

# Executive Summary

This is the executive summary of the report prepared by Ernst & Young as a result of the project “Evaluation of the way in which provisions regarding equal opportunities have been mainstreamed in the Romanian Framework of Structural Instruments” financed under the “Framework Agreement for evaluating the Structural Instruments during 2011-2015, Lot 1 – Evaluations”.

After a brief description of the context of the evaluation (Chapter 1), the report provides the results of the analyses conducted to evaluate the way in which the principle of equal opportunities has been mainstreamed in the lifecycle of Romanian Programmes financed under the European Social Fund, European Regional Development Fund and Cohesion Fund (Chapter 2). Based on these results the report provides conclusions and recommendations aimed at consolidating the equal opportunities dimensions in the current and future programming period (Chapter 3) and examples of best / faulty practices in mainstreaming the equal opportunity at Programme level and of successful targeted interventions.

## *Current situation of vulnerable groups in Romania*

The current situation of vulnerable groups in Romania remains generally unchanged compared to the status at the time of drafting the National Strategic Reference Framework and Operational Programmes, confirming the relevance of the issues at stake in this evaluation. **Discrimination based on gender** stays one of the main provocations faced by Romanian society, with the labour market being still characterized by gender segregation and pay-gaps. **Roma population**, representing 3.2% of the population of the country is identified as one of the most vulnerable groups of the Romanian population, registering low level of participation to the labour market, low access to education, social services and health system. The 690,000 disabled people remain discriminated in what concerns access to the education system thus leading to illiteracy and early drop-out. **Children and youth** (18-23) represent the group with the highest probability of facing absolute poverty; the absence of employment opportunities has hit youth (including university graduates) and persons over 45 years more than any other age group, especially in rural areas and smaller urban centres where employment opportunities are extremely limited.

## *The European and National Framework of Equal Opportunities*

The principle of equality stated in the European Treaties permeates the EU legal framework as well as policy making and programming, its fundamental axes being non-discrimination and equal opportunities, the first calling for anti-discrimination legislation, the second for pro-active policies to reduce starting point inequalities and increase participation of specific groups of people to given aspects of life.

In the context of the European Structural Instruments, mainstreaming equality and ensuring equal opportunities for all, concerns providing the opportunity for disadvantaged groups to access financial assistance channelled through the Operational Programmes and more generally benefiting of their outcome, in terms of increased access to the labour market, retention of employment, building of vocational capacity through training and qualifications, access to public services and improvement of the quality of life.

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, but forms of multiple discrimination should also be taken into account.

For *discrimination based on gender*, the relevant areas/topics for Structural Instruments support 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 and lifelong learning, gender gaps in graduate in science and technology, gender gaps in tertiary education), *Economic independence* (gender gap in employment participation, gender pay gap, occupational segregation, self employment and entrepreneurship, reconciliation of work and family life) and *Health, well being, environment* (access to health and care services, access by specific groups, specific health issues of women groups, public transport and social infrastructures in including rural areas, social infrastructures and security in urban areas, women’s double burden, ‘Green jobs’).

For *discrimination based on grounds other than gender*, the relevant areas/topics identified taking into account the main initiatives financed through European Structural Instruments are: *Education and training* (learning of basic skills, participation in vocational education and training and 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, promotion of diversity management, promotion of self employment and entrepreneurship, adaptation and equipment to facilitate access, job creations in specific sector, 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, 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), *Governance and Institutional Capacity fundamental rights*.

On the other side, the relevant national legal framework 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. The core piece of legislation in the field is represented by GO no. 137/2000 on prevention and sanctioning of all forms of discrimination that covers all the categories of disadvantaged groups and the main areas/topics identified at EU level. GO no. 137/2000 is complemented by other pieces of national legislation and sector laws on employment, education, access to public services. National strategies and programmes address issues of non discrimination and equal opportunities but the main instruments in place appears to be the SOP HRD, completing with positive actions the legislation based approach prohibiting and sanctioning eventually discrimination.

The Romanian legislative framework related to non-discrimination and equal opportunities is very much in line with the European one. Overall, the Romanian legislation seems “stronger” in terms of “negative action”, thus forbidding all types of discrimination but less is done in terms of positive actions promoting equal access to all.

Concerning gender equality, there are limited gaps between the European and National legal Framework 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 in the following areas: 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.

Concerning disadvantaged groups other than women, elderly seem to be assimilated into the social system and not integrated on the labour market or empowered in any way. The uncovered areas 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.

#### *Mainstreaming of the Equal Opportunities principle in Structural Instrument Programmes*

Coming to the Structural Instruments area and comparing it to the European and national conceptual frameworks, the implementation of the equal opportunities principle 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.

