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Subsequent Contract no. 4 - Evaluation of the way in which provisions regarding equal opportunities have been mainstreamed in the Romanian Framework of Structural Instruments

Ministry of European Funds, Romania

Final Evaluation Report

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The opinions presented within the Report belong to Ernst&Young SRL and do not necessarily reflect the opinions of the Contracting Authority.

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List of abbreviations

AIR	Annual Implementation Report
CF	Cohesion Fund
CFR	National Company for Railways
CPA	Certifying and Paying Authority
EC	European Commission
EO	Equal Opportunities
EON	Equal Opportunities Network
ERDF	European Regional Development Fund
ESF	European Social Fund
ETC	European Territorial Cooperation
EU	European Union
FID	Framework Document of Implementation
GDP	Gross Domestic Product
I&P	Information & Publicity
IB	Intermediate Body
KAI	Key Area of Intervention
MA	Managing Authority
MC	Monitoring Committee
MC CSI	Managing Committee for Coordination of Structural Instruments
MD	Monitoring Department
ND	Non-discrimination
NGO	Non-Governmental Organization
NSRF	National Strategic Reference Framework
OP	Operational Programme
OP DAC	Operational Programme Development of Administrative Capacity
OP TA	Operational Programme Technical Assistance
PA	Priority Axis
ROP	Regional Operational Programme
SI	Structural Instruments
SME	Small Medium Enterprise
SMIS	Single Management Information System
SOP ENV	Sectoral Operational Programme Environment
SOP HRD	Sectoral Operational Programme Human Resources Development
SOP IEC	Sectoral Operational Programme Increase of Economic Competitiveness
SOP T	Sectoral Operational Programme Transport
TA	Technical Assistance
VG	Vulnerable Groups

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.

1. Context of the evaluation

1.1. Objectives, scope and deliverables of the evaluation

1.1.1. Objectives

The general objective of this project is to analyze the way in which the principle of equal opportunities has been transposed / mainstreamed in all phases of Cohesion Policy Programmes in Romania under the European Social Fund, European Regional Development Fund and Cohesion Fund.

Conclusions and recommendations are aimed at consolidating the equal opportunities dimensions in the current and future programming period. Examples of best/faulty practices in mainstreaming the equal opportunity at Programme level and of successful targeted interventions have also been identified. The specific objectives of the project are supporting ACIS and MAs for:

- ▶ offering a framework of trends, policies and agreements, emphasized at European and national level;
- ▶ transposing legal obligations and policies, as regards anti-discrimination, accessibility and gender equal opportunities, into implementation rules and procedures coherent with the relevant regulations;
- ▶ mainstreaming European agreements and Cohesion Policy objectives in relation to anti-discrimination, accessibility and gender equality of vulnerable groups in implementing rules and institutional aspects;
- ▶ defining targeted/ special interventions focusing on improving the opportunities of vulnerable groups and on assisting the beneficiaries to comply with relevant norms, for the current programming period and for the future one.

1.1.2. Evaluation questions

The evaluation covers the 7 Operational Programmes falling under Convergence Objective in Romania and answers to the following evaluation questions defined in the Terms of Reference:

Table 1: Evaluation Questions from ToR

EQ1. EUROPEAN AND NATIONAL FRAMEWORK RELEVANT FOR EQUAL OPPORTUNITIES	EQ2. MAINSTREAMING OF THE EQUAL OPPORTUNITIES PRINCIPLE IN SI PROGRAMMES
EQ1.1: Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?	EQ2.1: 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?
EQ1.2: Which is the national legal framework relevant for the equal opportunities?	EQ2.2: What other topics on equal opportunities have been promoted / mainstreamed in various OPs?
EQ1.3: Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?	EQ2.3: Are there any good practices in the mainstreaming of equal opportunities into the Structural Instruments framework?
EQ3. BARRIERS LIMITING ACCESS TO FINANCING	EQ4. TARGETED PROJECTS FOR VULNERABLE GROUPS
EQ3: To what extent have the existing programming and implementation mechanisms triggered access to financing for people in vulnerable groups?	EQ4.1: Which are the specific projects directed or dedicated to vulnerable groups?
	EQ4.2: Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?

1.1.3. Deliverables

This Evaluation Report contains:

- ▶ a presentation of the evaluation methodology used to answer to each evaluation question, including the methodology for choosing best practices examples (Chapter 1, Chapter 2, Annex 1)
- ▶ an explanation of the concept of equal opportunities and an inventory of the relevant areas/ topics in the European context and in the one regarding Cohesion Policy (Chapter 1)
- ▶ an overview of the condition of Vulnerable Groups in Romania (Chapter 1)
- ▶ findings for each evaluation question, covering all operational Programmes and aspects: implementation rules, mainstreaming of subjects regarding equal opportunities, specific interventions targeted or dedicated to vulnerable groups; access to financing for vulnerable groups (Chapter 2)
- ▶ best practice examples: 3 best practices (and 2 faulty practices) related to the mainstreaming of topics relevant to equal opportunities through Structural Instruments programming and implementation arrangements (Chapter 2 and Annex 5) and 7 best practice projects targeting areas/topics relevant for equal opportunities or vulnerable groups (Chapter 2 and Annex 8)
- ▶ conclusions and recommendations pointing out a distinction between the current programming period and the future one (Chapter 3)
- ▶ a reference framework of trends, policies and agreements related to vulnerable groups (Annex 1)
- ▶ an inventory/ data base of the projects addressing the equal opportunities issues (per specific target groups) on different types of interventions (Annex 10)

Additionally, 3 best practices related to the mainstreaming of topics relevant to equal opportunities through Structural Instruments programming and implementation arrangements and 7 best practice projects targeting areas/topics relevant for equal opportunities or vulnerable groups have been provided in electronic and hard copy format suitable for dissemination to the wider public.

1.2. Methodology

1.2.1. Evaluation Framework

The Evaluation has been carried out according to the plan presented in the Evaluation Framework included in Annex 1, which details for each question an evaluation grid consisting of:

- ▶ evaluation assumptions, that is the judgment criteria used to specify the meaning of the evaluation questions;
- ▶ analytical approach, that is the kind of analysis we will perform to answer the evaluation questions, given the judgement criteria;
- ▶ methodological tools, i.e. the tools we will use (e.g. desk research, interviews, questionnaires) in order to implement the analytical approach;
- ▶ primary sources of information, i.e. the sources (i.e. people) who can provide data and information on the specific issue;
- ▶ secondary sources, i.e. the sources we will use based in existing documents, publications, reports or tools, providing data and information already available.

Table 2: Structure of the Evaluation Framework

Evaluation question, as per the Tender Book	Evaluation assumptions	Analytical approach	Evaluation tools	Primary information sources	Secondary information sources	Evaluability
Q2.3: Can be identified cases of good practice in mainstreaming / integrating the subjects on equal opportunities into the Structural Instruments framework?	There are components of the OP management systems that are very effective in supporting equal opportunities	(1) Definition of criteria for the selection of best practices (2) Collection of relevant information for the selection of the best practices (3) Analysis of practices for mainstreaming the equal opportunities related provisions in the aforementioned stages, as compared to the criteria agreed with ECU for identification of good practices (4) Identification of practices in the implementation of the programme that properly address equal opportunities (in any stage of programmes implementation) (5) Benchmarking with practices used in other member states	► Desk analysis according to the check-lists presented in par. 3.3.3 ► Interviews with MA ► Focus group for selecting the relevant criteria ► Meeting with ECU to define the selection criteria ► Case studies	► Representatives of MAs, Social partners attending Monitoring Committee, Associations fostering equal opportunities, Trade unions MAs ► ECU ► MAs	(1) Documents on Programmes as in Q2.1 (2) Best Practices/ bad practices in promotion/integration of equal opportunities at EU level	High

1.2.2. Evaluation tools

The following table provides a view of the evaluation tools used, with details on the stakeholders involved, the type of information collected and the correspondence with the evaluation question:

Evaluation Tool	Stakeholders involved	Information collected	Evaluation questions addressed
Desk Research		<ul style="list-style-type: none"> ► Relevant documents at European level ► Relevant documents at national level 	► Q1
		<ul style="list-style-type: none"> ► Programming documents ► Implementation documents for selected KAIs/Operations ► Evaluation Reports (ex ante, thematic, interim) ► Monitoring (Monitoring documents, indicators, collecting and validating the data, reporting) ► Literature on best practices on mainstreaming equal opportunities in Structural Instruments in Member States ► Annual Implementation Reports 	► Q2
		<ul style="list-style-type: none"> ► Annual Implementation Reports ► SMIS and SIM-POSDRU data 	► Q3
		<ul style="list-style-type: none"> ► SMIS and SIM-POSDRU data 	► Q4
Experts' panel	<ul style="list-style-type: none"> ► International experts on EO ► National experts on EO ► Representatives from the Ministry of Labour Directorates with competences related to Equal Opportunities issues. 	<ul style="list-style-type: none"> ► Understanding of the National and European Framework for the implementation of the equal opportunities principle ► Definition of equal opportunities relevant for Structural Instrument in Romania, including a "list" of relevant areas/topics and vulnerable groups 	► Q1
Focus groups	<ul style="list-style-type: none"> ► MAs, social partners – members in Monitoring Committees of the OPs, representatives of the trade unions, representatives of the associations which deal 	<ul style="list-style-type: none"> ► Criteria for best practice selection in mainstreaming the equal opportunities principle in Programme stages ► Criteria for selecting best practice projects, i.e. projects particularly effective in addressing equal opportunities issues of vulnerable groups 	<ul style="list-style-type: none"> ► Q2 ► Q4

