, respectively KAI 5.1 “Developing and implementing active employment measures” and KAI 2.1 “Transition from school to active life” while for ROP under KAI 3.2 “Rehabilitation, modernization, development and equipping of social services infrastructure” and 3.4 “Rehabilitation, modernization, development and equipping of pre–university, university education and continuous vocational training infrastructure”.

Figure 14: Breakdown of the "basket" by OP and KAI



Based on the submission of a questionnaire to the 70 projects of the basket and the further analysis of their compliance with selection criteria, 7 projects were selected as examples of best practice with the aim to provide also a prominent coverage of vulnerable groups and of areas/topics relevant to equal opportunities:

Table 17: Overview of best practice projects

OP	KAI	PROJECT TITLE	RELEVANT AREAS/TOPICS	TARGET GROUPS ADDRESSED
SOP HRD	5.1 „Developing and implementing active employment measures”	„MIOS - Integrated occupying measures for the unemployed in the Covasna county”	Gender discrimination: Economic independence: Self- employment and entrepreneurship Other discrimination: Enhance labour market participation Self- employment and entrepreneurship	Unemployed persons (long-term unemployed, youngsters, job-seekers and inactive people) with specific focus on ethnic minorities.
SOP HRD	6.1 „Developing social economy”	„Socio-Professional Insertion Workshop”	Gender discrimination: Gender gap in employment participation, Self- employment and entrepreneurship Other discrimination: Job creations in specific sector (social economy)	Homeless adults located in Bucharest
SOP HRD	6.2 “Improving the access and participation of vulnerable groups on the labour market”	“Improving the access of youngsters in prison to training programs and labour market integration throughout and following the execution of their sentence”	Gender discrimination: Gender gap in employment participation, Self- employment and entrepreneurship, Other discrimination: Self- employment and entrepreneurship	Youngsters who are still serving time in prison,
SOP HRD	6.3 „Promoting equal opportunities on the labour market”	„ESTHR – integrated package of actions for developing the role of women in the Romanian society”	Gender discrimination: Gender gap in employment participation, Occupational segregation (both vertical /horizontal) Other discrimination: Combat stereotypes and promote positive image, Discrimination- based violence and human trafficking	Women discriminated at the workplace, want to avoid this problem or want to integrate in the labour market
SOP HRD	6.3 „Promoting equal opportunities on the labour market”	„Empowering Roma women on the labour market”	Gender discrimination: Gender gap in employment participation, Occupational segregation (both vertical /horizontal) Other discrimination: Combat stereotypes and promote positive image, Discrimination- based violence and human trafficking	Roma women
ROP	3.2 “Rehabilitation / modernisation / development and equipment of social services infrastructure”	“Development of the Shelters for Children in Emergency Centre, through an Extension with a Different Building of the Shelters for Children in Emergency Centre”	Gender discrimination: Health, well being, environment Social infrastructures and security in urban areas Other discrimination: Access to social protection system	Mothers in a risk situation
ROP	3.2 “Rehabilitation / modernisation / development and equipment of social services infrastructure”	„Expansion and equipment of the Neuropsychiatric Recovery and Rehabilitation Centre Brâncovenesti”	Health, well being, environment Transport and social infrastructures in rural areas Other discrimination: Access to social protection system	Adults with psychological and neuropsychological disabilities

The best practice projects are described in Annex 9 to this report and a descriptive version suitable for dissemination to the large public has also been prepared.

EQ 4.2 Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?

- C51.** We have identified 7 projects fulfilling the criteria of good practices defined in terms of innovativeness, external and internal consistency, efficiency, effectiveness, partnership involvement and sustainability.
- C52.** The proposed portfolio of projects covers 5 of the 12 targeted KAIs, 4 from SOP HRD and 1 from ROP. The projects address different types of vulnerable groups such as long term unemployed belonging to ethnic minorities, homeless, youngsters serving in prisons, women, roma women and mothers in risk situations. The topics covered concern
- ▶ **Gender discrimination:** Gender gap in employment participation, Self-employment and entrepreneurship, Occupational segregation, Social infrastructures and security in urban areas, Transport and social infrastructures in rural areas
 - ▶ **Other forms of discrimination:** Self-employment and entrepreneurship, Job creations in specific sector (social economy), combating stereotypes and promote positive image, Discrimination- based violence and human trafficking, access to social protection system