Two main approaches were applied by the seven operational programmes in transposing the equal opportunities concept in each of the 7 stages of programme cycle. The first approach is embodied by **targeted interventions** (i.e. interventions with a direct effect of vulnerable groups) while the second is the **mainstreaming of the principle in non-targeted interventions** (i.e. interventions that have an indirect effect or no effect on vulnerable groups).

Under the **targeted interventions** the transposition of the Equal opportunities principle is strong especially in the stages of programming, launching of calls, projects selection and monitoring. As ESF programme, Sectoral Operational Programme Human Resources Development aims explicitly to contribute to ensuring equal opportunities and embeds the principle in its logic of intervention. Consequently, the implementation system contains the necessary provisions which ensure that the equal opportunities principle is transposed also in practice. The approach of the principle in Regional Operational Programme, with targeted interventions focused on infrastructure, is very strong in monitoring, as the programme is keen to obtain effects in terms of social development of regions.

**Mainstreaming the equal opportunities principle in non-targeted interventions is, overall, modest.** Every programme has an effect on different vulnerable groups and, thus, equal opportunities principle is relevant for each of them. However, with the exception of OP DAC, real efforts and measures are not obvious to mainstream the principle and thus contribute to its enhancement through specific actions. The further we go into the programme cycle, the more diffuse the transposition is: if in the programming phase the principle is taken into consideration, and implemented further through filtering projects through an eligibility criterion and asking the selected projects

to report on how they apply it at project level in the project reports, limited monitoring (through indicators) in annual implementing reports and evaluation at programme level on the effects of mainstreaming are carried out.

Further on, there is no uniform approach to the equal opportunities principle, among programmes and within programmes. The equal opportunities 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).

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 equal opportunities and of its types of interventions in terms of their possible effects on vulnerable groups. As this analysis was not carried out, the programmes could not coin an adequate strategy and mechanisms to truly mainstream the principle at project level.

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. However, 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 very comprehensive. There are cases (i.e. SOP IEC) in which the applicant guides do not provide any information on the issue, although the applicants need to present in the application how they implement the system.

All programmes embed in their **assessment and selection system** an eligibility criterion which refers to the equal opportunities 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. SOP IEC and SOP ENV do not use an eligibility criterion dedicated to equal opportunities, but the principle is combined in an overall eligibility criterion referring to several horizontal themes.

Although the projects swore that they respect and will respect the legislation in place related to equal opportunities, the analyses revealed that the provisions of the legislation are very complex and, for this reason, its full implementation is difficult to assess. The affidavit presented by the applicants does not appear to be 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. However, there are other institutional bodies, outside Managing Authorities, in charge with verification of the application of specific legislation in force. Only ROP and OP DAC (except SOP HRD) deploy also a technical evaluation criteria related to equal opportunities, but the scoring assigned to it is not significant, especially under OP DAC.

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 equal opportunities, none was carried out at programme level. Consequently, if by the end of the programming period no evaluation are carried out, limited to no information will be available on the precise effects of Structural Instruments on vulnerable groups and why these effects occurred, and on the synergy between Structural Instruments and other relevant national strategies in place, especially if no evaluations focused on effectiveness will be carried out for SOP HRD and ROP.

**Partnership** during the programme implementation is reduced in most cases to the membership of Monitoring Committee. One minor exception under this stage is represented by SOP HRD which also consults its main stakeholders on the Applicants’ Guides by posting them on the programme’s web-page. This general approach to partnership links back to the equal opportunities concept developed and applied by the programme at the outset, which determined limited implication of equal opportunities stakeholders and perpetuated a minimalistic approach during the programme implementation.

Overall, **specific expertise is not involved** by the programmes to coin or gear the mainstreaming of the equal opportunities principle in any of the 7 stages and this surely represents a bottleneck and explains the state of affairs. A positive exception is represented by ROP, which managed to select, under stage 3 “Project selection”, project assessors with the necessary expertise.

The analyses performed have however highlighted the existence of examples of good practices in mainstreaming the equal opportunities principle such as the approach to Programming of SOP HRD, the Information and Publicity activities carried out under SOP Environment, the monitoring system of ROP, the selection criteria under OP DAC as well as the evaluations focused on Equal Opportunities carried out under OP TA (NSRF level). 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 stage 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 of beneficiaries.

#### ***Barriers limiting access to financing for vulnerable groups***

An important aspect for the implementation of the equal opportunities principle is related to the removal of the additional barriers that disadvantaged groups, due to their characteristics, are facing in accessing Structural Instruments finance, compared to non-disadvantaged target groups. Overall Programming and implementation arrangements currently in place have not impeded access to finance on behalf of vulnerable groups but a number of barriers have been identified.