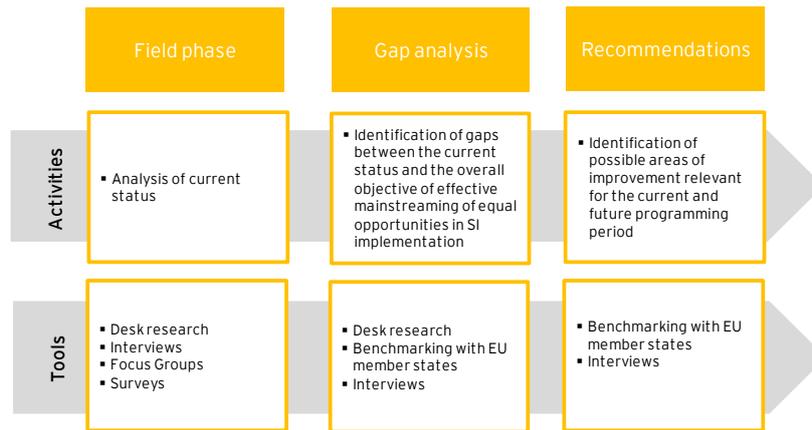
Evaluation Tool	Stakeholders involved	Information collected	Evaluation questions addressed
	with issues related to equal opportunities, social inclusions or vulnerable groups		
Interviews	<ul style="list-style-type: none"> ▶ Interviews with MA ▶ Interviews with ACIS 	<ul style="list-style-type: none"> ▶ General overview on how the principle of equal opportunity has impacted programmes ▶ Discussion about relevant Key Areas of intervention within the OPs 	▶ Q2
	▶ Interviews with Romanian organizations representative of vulnerable group	▶ Definition of the final list of barriers affecting access to finance for vulnerable groups	▶ Q3
	▶ Interviews with MAs and Project beneficiaries for case study finalization	▶ Collection of information for finalization of case studies	▶ Q4
Survey			
Questionnaire to key informants	▶ Interlocutors indicated by the Managerial Authorities with regard to good practices	▶ Request for comparable information about projects on the basis of selection criteria for best practices	▶ Q4
Questionnaire to beneficiaries	▶ Beneficiaries of the projects selected as good practices	▶ Request for detailed information about good practices with particular reference to vulnerable groups' needs	
Benchmarking with Member States		▶ Best practices adopted in Member States in order to mainstream the equal opportunities principle in different phases of the Programme lifecycle	▶ Q2
		▶ Best practices adopted in Member States in order to remove barriers in access to finance for vulnerable groups	▶ Q3

The methodologies for selection of best practices in mainstreaming topics relevant to equal opportunities through Structural Instruments programming and implementation arrangements and for selecting best practice projects targeting areas/topics relevant for equal are presented respectively under Section 2.2.1 and 2.4.2.

1.2.3. Structuring recommendations

In order to structure our recommendations for the improvement of the current approach to equal opportunities issues within the Structural Instruments system (in particular for EQ2, EQ3), we have analyzed the existence of possible gaps between the evidence collected during the field phase, and the objectives ensuring an effective mainstreaming of the principle. The approach has been functional to the identification of critical issues related to the Programme and functional for proposing possible improvements to the processes and procedures adopted up to date. The analysis was built upon the information collected from primary and secondary sources and ad-hoc elaborations enabling the comparison between evidences collected and expected results.

Figure 1: Gap analysis approach



Based on such findings, we have drawn conclusions on areas of improvement in terms of reducing the gaps between the ideal situation related to the effective mainstreaming of the equal opportunities principle and the current status.

1.3. Context of the evaluation

1.3.1. The Romanian National Strategic Reference Framework 2007-2013

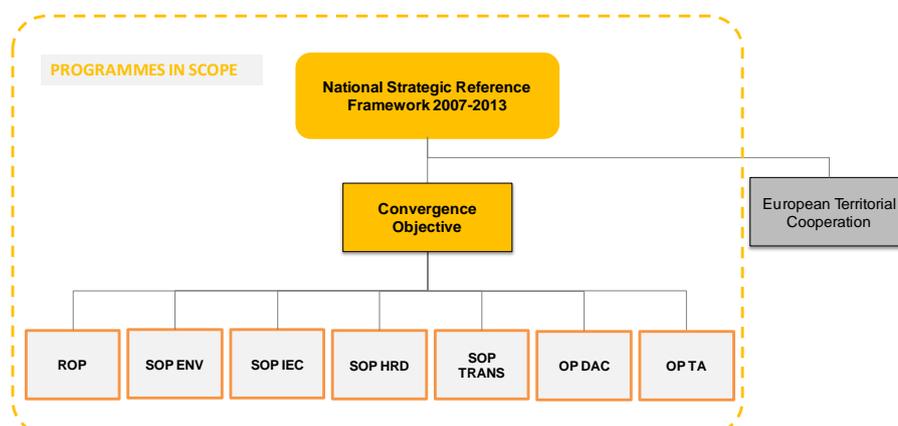
The Romanian National Strategic Reference Framework 2007-2013 (NSRF) is the strategic document, planning the medium-term use of the Structural and Cohesion Funds based on the National Development Plan 2007-2013, linking the national development priorities and the priorities at European level – the Community Strategic Guidelines (CSG) on Cohesion 2007-2013 and the Integrated Guidelines for Growth and Jobs 2005-2008.

The NSRF 2007-2013 envisages that EU Structural and Cohesion Funds will contribute to achieving the global objective of reducing the economic and social development disparities between Romania and the EU Member States, by generating a 15-20% additional growth of GDP by 2015.

This general NSRF objective is further detailed by four specific thematic priorities, respectively the development of basic infrastructure to European standards, Increase of long-term competitiveness of the Romanian economy, development and more efficient use of Romania’s human capital, development of an effective administrative capacity. Flanking these thematic priorities, Romanian NSRF contains a territorial priority, which addresses regional problem areas in order to prevent widening regional disparities.

The NSRF sets out the strategy that underpins the Operational Programmes which are co-financed by the European Regional Development Fund, European Social Fund and the Cohesion Fund. For the Convergence Objective, Romania has translated the general priorities of the NSRF into 7 OPs, for which the total EU contribution for the period 2007-2013 amounts to EUR 19.2 bn.

Figure 2: NSRF Structure



In respect of the implementation of the Equal Opportunities principle, the NSRF provides that in accordance with Article 60 of the General Regulation, the OP Managing Authorities are responsible for ensuring that operations financed by the Structural Instruments shall be in conformity with the provisions of the Treaty, Community instruments, policies and actions.

Equal opportunities will be promoted by interventions under all the Operational Programmes. This will ensure the equitable participation of women and men in the operations and benefits that accrue from the implementation of the operations. Equality of opportunities will also focus on vulnerable groups, young people, ethnic minorities, especially Roma, the disabled people and people with learning difficulties. National Agency for Equal Opportunities will assist the MAs and the OP Monitoring Committees in properly addressing this key horizontal policy.

1.3.2. Situation of vulnerable groups at the time of drafting the NSRF

The socio-economic analyses included in the NSRF and SOP HRD identify the main social groups at risk of marginalisation as well as the problems related to their social integration, reintegration into the labour market and access to education.

In 2005 **women** accounted for 51.2% of the population and Romania was ranked 56th out of 175 countries according to gender disparity index measuring women's disadvantage in the three dimensions of reproductive health, empowerment and labour market.

During 2002–2005, female unemployment in Romania fluctuated between 7.7% and 6.4% constantly below the rate of male unemployment, lower also than the 9.8% registered in EU-25 and 8.9% in EU-15. On the other hand, the salary of women varied between 82% and 83% of that of men in the period 1999-2003, but rose to 87% in 2005.

Research in 2005 showed that 67.6% of women employed were working in industries, such as food and textiles and had salaries under the gross average salary. Violence and discrimination at work in Romania were higher than compared to acceding and candidate countries but below the EU 15 average.

The Roma population totalled 535,140 people at the 2002 census (2.5% of the population), representing the second largest ethnic minority group, however, independent estimates carried out by sociologists as well by the European Commission¹, estimated the actual number of Roma as up to 2.5 million. A WB Report stated that in 2000, about 68.8% of the Roma population lived with less than 4.3 USD per day.

The main identified problems faced by this group referred to poor education facilities leading to low participation in education and low educational attainments, lack of skills and experience on the labour market, insufficient participation in formal economy, large number of children, lack of housing and bad living conditions, lack of identity cards, as well as a state of health worse than that of the rest of the population. Only 22.9% of the Roma population were economically active and of these 71.5% were in employment. The other large ethnic minority identified within the NSRF is the **Hungarian population**, accounting for 6.6% of the total population.

The share of **persons with disabilities** out of the total population has maintained around 1.8-2.1% between 1999 and 2006, with fluctuations determined by the applicable legal framework. The number of disabled people in employment was low due to discrimination, lack of opportunities, education, professional skills and barriers to accessibility further reducing employment opportunities and the policy to integrate disabled children was still not working as effectively, with 30% of the disabled children between 6-18 years integrated in public schools

The number of institutionalized persons decreased steadily from 20,270 in 2003 to 17,560 in the 3rd quarter of 2006, whereas the number of non-institutionalized persons rose from 387,850 to 461,828 in the same period. The decrease in the number of disabled people living in residential centres and the increase in the state support granted to families to provide the disabled persons home care was still limited by the underdevelopment of community services in terms of coverage, diversity and quality.

Young people over 18 leaving state care institutions faced a lack of access to housing and difficulties in integrating into the labour market, due mainly to a lack of adequate professional skills. Other groups of vulnerable children included "street children", and the associated issues were social integration, child exploitation in the labour market, school drop-outs, children affected by trafficking and those involved in juvenile criminality.

¹ "2004 Regular Report on Romania's Progress Towards Accession"

1.3.3. Overview of current situation of vulnerable groups

In order to obtain an overview of the current situation of vulnerable groups in Romania we have reviewed the information contained in the socio-economic analyses for the Programming of European Funds 2014-2020 of the Social Affairs and Social Inclusion Technical working Group and of the Social Economy and Entrepreneurship Technical Working Group, the background analyses contained in the National Strategy for Equal Opportunities between men and women for 2010-2012 and the Report of the Ministry of Labour, Family and Social Protection regarding social inclusion in Romania in 2010.

Discrimination based on gender remains one of the main provocations faced by Romanian society, in virtue of a number of visible differences in what concerns access, participation and involvement of women and men in social, political, economic, cultural and labour market participation. The labour market continues to be characterized by gender segregation, in the sense that participation of women remains preponderant in economic activities such as health, education, public administration while male participation is higher in such domains as heavy industry, defence, thus resulting in gender pay gaps between men and women. Nevertheless, compared to the statistical data of 2004 according to which the pay gap between men and women was 14%, there is a tendency towards the reduction of such difference.