**Information and publicity** activities have lacked of specific focus on vulnerable groups both in the planning phase, 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 vulnerable groups in information and publicity materials (in particular for SOP IEC, SOP Environment and SOP Transport), media campaigns that do not take into account the language barriers faced by ethnic minorities (with the exception of SOP Environment) and a limited number of cases of use of discriminatory language in respect of disabled persons.

In the **launching of calls for proposals**, specific assistance available for vulnerable groups for supporting project generation was not evident. Furthermore, the lack of explanation of equal opportunities principle in the Guidelines for Applicants (SOP IEC, SOP Environment, SOP Transport and OP TA) and the lack of monitoring indicators related to equal opportunities (SOP IEC, SOP Environment, SOP Transport and OP TA) have not encouraged 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) and 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.

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.

The **10% flexibility clause** provided by Art. 34 of the general regulation, which allows the possibility of financing infrastructure investments within ESF programmes and training courses addressed to the special needs of people with disabilities under ERDF Programmes, has been applied to all Priority Axes under SOP HRD and OP DAC; 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, thus limiting the possibilities for disadvantaged groups to benefit of the outcomes of the interventions.

Furthermore, except project pre-financing mechanism in place, programming and implementation arrangements do not foresee any other 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.

#### *Targeted projects for vulnerable groups*

In financial terms, the portfolio of targeted interventions financed under EU Cohesion Policy in Romania is significant as it 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., equal to approximately 8% of the total financial envelope for 2007-2013.

The possible outcomes of such interventions, based on the target indicators included in the application forms is measured for ROP in terms 460 structures rehabilitated (social centres, schools, medical units) and 110,000 people that are expected to benefit of such investments, while for SOP HRD in 1.3 mn. persons that are expected to benefit from training and counselling under the targeted KAIs.

Last but not least, in order to exemplify the targeted interventions carried out in Romania we have picked up 7 projects fulfilling the criteria of good practices defined in terms of innovativeness, external and internal consistency, efficiency, effectiveness, partnership involvement and sustainability. These projects address different types of vulnerable groups such as women, youth, aged, ethnic minorities, people with disabilities, and multiple forms of discrimination (roma women, women in risk situations, aged people excluded from labour market).

The topics covered concern areas detailed in the EU level Equality framework that are relevant both for discrimination based on gender (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) and other forms of discrimination (Self-employment and entrepreneurship, Job creation in specific sector, combating stereotypes and promotion of positive image, discrimination-based violence and human trafficking, access to social protection system).

Based on the findings and conclusions of the evaluation we have distilled a series of recommendations for the 7 OPs and organized them in terms of relevance for the current and future programming periods:

**Overarching recommendation:**

- ▶ An equal opportunities system needs to be put in place for the implementation of the equal opportunities principle by the Operational Programmes starting from the current Programming period and continuing in the period 2014-2020.

**Recommendation for the current Programming period:**

- ▶ **Evaluations should be carried out** to identify the effects of the OPs on vulnerable groups and why these effects occurred (what worked and why): separate, programme level evaluations should be carried out for SOP HRD and ROP (covering also the contribution to the national strategies addressing equal opportunities), and horizontal evaluations can be carried out for the remaining programmes.
- ▶ **Human resources need to be ensured** for Managing the equal opportunities dimension: each programme should have at least one Equal Opportunities Councillor that has the necessary expertise to connect the equal opportunities set knowledge with the knowledge related to the specificity of the operational programme, from the point of view of the types of interventions financed and create a “equal opportunities chart” of the Programme, containing the elements to be taken over in the programme logic of intervention and implementation. For efficiency reasons, the Councillor function needs to be combined with other ones, while one person may be fully engaged in managing this topic at coordination level (e.g. Ministry of European Funds) or by the programme with strongest focus on equal opportunities issues (e.g. SOP HRD in the current programming period).
- ▶ **Setting up of an Equal Opportunities Network:** at system level, the first steps should be performed for setting up an Equal Opportunities Network composed of Equal Opportunities Councillors and national institutions responsible with EO overall and for specific groups which should be invited to participate at least periodically to the Equal Opportunities Network. The network should meet bi-annually or quarterly/more often when needed, acting as a platform for discussion on equal opportunities issues and the exchange of best practices.
- ▶ **Securing financial resources for the Equal Opportunities Network:** the Ministry of European Funds should explore the extent to which a project can be financed under the Technical Assistance Facility under OPTA, to support the setting of the equal opportunities network and its contribution to the programming phase currently unfolding for the future programming period. This will contribute to the steps needed to be taken in order to fulfil the relevant ex-ante conditionalities for the future programming period. This initial project should cover also capacity building activities for both “parts” of the network, the Structural Instruments stakeholders and the equal opportunities stakeholders out of the system, activities which need to continue after the programmes elaboration and launching and financed from TA budget.
- ▶ **Financing of new interventions:** in the current Programming period, SOP HRD should consider whether “EU” uncovered areas/topics could/should be addressed, taking into account socio-economic trends and needs expressed by beneficiaries, if financial resources are available.
- ▶ **Monitoring Committees’** compositions should be adjusted in order to better represent the different disadvantaged groups (e.g. women, youth, elderly, persons with disabilities, racial/ethnic groups) and presentations focused on equal opportunities issues should be organized in occasion of MC meetings in order to raise stakeholder awareness.
- ▶ **Information and publicity activities** targeting vulnerable groups should be deployed and further emphasis made on disseminating good practice projects. In particular MAs should revise communication plans in order to define targeted communication activities towards vulnerable groups; develop of multi-language and non discriminatory communication material; extend of the network of organizations involved in communication activities; revise of communication material providing specific reference to vulnerable groups and align Programme website with accessibility standards provided by the W3C/WCAG.