In 2004 the employment rate for women in the age group 15-64 was 52.1%, while for men it was 63.6%, a situation which is confirmed also by the most recent statistics of 2007. As concerns unemployment, in 2007 the rate for women was significantly lower for than for men (4.9% vs. 7.2%).

Gender participation in decision making is also characterized by a disproportion between the number of women and the number of men represented in parliamentary and government structures.

When analysing the level of poverty according to the indicator „gender of the head of the household”, it results that households ran by women are more affected by poverty than those ran by men, because of the fact that, in general, women designated to run the household are less active on the labour market.

Roma population is identified as one of the most vulnerable groups of the Romanian population, facing a risk of poverty 7 times higher (31.1%) than the rest of the population (4.4%), as per 2009, with determining factors being the low income of households, the low level of education of adults and prevailing black work. According to preliminary results of the Census made in 2012, there are 619,000 roma people in Romania, representing 3.2% of the population of the country. No detailed statistics were available at the moment this report was realised, in terms of employment situations of roma people in 2012.

Compared with the situation in other Member States, Romanian roma population registers a lower participation in the labour market, showing however a proactive attitude towards informal integration opportunities. The 2002 census of households showed that 22.9% of the roma are part of the active population and that out of this share 28.5% were unemployed persons searching for a job, 41% persons were occupied in agriculture and 31% workers without qualifications. More generally 70% of the roma population had no qualification and was engaged in activities that did not require any professional training.

The Report of the Presidential Commission for Social and Demographic Risk Analysis in 2009 showed that 53% of roma men and 23% of roma women do paid work. Of these, only 36% on the working men are employed, as compared to 77% of the working men that are not roma. As a ratio of the entire adult roma population, only 19% of the men and 11% of women are employed, compared to 40% of men and 31% of women of other minorities.

According to the most recent “Social Inclusion Barometer” (2010), roma population is the most exposed to the risk of social exclusion, it is discriminated and does not have equal access to education, labour market, social services and health system. The rate of occupation of roma population remains very low, while the risk of dismissal from work is ten times higher than for the rest of the population. For the above reasons 60% of the roma households sustain themselves with a salary that is 60% of the minimum legal salary. Furthermore, the early drop-out from the education system characterizing roma youth is associated to a life trajectory according to traditional models, resulting for approximately 60% of women in giving birth to the first child before the age of 18.

The National Organisation of People with Handicap in Romania reveals that in the last 10 years the number of **disabled people** in Romania increased from 420,000 to almost 690,000 people (by 60%), out of which approximately 9% are children and 91% adults and overall 97.5% of them are institutionalized. The share of disabled people in the total population has, however, increased even more, given the fact that the actual population of Romania decreased from 21.6 mn. in 2002 to 19 mn. in 2011.

The main factor affecting employment of persons with disabilities is education. From this perspective the Romanian education system creates major disadvantages for persons with disabilities, thus leading to a rate of illiteracy n and

early drop-out that are respectively 7 times and 2 times higher than the one of the general population. In 2008 the number of persons with disabilities with an occupation amounted to 12% of the total number of persons with disabilities between 18-60 years dependent from families. Trends in employment presented by the Romanian Academic Society in 2009 (in the paper: *Diagnosis: Excluded from Labour Market. Difficulties in employing disabled people in Romania*) show also an overall increase in the number of persons with disabilities that have an occupation which rose from 9,600 in 2003 to over 27,000 in 2009.

In Romania there are approximately 3.8 million **children** under the age of 18 affected by risk of poverty and social exclusion, that is much higher than for all other groups of the population. **Children and youth** (18-23) represent the group with the highest probability of facing absolute poverty also as a result of the economic downturn with the toughest conditions being faced by children growing in rural areas and those or roma ethnics. In terms of employment, the labour market offers few possibilities for young people in the age group 15-25 and shows a more worrying tendency than in other Member States, with the unemployment rate growing from 18.6% in 2008 to 23.9% in the first quarter of 2012.

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. According to the Social Inclusion Barometer (2010) these two age groups have faced the most severe challenges in finding an occupation, resulting in young people immigrating abroad and in older people relying, where possible, on subsistence agriculture.

In terms of religious segmentation, out of the total population of 19 mn. people, 16,367,000 people are orthodox, 870,000 are Romano-Catholics, 160,000 are Greek-catholic, 600,000 are reformists, 118,000 are Baptists, 368,000 are Pentecostals, 86,000 are Adventists, and 344,000 have a different religion. Overall from the above picture, it results that most of the issues related to vulnerable groups addressed within the National Strategic Reference Framework remain actual, some of them having also worsened in relation to the effects of the global economic downturn.

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.

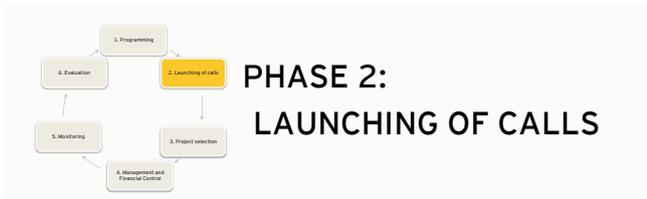
▶ *Indicators*

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's covered by our project, respectively KAI's 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's 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's 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

³⁰

[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: - <i>women</i> (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: - <i>women</i> (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</i> (KAI 6.2) (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</i> (KAI 6.2)
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.

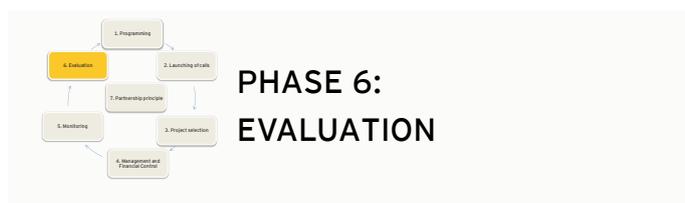
► **Reporting requirements**

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	KAI focuses on women					
Access to social protection system	ROP 3.2	ROP 3.2 (specifically Roma)					
Participation in social life/empowerment	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)

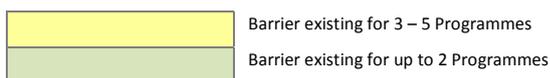
Programme documentation for all 7 OPs was reviewed in order to verify the actual presence of these potential barriers, the findings being summarized in table 14 where the barriers identified under each Programme and the vulnerable groups affected are marked with a "1". The analysis shows that the most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

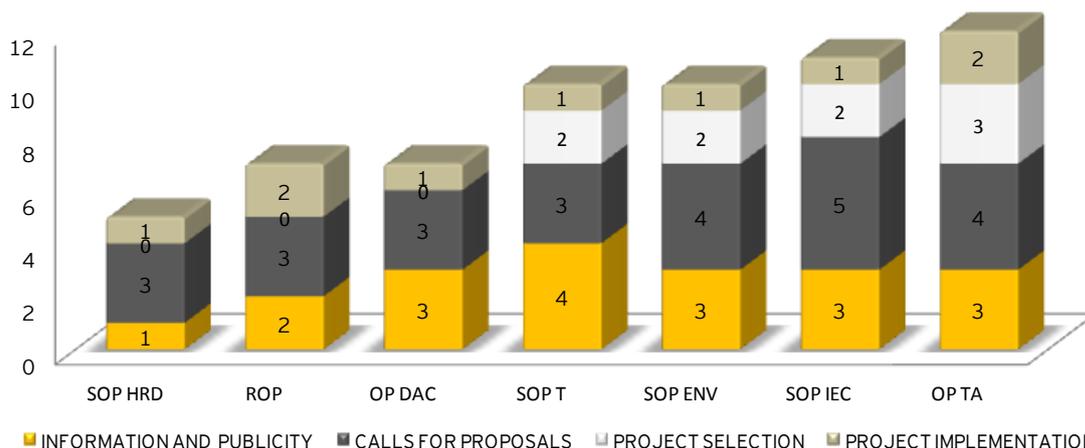
	ROP	SOP IEC	SOP ENV	SOP T	OP TA	SOP HRD	OP DAC	Total OPs with barriers	Women	Young	Aged	Religion / Belief	Sex Orientation	Disability	Racial / Ethnic
INFORMATION AND PUBLICITY	2	3	3	4	3	1	3	19	3	3	3	3	3	4	4
Lack of strategic focus on VGs in communication plans	1	1	1	1	1	0	1	6	1	1	1	1	1	1	1
Lack of a variety 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.

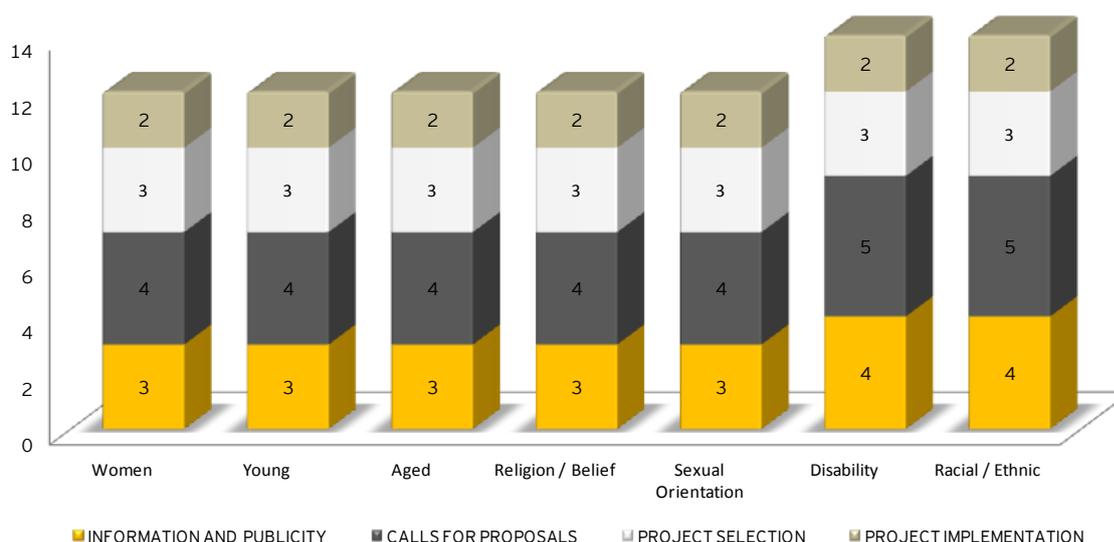
Figure 5: Breakdown of barriers by Operational Programme



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?

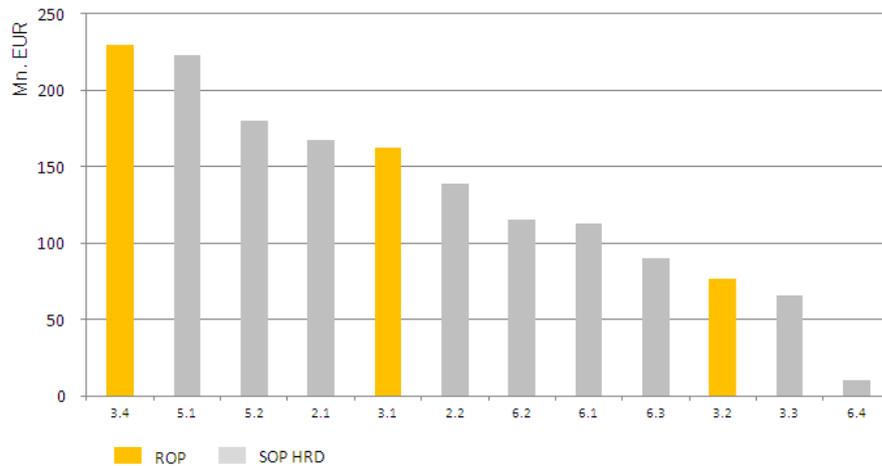
The total number of targeted interventions contracted (inventory of contracted projects) at the end of 2012 amounts to 1,561, out of which 1,127 projects (72%) are contracted under SOP HRD and 434 (28%) are contracted under ROP. The total EU assistance granted amounts to **1.5 billion EUR** with 70% 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.

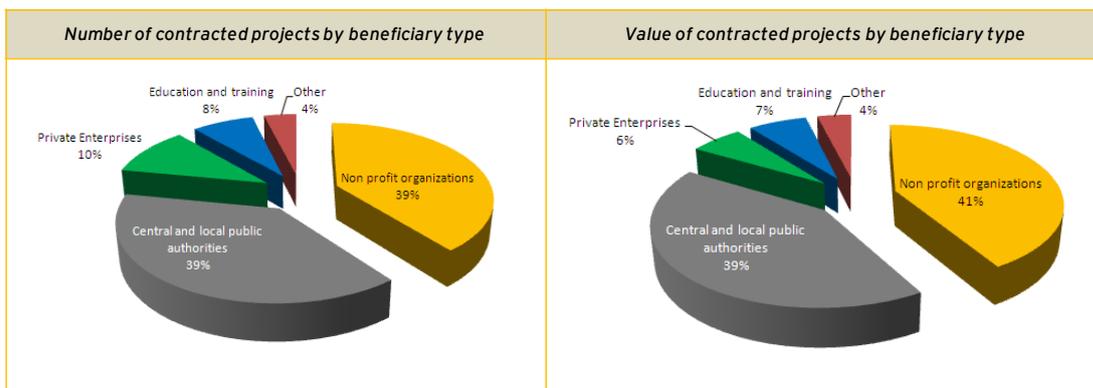
Figure 7: Contracted amounts by KAI



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

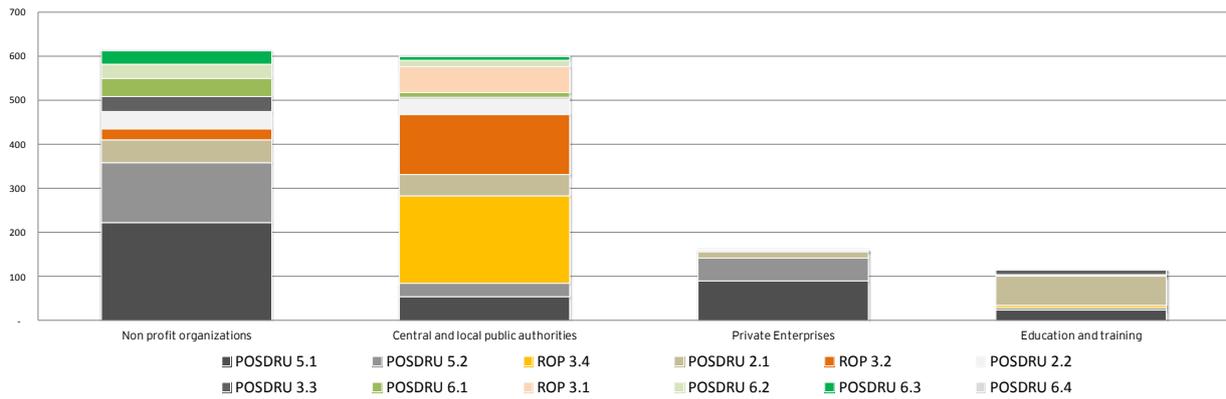


A further analysis of the targeted projects by Programmes (Figure 8) reveals that, consistently with applicants' eligibility rules, out of the 614 projects implemented by non-profit organizations, 96% are financed under SOP HRD and over 60% of these are concentrated under 2 KAIs, respectively 5.1 "Developing 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

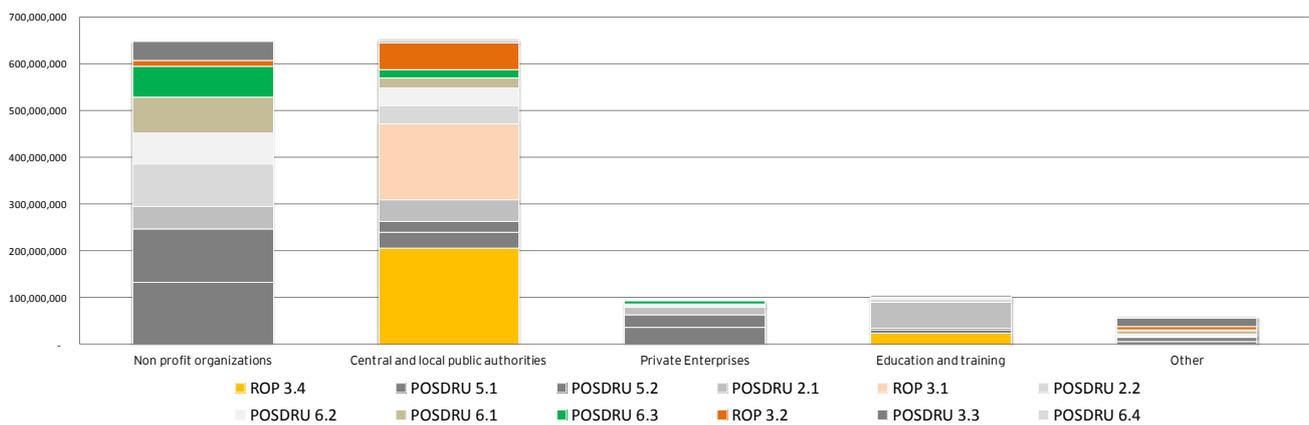


The distribution of financial assistance by type of beneficiary organization (Figure 9) is consistent with the distribution of the number of contracted projects, with approximately EUR 600 mn. contracted respectively with beneficiaries belonging to the non-profit sector and EUR 600 mn. with central and 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



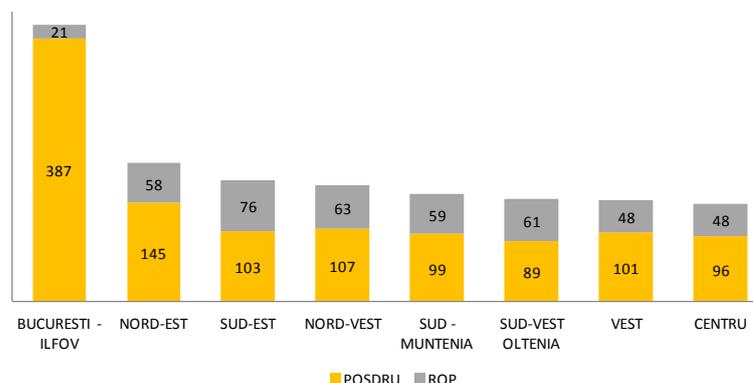
Distribution of targeted projects by Region

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?

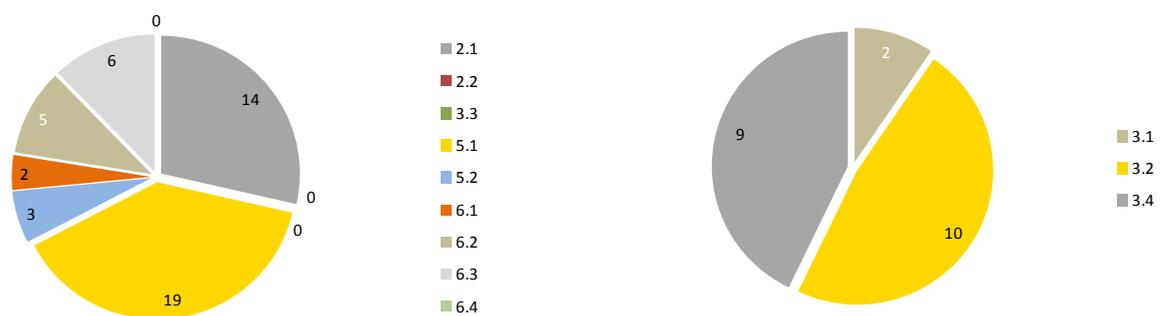
The criteria used to identify the projects with the potential of good practice are based on consolidated approach used to identify best practices under Structural Instruments, further adapted in order to capture the specific potential impact of projects on equal opportunities issues and vulnerable groups.