Should additional financial resources be available under SOP HRD, the MA could consider implementing a pilot “global grant” scheme, selecting by means of public tender an intermediate body with strong relations with the target vulnerable groups in order to assess the effectiveness of the approach in view of the future programming period.

**Recommendation for the future Programming period:**

- ▶ **Overall approach to Equal Opportunities:** Managing Authorities should undertake an approach to mainstreaming the equal opportunities principle in all stages of the Programme lifecycle starting from the following elements of good practice:
  - 1. Programming phase:** perform an early review of data availability on equal opportunities and warn responsible authorities for improving the data availability; include in the „Context analysis” of the equal opportunities an assessment of the specific context of the programme in terms of equal opportunities; develop an equal opportunities strategy covering issues relevant for the programme and how the programme can tackle /solve them; prioritize aspects and identify Priority Axes / Key Areas of Interventions / Operations that will address equal opportunities issues; define output, result and impact indicators adequate to capture the objectives of the Programme in relation to equal opportunities issues; design targeted interventions and/or adequate mainstreaming actions for non-targeted interventions by taking into account the existing European and national equal opportunities framework and based on the precise identification of the effects of each type of intervention on vulnerable groups.
  - 2. Calls for proposals:** ensure availability of equal opportunities expertise for the preparation of Applicants’ Guidelines in order to transpose OP objectives in project implementation; deploy information and publicity activities covering equal opportunities issues in order to raise the awareness level in terms of equal opportunities among potential beneficiaries and disseminate good practice examples through materials understandable to the wide public; provide specific support for project generation for organizations representative of vulnerable groups; introduce multiple options for the submission of applications.
  - 3. Project selection:** respecting equal opportunities principle should be an **eligibility criterion for all programmes**, and the proof for respecting the national legislation in place should be provided; projects should be stimulated to truly mainstream the equal opportunities principle by **granting extra points in the technical evaluation**
  - 4. Financial Management and control:** the financial plan of the OP or of the Framework Implementation Document should contain explicit indication of the funding share allocated to actions with positive impact in terms of equal opportunities, separating gender and other discrimination issues.
  - 5. Monitoring:** the monitoring system of the Programme should include a coherent system of “equality” indicators comprising: 1) context indicators; 2) programme indicators; 3) project level indicators; reporting requirements on the implementation of the equal opportunities principle should be enhanced in Annual Implementation Report and/or ad-hoc reports; adequate tools/manuals should be made available to project beneficiaries providing guidance on how to fostering the equal opportunities principle at project level.
  - 6. Evaluation:** two horizontal evaluations should be planned in multi-annual evaluation plans, one in the first part of the programming period (focused on how the system is set and if it creates the necessary preconditions for the principle to be adequately implemented) and one in the second part of the programming period, focused on effectiveness of the measures taken; further on, the programmes targeting the principles should specifically evaluate, at programme level, the efficiency and effectiveness of the system they have in place for implementing the principle.
  - 7. Partnership principle:** representatives of vulnerable groups should be involved in all stages of the programme management and implementation cycle.
- ▶ **Partnership Agreement and OP elaboration:** the equal opportunities network, if set-up timely, should be involved in the Partnership Agreement and OP elaboration, taking into account the partnership principle, and further involved in programme implementation and monitoring, through Monitoring Committees.
- ▶ **Removing barriers in access to finance for vulnerable groups:** the perspective implementation of multi-funded Operational Programmes should ensure continuity with the 10% flexibility rule and extend its scope of applications; MAs should take advantage of this rule in order to provide additional possibility of access on behalf of vulnerable groups to works, goods and services financed through Structural Instruments. Furthermore, the implementation of an ESF Jeremie initiative targeting disadvantaged groups should be taken into account from an early stage of Programming.
- ▶ **Ex-ante evaluations** should adequately focus on this topic and the necessary evaluations should be planned, which will provide information also in terms of accountability and learning.