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

3. Conclusions and recommendations

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
EQ 1.1 Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?					
1	C1 C2 C3	<p>The areas/topics aimed at equal opportunities relevant for Structural Instruments are specific to two main forms of discrimination:</p> <ul style="list-style-type: none"> ▶ 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. <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> ▶ 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 	No recommendation.	Not applicable.	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>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’</p> <p>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:</p> <ul style="list-style-type: none"> ▶ 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 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 ▶ Governance and Institutional Capacity: dedicated decision making structure, monitoring and ‘non 			

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		discrimination' awareness			
EQ 1.2: Which is the national legal framework relevant for the equal opportunities?					
1	C4 C5 C6 C7 C8	<p>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.</p> <p>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.</p> <p>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.</p> <p>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 -</p>	No recommendation.	Not applicable.	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>which prohibits discrimination.</p> <p>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).</p>			
EQ 1.3 Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?					
1	C9 C10 C11 C12 C13	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	No recommendation.	Not applicable.	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>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.</p> <p>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.</p> <p>In comparison with the European framework, the Romanian legislation also makes specific references to equal access to administrative and legal services.</p>			
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?					
2	C14	<p>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.</p> <p>Two main approaches were applied by the seven operational programmes in transposing the equal opportunities concept in each of the 7 stages analyzed.</p> <p>▶ The first approach is embodied by targeted interventions (or interventions with a direct effect of</p>	<i>Overarching recommendation</i>		
	C15		<p>R1. 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.</p>	<p>R1. Responsible</p> <p>The Ministry of European Funds should initiate the process</p> <p>Timing</p> <p>Start: Q2 of 2013</p>	
	C16		<i>Current programming period</i>		
	C17				
	C18				
	C19				
	C20				

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status			
	C21 C22 C23	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.	R2. 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 the programmes with targeted interventions, and horizontal evaluations can be carried out for the remaining programmes.	R2. Responsible OP Managing Authorities and Ministry of European Funds under the coordination of the Evaluation Working Group Timing Start: Q2 of 2013 End: Q4 of 2013				
	C24 C25 C26	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.						
	C27 C28 C29 C30	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.						
		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						
						R3. Human resources need to be ensured for Managing the EO dimension: the EO field is a specialized one, which evolves as any other field, thus human resources with competences adequate for managing this dimension of the programmes need to be ensured; for efficiency reasons one person may be fully engaged in managing this topic at coordination level or by the programme dedicated to equality (SOP HRD in the current programming period) but each programme should have at least one Equal Opportunities Councillor (EOC) .	R3. Responsible OP Managing Authorities Timing Start: Q2 of 2013 End: Q3 of 2013	
		For efficiency reasons, the EOC function needs to be combined with other ones, the fit being monitoring and evaluation, due to their horizontal nature. In case the institution the MA is a part of has one EOC, the MA needs to work closely together with him/her.						
		The EO Councillor should have the necessary expertise to connect the EO set knowledge (legislative and policy-related) with the knowledge related to the specificity of the operational programme, from the point of						

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>view of the types of interventions financed and create a "EO chart" of the OP, containing the elements to be taken over in the programme logic of intervention and implementation (from concept of EO, to eligibility and selection criteria, project and programme monitoring and evaluation).</p> <p>R4. Monitoring Committees composition 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.</p> <p>R5. Information and publicity activities targeting vulnerable groups should be deployed and further emphasis can be made on disseminating good practice projects.</p> <p>R6. Equal Opportunities Network (EON): at system level, the first steps should be performed for setting up an EON composed of Equal Opportunities Councillors and national institutions responsible with EO overall and for specific groups should be invited to participate at least periodically to the EON. The network should meet bi-annually or quarterly/more often when needed (for</p>	<p>R4. Responsible OP Managing Authorities Timing Start: Q2 2013</p> <p>R5. Responsible OP Managing Authorities Timing Start: Q2 2013</p> <p>R6. Responsible The Ministry of European Funds should initiate the process Timing Start: Q2 of 2013 End: Q4 of 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>stages of the programme cycle and mainly refers to:</p> <ul style="list-style-type: none"> - 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). <p>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.</p> <p>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 KAls under a programme than for the others, although the KAls are not that different to justify such a differentiated approach (e.g.</p>	<p>example when the operational programme is under elaboration, when EO evaluations are carried out or when there are changes in legislation which involves changes in the programmes' "EO chart").</p> <p>The EON should act also as a platform for the exchange of good/faulty practices in the implementation of the equal opportunities principle starting from those already identified in the current programming period.</p> <p>R7. Securing financial resources for the EON: the Ministry of European Funds should explore the extent to which a project can be financed under the TAF under OPTA, to support the setting of the EON 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.</p> <p>This initial project should cover also capacity building activities for both "parts" of the network, the ACIS/OPs and the EO stakeholders out of the system, activities which need to continue after the programmes elaboration and launching and financed from TA budget (depending on how this will be set up in the future programming period).</p> <p><i>Future programming period</i></p>	<p>R7. Responsible</p> <p>The Ministry of European Funds</p> <p>Timing</p> <p>Start: Q2 of 2013 End: Q4 of 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>this is the case with the 2 KAIs analysed under ROP).</p> <p>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.</p> <p>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.</p> <p>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</p>	<p>R8. Overall approach to Equal Opportunities: the criteria for best practice selection should be taken into account by Managing Authorities in establishing the approach to Programming and implementation of EO in 2014 – 2020. MAs should undertake the following actions:</p> <p>1. Programming phase:</p> <ul style="list-style-type: none"> – Review data availability on EO, identify missing data and warn responsible authorities for improving the data availability. – Include in the „Context analysis” of the OP an assessment of the specific context of the programme in terms of EO, covering 1) Relevant EO issues; 2) Gender differences and differences based on forms of discrimination other than gender. – Develop an EO strategy by including in the „Socio-economic analysis” a dedicated section covering EO 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 	<p>R8. Responsible</p> <p>OP Managing Authorities and EON once set-up</p> <p>Timing</p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>(all).</p> <p>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.</p> <p>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.</p> <p>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 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</p>	<p>EO issues.</p> <ul style="list-style-type: none"> - 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 groups⁴⁷. <p>2. Calls for proposals:</p> <ul style="list-style-type: none"> - Ensure availability of EO expertise for the preparation of Applicants’ Guidelines in order to transpose OP objectives in project implementation. - Applicants’ Guidelines shall contain a clear explanation of the concept of EO; the Financing Request template should require the applicant to explain how the principle of EO is addressed by the project and adequate monitoring indicators should be presented. - Deploy information and publicity activities covering equal opportunities issues in order to raise the awareness level in terms of EO among potential beneficiaries and disseminate good practice examples 		

⁴⁷ Please see also DG employment guide on Gender Impact Assessment

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>SOPHRD and ROP.</p> <p>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.</p>	<p>through materials understandable to the wide public.</p> <ul style="list-style-type: none"> – Provide specific support for project generation for organizations representative of vulnerable groups. – Introduce multiple options for the submission of financing applications (i.e. both hard copy and electronic formats) ensuring accessibility to disabled persons. 		
		<p>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.</p>	<p>3. Project selection:</p> <ul style="list-style-type: none"> – Respecting EO principle should be an eligibility criterion for all programmes, and the proof for respecting the national legislation in place should be provided in the form of: <ul style="list-style-type: none"> • extract from the internal regulation covering the non-discrimination provisions and proof of employee agreement with its content; • proof that the provisions of the law 448/2006 in terms of infrastructure for the three main types of disabled are in place; • (universities and hospitals) prove that they are accredited and they fulfilled the EO • (educational intuitions, overall) have the necessary infrastructure to accommodate children with disabilities, if needed • Ministry of Education has provided the proper training, instruction and information of the teaching staff, at all forms of education, public and private, in 		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>terms of equal opportunities for men and women</p> <ul style="list-style-type: none"> • a certificate from National Council for Combating Discrimination that the intuitions hasn't been sanctioned on discrimination grounds – for all institutions, from all fields (including health) <p>– The projects should be stimulated to truly mainstream the EO principle by granting extra points in the technical evaluation to the ones which:</p> <ul style="list-style-type: none"> • implement positive actions (if applicable) taken by the institution to counterbalance a discriminated group; • SMEs (with more than 50 employees) – proves that either it employees persons from the 5 vulnerable categories mentioned by the law, or that it pays the necessary extra taxes, in case it does not; • there is a teacher trained in EO matters by a programme of the Ministry of Education • there are women decision-makers in the management staff of the institution • number of protected economic units supported by the applicant public administration <p>– Ensure the adequate assessment of the EO principle in the project selection process by providing clear guidelines and trainings to project assessors, performing joint calibration exercises or ensuring that</p>		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>external assessors contracted through TA possess experience in EO.</p>		
			<p>4. Financial Management and control:</p> <ul style="list-style-type: none"> - 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. - Formalization of the role of the Equal Opportunities Councilor (R3) and enlargement of MC committee composition to representatives of categories of all vulnerable groups (R4). 		
			<p>5. Monitoring:</p> <ul style="list-style-type: none"> - 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. 		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>6. Evaluation</p> <ul style="list-style-type: none"> - Multi-annual Evaluation Plans should address EO issues, including evaluations that will provide information also in terms of accountability (what has been achieved) and learning (if goals/plans not achieved why and how we can improve). - Two horizontal evaluations should be planned, 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. <p>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 EO&ND principle.</p> <ul style="list-style-type: none"> - EO related evaluations should be regularly performed according to the plans. 		
			<p>7. Partnership principle</p> <ul style="list-style-type: none"> - Representatives of vulnerable groups should be involved in all stages of the programme management and implementation cycle, 		

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
			<p>R9. Partnership Agreement and OP elaboration: the EON, 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.</p>	<p>R9. Responsible EON Timing Start: as soon as set-up</p>	
			<p>R10. Ex-ante evaluation of the future Operational Programmes should adequately focus on this topic.</p>	<p>R10. Responsible OP Managing Authorities under the coordination of the Evaluation Working Group Timing Start: upon approval of OPs</p>	
EQ 2.2: What other topics on equal opportunities have been promoted / mainstreamed in various OPs?					
2	C31 C32 C33 C34 C35	<p>No additional areas/topics other than those defined in the concept of equal opportunities defined under EQ 1 have been addressed by the 7 Operational Programmes, while there are on the other hands some uncovered areas.</p> <p>For discrimination based on gender the areas not covered by the existing targeted interventions are:</p> <ul style="list-style-type: none"> ▶ 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; 	<p>Current programming period</p> <p>R11. In the current Programming period, SOP HRD as the key stakeholder for targeted interventions should consider whether the uncovered areas identified could/should be implemented taking into account new socio-economic trends and needs expressed by beneficiaries and depending on the availability of financial resources.</p> <p>Future programming period</p> <p>R12. In the perspective of the future programming period, the context analysis performed for the preparation of the new</p>	<p>R11.Responsible MA of SOP HRD Timing Start: Q2 of 2013 End: Q4 of 2013</p> <p>R12.Responsible OP Managing Authorities Timing</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>For discrimination based on grounds other than gender:</p> <ul style="list-style-type: none"> ▶ 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 <p>Forms of multiple discrimination are addressed in part by targeted KAls 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.</p> <p>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.</p>	<p>Operational Programmes should underpin the need for adopting new targeted KAls coherent with the areas/topics of equal opportunities that are currently unaddressed.</p>	<p>Start: 2013 in parallel with the drafting of the OPs</p>	
EQ 2.3: Are there any good practices in the mainstreaming of the equal opportunities principle into the Structural Instruments framework?					
2	C36 C37	<p>There are examples of good practices in mainstreaming the equal opportunities principle in the current Programming period, even though none of the Operational Programme</p>	<p>See recommendations provided under EQ 2.1.</p>	<p>See EQ 2.11.</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
	<p>C38</p> <p>C39</p>	<p>fulfils all the none of the seven Operational Programmes fulfils all the good practice criteria.</p> <p>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.</p> <p>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.</p> <p>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.</p>			
EQ 3 To what extent have the existing programming and implementation mechanisms triggered access to financing for people in vulnerable groups?					

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
3	C40	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>In the launching of calls for proposals, no specific assistance</p>	<p>Current programming period</p> <p>R13. Some of the barriers faced by vulnerable groups can start to be addressed already in the current programming period mainly in relation to Information and publicity activities. MAs should take the following actions:</p> <ul style="list-style-type: none"> – 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. 	<p>R13.a) Responsible</p> <p>OP Managing Authorities</p> <p>Timing</p> <p>Start: Q2 2013</p>	
	C41		<ul style="list-style-type: none"> – 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 and 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. 	<p>R13.b) Responsible</p> <p>SOP HRD MA</p> <p>Timing</p> <p>Start: Q2 2013</p>	
	C42		<p>Future programming period</p> <p>R14. Given the limited amount of uncommitted resources among Operational Programmes, the following recommendations are considered applicable mainly in the future</p>	<p>R14.a) Responsible</p> <p>OP Managing Authorities and EON</p> <p>Timing</p>	
	C43				
	C44				
	C45				

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>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.</p> <p>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.</p>	<p>programming period:</p> <p>Launching of calls for proposals:</p> <ul style="list-style-type: none"> - ensure availability of specific assistance for project generation for vulnerable groups; - include comprehensive explanation of the equal opportunities principle in the Guidelines for Applicants and monitoring indicators in the application forms; - ensure multiple options for the submission of financing applications; <p>Selection criteria:</p> <ul style="list-style-type: none"> - see R8, stage 3 Project selection. <p>Project implementation:</p> <ul style="list-style-type: none"> - 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. 	<p>Start: Q1 2014</p>	
		<p>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</p>	<ul style="list-style-type: none"> - the implementation of an ESF Jeremie initiative targeting disadvantaged groups should be taken into account from an early stage of Programming; 	<p>R14.b) Responsible</p> <p>SOP HRD MA</p> <p>Timing</p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>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.</p> <p>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.</p>			
EQ 4.1: Which are the specific projects directed or dedicated to vulnerable groups?					
4	C46 C47 C48 C49 C50	<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	<p><i>Current programming period</i></p> <p>R15. The considerable amount of EU allocation for 2007—2013 to targeted interventions calls for an evaluation of their effective contribution to the National Strategies addressing equal opportunities issues (e.g. National strategy on implementing measures for preventing and combating discrimination 2007-2013, Strategy of the Romanian Government for Inclusion of Romanian citizens belonging to Roma minorities for the 2012-2020 period).</p> <p>Findings of these exercises which could be launched in a coordinated approach under ROP and SOP HRD should be taken into account in the preparation for the future programming period.</p>	<p>R15.Responsible</p> <p>SOP HRD and ROP Managing Authorities</p> <p><i>Timing</i></p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		<p>authorities under SOP HRD) while in all other Regions contracted projects range between 200 and 150.</p> <p>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</p> <p>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.</p>			
EQ 4.2: Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?					
4	C51 C52	<p>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.</p> <p>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</p> <p>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</p> <p>Other forms of discrimination: Self- employment and entrepreneurship, Job creations in specific sector (social economy), combating stereotypes and promote positive</p>	<p><i>Current programming period</i></p> <p>R16. The seven best practices presented in this evaluation hint that there may be a high number of projects with high and tangible impact on vulnerable groups. Identification of further good practices and their dissemination especially of those with high potential of replicability should be considered in order to capitalize on the EU resources already spent.</p>	<p>R16. Responsible</p> <p>Managing Authorities</p> <p><i>Timing</i></p> <p>Start: Q2 2013</p>	

EQ	Ref.	Conclusion	Recommendation	Responsible and Timing	Status
		image, Discrimination- based violence and human trafficking, access to social protection system			

Annex 1: Evaluation Framework

Evaluation question, as per the Tender Book	Evaluation assumptions	Analytical approach	Methodological tools	Primary information sources	Secondary information sources	Evaluability
Q1.1: Which are the areas / topics aimed at equal opportunities relevant for the Structural Instruments?	There is a European legal framework on equal opportunities that allows to define specific areas/topics	(1) Analysis of the European framework regarding the equal opportunities principle in the Structural Instruments context	<ul style="list-style-type: none"> ▶ Desk analysis ▶ Experts' panel 	<ul style="list-style-type: none"> ▶ n.a. 	<ul style="list-style-type: none"> (1) Regulations 2007-13 (2) Proposal of regulation 2014-2020 (3) Other European documents (see annex) 	High
Q1.2: Which is the national legal framework relevant for the equal opportunities?	There is a national legal framework regulating the equal opportunities principle in the Structural Instruments context	(2) Analysis of the national framework regarding the equal opportunities principle in the Structural Instruments context		<ul style="list-style-type: none"> ▶ n.a. 	See the specialized literature indicated above	High
Q1.3: Are there any European regulations or policies on equal opportunities which have not been mainstreamed into the national legislation?	The European framework on the equal opportunities principle in the Structural Instruments context has been mainstreamed in the national legislation	(3) Comparative analysis of the European and national framework for identification of differences		Members of the experts' panel (see specific section)	See the specialized literature indicated above	High
Q2.1: 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 equal opportunities principle is integrated/promoted throughout the lifecycle of Operational Programmes financed from Structural Instruments	<ul style="list-style-type: none"> (1) Analysis of how the equal opportunities principle is integrated/implemented in the 7 OPs and 35 selected KAIs of the OPs in Romania (2) Analysis of the awareness campaigns aiming to promote equal opportunity principle organized during programming period (3) Analysis on the clarity of descriptions regarding the equal opportunities 	<ul style="list-style-type: none"> ▶ Desk analysis according to the check-lists presented in par. 3.3.3 ▶ Interviews ▶ Benchmarks with practices from other MS 	<ul style="list-style-type: none"> ▶ ACIS ▶ MAS 	<ul style="list-style-type: none"> (1) 7 Operational Programmes (2) One applicant's Guidelines for each of the 35 KAIs (3) Methodologies for project selection for each of the 35 KAI (4) Description of Management and Control Systems for the 	High

Evaluation question, as per the Tender Book	Evaluation assumptions	Analytical approach	Methodological tools	Primary information sources	Secondary information sources	Evaluability
		principle within the Applicant's Guidelines (4) Analysis of the treatment of equal opportunities issues within the project selection process (eligibility criteria, selection criteria, ratio of such criteria in the final scoring) (5) Analysis of guidelines for equal opportunities evaluation within the financing applications evaluation process (existence of project evaluation methodologies, training sessions for project evaluators in terms of equal opportunities principle, etc.) (6) Analysis of the norms, structures and mechanisms related to equal opportunities for financial management and control (7) Analysis of monitoring tools at Programme level in terms of equal opportunities (indicators, reporting) (8) Analysis of monitoring tools at project level in terms of equal opportunities (indicators, reporting) (9) Analysis of how the equal opportunities principle has been addressed within ex-ante and interim evaluations. (10) Analysis of the partnership principle in terms of representativeness and participation in the consultation process			7 OPs, including monitoring procedures at Programme and project level (5) Available Evaluation Reports (6) Procedure rules and structure of the Monitoring Committees	
Q2.2: What other topics on equal opportunities have been promoted / mainstreamed in various	There are other actions promoting equal opportunities that are not listed in European regulations	(1) Matching between the recipients of intervention considered targeted to equal opportunities and the typical targets listed in EC Regulations	► Desk analysis according to the check-lists presented in par. 3.3.3	► MAs/ MA Equal Opportunities Departments	(1) 7 Operational Programmes (2) One applicant's Guidelines for each of	High

Evaluation question, as per the Tender Book	Evaluation assumptions	Analytical approach	Methodological tools	Primary information sources	Secondary information sources	Evaluability
OPs?					the 35 KAI	
Q2.3: Can be identified cases of good practice in mainstreaming / integrating the subjects on equal opportunities into the Structural Instruments framework?	There are components of the OP management systems that are very effective in supporting equal opportunities	(6) Definition of criteria for the selection of best practices (7) Collection of relevant information for the selection of the best practices (8) Analysis of practices for mainstreaming the equal opportunities related provisions in the aforementioned stages, as compared to the criteria agreed with ECU for identification of good practices (9) Identification of practices in the implementation of the programme that properly address equal opportunities (in any stage of programmes implementation) (10) Benchmarking with practices used in other member states	▶ Desk analysis according to the check-lists presented in par. 3.3.3 ▶ Interviews with MA ▶ Focus group for selecting the relevant criteria ▶ Meeting with ECU to define the selection criteria ▶ Case studies	▶ Representatives of MAs, Social partners attending Monitoring Committee, Associations fostering equal opportunities, Trade unions ▶ MAs ▶ ECU ▶ MAs	(3) Documents on Programmes as in Q2.1 (4) Best Practices/ bad practices in promotion/integration of equal opportunities at EU level	High
Q3: To what extent have the existing programming and implementation mechanisms triggered access to financing for people in vulnerable groups?	Programming and implementation mechanisms related to the current programming period do not provide obstacles for access to financing for vulnerable groups	(1) Identification per each vulnerable group (par. 2.3) of criteria impeding access to financing (2) Analysis of documentation and findings of interviews in order identify factors matching the identified criteria	▶ Desk analysis ▶ Interviews ▶ Benchmarks with practices from other MS	▶ MAs ▶ Selected number of organizations representative of vulnerable groups.	(1) Programming and implementation documents including KAI level documentation (2) Specialized literature on European good practices (3) Data taken from SMIS/ SIM (HRD OP) system (4) Annual Implementation Reports	High

Evaluation question, as per the Tender Book	Evaluation assumptions	Analytical approach	Methodological tools	Primary information sources	Secondary information sources	Evaluability
<p>Q4.1: Which are the specific projects directed or dedicated to vulnerable groups?</p>	<p>There are projects with significant impact on vulnerable groups</p>	<p>(1) Request to SMIS Unit and POSDRU monitoring unit, database of contracted projects under targeted KAIs including the following labels: OP, KAI, name of beneficiary, project title, budget, status, target groups addressed (based on availability in the System) (2) Selection of projects targeted to vulnerable groups as defined in chapter 2</p>	<ul style="list-style-type: none"> ▶ Desk analysis ▶ Interviews 		<p>(1) Data taken from SMIS system and SIM-POSDRU</p>	<p>High</p>
<p>Q4.2 Which of the specific projects directed or dedicated to vulnerable groups are identified as (having a potential of) good practices?</p>	<p>There are projects that may be classified as being good practices in terms of impact on vulnerable groups</p>	<p>(1) Analysis of projects with significant impact on vulnerable groups as compared to the criteria agreed with ECU for identification of good practices (see Q 2.3) (2) Creation of a basket of 70 projects that could be meet those selection criteria (3) Identification of best practices at project level</p>	<ul style="list-style-type: none"> ▶ Focus group for selecting the relevant criteria ▶ Meeting with ECU to define the selection criteria ▶ Questionnaire to key informants of “targeted” and “non targeted” KAIs concerning as indicated during the interviews with the MAs) ▶ Questionnaire to beneficiaries implementing the selected 70 projects ▶ Desk analysis ▶ Interviews ▶ Case studies 	<ul style="list-style-type: none"> ▶ MAs/ MA Equal Opportunities Departments ▶ Programme stakeholders, ACIS, MAs, representatives of project beneficiaries as in the methodology for case studies section 3.5 	<p>(1) Documents related to targeted projects Documents related to 70 projects (including targeted projects as per Q.4) Financing applications and final / monitoring reports</p>	<p>Medium</p>

Annex 2: Reference Framework of trends, policies, agreements related to vulnerable groups

Gender Equality in the EU legal framework and Cohesion Policy

Equality of women and men is a fundamental principle of the actual Community Law. Since its creation, the Community has recognised the principle of equal pay for men and women and on this basis has developed a consistent set of legal provisions aimed at guaranteeing equal rights to employment, vocational training and, to a large extent, social protection.

The first phase in the evolution of EU legal framework referred to gender equality was developed in the more general process of building the European community market, following the **equal treatment perspective**: in fact the only equality principles established in the Rome Treaty is related to equal pay for male and female (art. 119).

The second phase was characterized by the commitment of the European Community in favor of **equal treatment** and the **prohibition of discrimination** under secondary Community legislation, through the use of directives to harmonize the legislation of Member States.

Decisive factor was the **Council Directive 75/117/EEC** of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, which expressly extends the principle of equal pay between male workers and female workers with regard to jobs of equal value.

The following directives have further expanded this legislative scheme, extending the implementation of the principle of equal treatment between men and women in matters of social security, within the statutory schemes that provide protection against the risks of illness, disability, old age, accidents at work, occupational disease and unemployment (**Council Directive 79/7/EEC of 19 December 1978** on the progressive implementation of the principle of equal treatment between men and women in matters of safety social); and within specific occupational schemes between self-employed, with reference to the protection of maternity (**Council Directive 86/378/EEC of 24 July 1986** on the implementation of the principle of equal treatment between men and women in occupational social security schemes and **Council Directive 86/613/EEC of 11 December 1986** on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, and related also to the protection of female workers during pregnancy and motherhood.

In particular, the **Council Directive 76/207/EEC of 9 February 1976** on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, brought to the extension of the concept of discrimination and the appearance of the new concept of **“indirect discrimination”**. Unlike **direct discrimination**, that is a simpler form to be identified since explicit, indirect discrimination refers to all the assumptions of behavior, which do not seem discriminatory in appearance, but are substantially unfair, like the adoption of selection criteria possessed generally from one sex (usually the male one) and not essential to the performance of work, such as physical strength. The directive states “without prejudice to measures to promote equal opportunity for women and men, in particular by removing existing inequalities, which affect women’s opportunities (...)”. This is the concept of **“affirmative action”**, i.e. a setting that does not just enshrine formal bans, but tends to eliminate situation of substantial disadvantage, which originate from the employment context, as well as from the social and cultural one. In this regard the Council Recommendation 84/635/EEC of 13 December 1984 on the promotion of positive action in favor of women express the importance of adopting a policy of affirmative action designed to eliminate existing inequalities which women are subject in working life and to promote employment.

Concerning this, the **Council Recommendation 84/635/EEC of 13 December 1984** on the promotion of positive actions in favor of women expresses the importance of adopting a policy of affirmative action intended to eliminate existing inequalities to which women are subjected in working life and to promote employment.

In this context, since the Eighties, the European Community has provided action programmes on equal opportunities (from 1981 to 2005 five have been adopted), which created a considerable knock-on effect especially in promoting the implementation of other actions by individual Member States in order to make the objectives already identified by the Community acts more concrete.

Nevertheless, the limitation of the implementation of the principle of gender equality to the workplace only has represented for a long time a major restriction on its more extensive and effective application.

In this respect, since 1992, a third phase of development of the Community law on gender has arisen, characterized by the consolidation of social policies, thanks to the Treaties of Maastricht and Amsterdam. The 1992 **Treaty of Maastricht**, in fact, has provided an Agreement on Social Policy signed by eleven countries and aimed at extending the powers of the European Union to some sectors, including equal treatment between men and women. The provisions on equality between men and women gained in crucial importance after the entry into force of the **Treaty of Amsterdam** as well as the Charter of Fundamental Rights of Nice.

According to Article 2 of the Treaty, equality of women and men is one of the tasks to be promoted by the Community. Article 3 lays down the principle of gender mainstreaming by stating that "in all its activities referred to in this Article, the Community shall aim to eliminate inequalities and to promote equality, between men and women". Furthermore, Article 13 provides for pro-active measures "to combat discrimination based on sex, racial or ethnic origin, religion and belief, disability, age or sexual orientation". Finally, Article 137 and 141 stipulate that each Member State shall ensure "equality between men and women with regard to labour market opportunities and treatment at work" such as "to ensure that the principle of equal pay for male and female workers for equal work or work of equal value" are applied.

According to the Treaty the **gender equality approach is founded on two pillars**: specific actions (in legislation and program financing) and gender mainstreaming adopted as a tool to better achieve the objectives of **European Employment Strategy** by integration of the gender issue into every step of the policy processes, the design, implementation and evaluation of programmes of structural funds.

In the framework of the reformed EES and integration into the new **Community Lisbon Programme**, the Integrated Guidelines for growth and jobs (2005-2008) highlight that equal opportunities, combating discrimination and promoting **gender mainstreaming** are essential for making progress towards achieving full employment, and reducing unemployment and inactivity.

The **Fifth Community Action Programme on equal opportunities** (2001 -2006) has integrated the new global and transversal approach formally set in the Treaty of Amsterdam, by introducing the practice of mainstreaming next to the prediction of specific measures aimed at women. The Fifth Action Programme is specifically thought as an instrument to implement the Community's global framework strategy on gender equality in relation to policy areas specifically identified (equality in economic life, equal participation and representation, equal access and full enjoyment of social rights for women and men, gender equality in civil life) and for which the program identifies goals, interventions and links with the general policies⁴⁸.

An important contribution to the development of gender policies is derived, finally, by the **European Councils held in Lisbon and Nice in 2000**. The strategy defined by the Lisbon Council has identified the promotion of equal opportunities aimed at increasing employment of women as a fundamental objective to be supported.

The European Council of Nice is instead important as it has adopted the Charter of Fundamental Rights, that fully recognize the principle of non-discrimination in a broad sense and that of gender equality.

Lastly, **Directive 2006/54/EC** on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation envisages the adoption of preventive measures against harassment and sexual harassment in the workplace and in access to employment, vocational training and promotion, requesting Member States to provide for effective, proportionate and dissuasive penalties for breaches of the Directive obligations. The directive specifies as well the concept of indirect discrimination, as the condition "where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Previously the **Structural Funds** General Regulation for the period 1994-1999 had already taken equal opportunities for men and women in the labour market as a Community goal and a priority task for the ESF. In 1996, the Council of

⁴⁸ In this regard, on 23 September 2002 the European Parliament and Council adopted the Directive 2002/73/EC, which amends the previous Directive 76/207/EEC related to the implementation of the principle of equal treatment between men and women as regards the introduction to professional employment, training, promotion and working conditions. This Directive, in addition to expressly invoking the gender mainstreaming and to providing, in line with the guidelines mentioned above, the same definition of indirect discrimination in reference to gender, it assumes an undoubted relevance because it speaks up on sexual harassment field, explicitly equalized to the discriminations by sex, not failing to point out how they do not occur only at the workplace but also in the process of access to employment and during the formation.

Ministers adopted a resolution on the mainstreaming of equal opportunities for women and men in the Structural Funds⁴⁹.

However the Funds have mainly supported specific measures for women or pilot projects. These are important but cannot remedy structural inequalities. Moreover, gender equality has been regarded as a task mainly for the ESF although conclusions of the ESF final evaluations of the period 1994-1999 based on specific country results suggest that the measures, as well as jobs obtained after the measures, tended to reflect occupational segregation and gender stereotypes⁵⁰.

A **turning point** and a forerunner of measures to reduce vertical and horizontal segregation was the initiative **NOW ("New Opportunities for Women")** within the Community Initiative EMPLOYMENT. The successes in women's entrepreneurship and activities to reduce labour market segregation serve as an important basis for current Fund operations. Building on this, the gender equality dimension has been incorporated into the methodological working papers for the preparation of the programming period 2000-2006, covering programming, ex-ante evaluation, monitoring and evaluation. The Commission has also drawn up a technical paper which sets out guidance on practical arrangements for implementing gender mainstreaming in the operations co-financed by the Structural Funds and presented a definition of gender mainstreaming in the Structural Funds⁵¹.

«**Gender mainstreaming**» involves ensuring that all general measures and operations openly and actively take into account – during planning, implementation, monitoring and evaluation – their effects on the respective situations of women and men. It also involves the complementary design, implementation, monitoring and evaluation of specific measures and operations to promote equality and to assist women to participate and benefit equally.

Overall, plans and programmes should contribute to improved equality between men and women, and should be able to demonstrate this impact, prior to, during and after implementation.

Within the **2000 – 2006 programming period**, the General Regulation⁵² sets gender equality as a key objective and provides that the gender equality dimension must be incorporated into operations co-financed by the Funds. The issue of gender equality is explicitly mentioned in 10 of the 56 articles. The Regulation reflects the obligations of the Amsterdam Treaty with which the dual approach of combining gender mainstreaming and specific actions was formally anchored at EU level. This dual approach is also reflected in the ESF Regulation⁵³.

The ERDF⁵⁴ Regulation and the EAGGF⁵⁵ Regulation also contain references to gender equality. Gender equality is also an objective in each of the four Community Initiatives (2000-2006) EQUAL, INTERREG III, URBAN II and LEADER+.

The Structural Funds and especially the ESF, are the main financial tools that underpin the European Employment Strategy (EES). The EES has incorporated the gender dimension as a horizontal priority across all pillars, in addition to a specific pillar on equal opportunities which contains specific Employment Guidelines on gender issues. The ESF Regulation 1784/1999 Art. 2, (b) specifies "promoting equal opportunities for all in accessing the labour market, with particular emphasis on those exposed to social exclusion", (e) "specific measures to improve women's access to and participation in the labour market, including their career development, their access to new job opportunities and to starting up of business, and to reduce vertical and horizontal segregation on the basis of sex in the labour market" and (c) "equal opportunities for women and men as part of the mainstreaming approach" and supports measures to prevent and combat unemployment, to develop human resources and social integration into the labour market in order to promote a high level of employment, equality between men and women, sustainable development, and economic growth.

In addition, the Commission proposed on 8 March 2005 the setting up of a European Institute for Gender Equality¹¹,

⁴⁹ Council Resolution of 2 December 1996 on mainstreaming equal opportunities for men and women into the European Structural Funds (96/C 386/01)

⁵⁰ European Commission, Implementation of gender mainstreaming in the Structural Funds programming documents 2000-2006, COM(2002)748.

⁵¹ Technical Paper 3 "Mainstreaming Equal Opportunities For Women And Men In Structural Fund Programmes And Projects", European Commission, March 2000

⁵² Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds

⁵³ Regulation (EC) No 1784/1999 of the European Parliament and of the Council of 12 July 1999 on the European Social Fund, Art. 2 (1 e) and (2 c)

⁵⁴ Regulation (EC) No 1783/1999 of the European Parliament and of the Council of 12 July 1999 on the European Regional Development Fund, Art. 2 (2 f)

⁵⁵ Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations, Art. 2

which is intended to become an important tool for the dissemination of information, the exchange of good practices and the development of technical tools for the promotion of gender mainstreaming.

In the face of these persisting inequalities the Commission has adopted a “**Roadmap for equality between women and men**”, which highlights the priority areas for EU action on gender equality for the period 2006-2010. The roadmap aims, inter alia, to tackle a number of inequalities such as the differences in economic dependence for women and men, and notably the gender pay gap, the persisting tensions in reconciling work and private life or the equal representation of women and men in decision making.

Furthermore, the European Council agreed on a **European Pact for Gender Equality 2011-2020**⁵⁶ which represents the commitment of the Member States to close gender gaps and combat stereotypes in the labour market, to promote a better work-life balance for all and to reinforce gender mainstreaming in all policies. The Pact also indicates the need to improve governance through the use of gender-sensitive statistics and obliges the Member States to adopt a gender perspective in the policies set by the National Reform Programmes, through the use of indicators and joint assessment plan prepared as part of follow-up to the Beijing Platform.

The Pact and road map are fully in line with both the Commission’s 2006 Annual Progress Report on the Lisbon Strategy and the Report on Equality of women and men 2006, which emphasise that strengthening the position of women on the labour market in terms of closing the gender gaps and enabling a better balance of working and private life remain crucial to achieve the Lisbon targets of diversifying and improving the skills of the European workforce and thus to contribute to making Europe more dynamic and competitive, in a sustainable way and while enhancing social inclusion.

In fact, at micro economic level there is a growing body of evidence how personnel policies, which integrate a gender equality dimension, are benefiting both employees and employers. Clearly, flexible, family-friendly work organisation and work-life-balance packages that, besides needs-tailored working time arrangements, offer care and other family support services, contribute to reducing absenteeism and to increasing productivity and competitiveness of companies, local areas or regions. At a macro- economic level, maximising the economic contribution of women is a must to mitigate the consequences of demographic changes that are causing the lack of labour supply and skills gaps in many occupations and economic sectors. Supporting women to develop their full potential, particularly in sectors where they are under-represented, widens and strengthens the pool of talents and skills, which is a crucial asset for Europe’s competitiveness on global markets.

For the **programming period 2007 – 2013** the links between the Structural Funds and the policy framework – the European Employment Strategy – are being reinforced so that the Structural Funds can contribute more effectively to the employment objectives and targets of the "Lisbon Strategy for Growth and Jobs". Particular importance is being placed on the strategy's three main objectives of **full employment, quality and productivity at work, social cohesion and social inclusion**. To reach these objectives gender equality policies are essential: full employment requires to boost the participation of women and older workers in the labour market; policies and practices improving the work-life-balance of women and men are a key component in the endeavour of enhancing quality and productivity at work; and without taking account of the different life situation and needs of women and men social cohesion and inclusion strategies cannot be successful.

A growing body of research points out that there is **no such thing as gender neutral reality**. The Commission emphasised that political decisions, which appear to be gender neutral may have a different impact on women and men, even if these differences are not intended. Labelling priorities as gender neutral would therefore clearly ignore current policy orientation if included in National Strategic Reference Frameworks (NSRF) or Operational Programmes (OP). Besides anchoring gender equality as one of the horizontal objectives in the programming documents, gender mainstreaming needs to be applied to ensure that the gender dimension is integrated in all priority axes. Depending on the relevance, scale and scope of gender inequality as reported in the national reform programme or identified through the ex-ante evaluation, Member States will have room for manoeuvre in applying the principle of gender mainstreaming at the level of projects or beneficiaries⁵⁷.

Meanwhile, the European Commission has adopted the **Strategy for equality between women and men 2010-2015**, that, taking into account the persistence of gender gaps and the need to pay high attention on gender inequalities

⁵⁶ Conclusioni del Consiglio del 7 marzo 2011 sul Patto europeo per la parità di genere (2011-2020) (2011/C 155/02)

⁵⁷ Working Group of Member States representatives on gender equality and gender mainstreaming, “The principle of gender equality in the new ESF programmes (2007-2013)”.

issues, follows on from the Roadmap 2006-2010 and focuses on economic independence of women, equal pay, equality in decision-making, Dignity integrity and an end to gender-based violence, gender equality in external actions, as well as other horizontal issues aimed at progressing equal treatment between women and men.

Annex xxx. 1.2

(1) Constitution of Romania (2003)

The Constitution of Romania stipulates as a fundamental value the **equal opportunities and non-discrimination principle** both in Title I (General principles) and in Title II (Fundamental rights, liberties and obligations).

The most relevant constitutional provisions on forbidding discrimination and equal opportunities are:

- ▶ **Art 4 par (2) “Unity of the people and equality among citizens”:** “Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of **race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin**”.
- ▶ **Art. 6 “Right to identity”:** “(1) The State recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity. (2) The protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens”.
- ▶ **Art 16 par (1) Equality of rights:** „Citizens are equal before the law and public authorities, without any privilege or discrimination.”

Art. 48 of the Constitution, regarding family, stipulates the equal rights between the **spouses** and articles 49 and 50 bind the state to take “affirmative measures” for the protection of **children and young people**, respectively for the protection of the **disabled** persons in order to ensure them equal opportunities.

(2) Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, supplemented and republished

G.O. no. 137/2000 is the most relevant legislative document for our research in the Romanian context. It transposes both the provisions of the Constitution mentioned above, as well as those of the Council Directive 2000/43/EC regarding the application of the principle of equal treatment between persons, regardless of the race or ethnic group they belong to as well as the provisions of the Council Directive 2000/78/CE for setting forth a general framework fostering equal treatment, in terms of occupation and employment.

According to this normative document, in Romania the human dignity, the citizens’ rights and liberties, the free development of the human personality are ultimate values guaranteed by law. The fact of exerting under equality conditions such fundamental rights and liberties concerns persons in **comparable** situations.

G.O. no. 137/2000 shall apply to all persons located on the Romanian territory, **against any forms of discrimination based on any criterion, regardless of nationality, citizenship of the person in question.**

Article 2 of GO no. 137/2000 defines “discrimination”, as well as the criteria likely to lead to discrimination. According to this ordinance, discrimination refers to any difference, exclusion, restriction or preference, based on **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 criterion aimed at or having as an effect the limitation, elimination of the recognition, use or exerting, under equality conditions, of the fundamental human rights and liberties or of the rights recognized by law, in the political, economic, social and cultural field or in any other areas of public life. As we may see, the **“disfavoured category” is explicitly specified in this article, without, though, being exhaustively defined.**

This is partially though referred to in article 4, according to which “disfavoured category is the category of persons in an inequality position as compared to most of the citizens because of identity differences as compared to the **majority**, or persons facing a behaviour characterized by **rejection and marginalization.**

In other words, in order to be defined as “disfavoured”, as per this legislative document, a category should meet the following conditions:

- ▶ the category of persons should be in an **inequality** position as compared to most of the citizens;

- ▶ inequality generated by identity differences as compared to the majority;
- ▶ or are facing a behaviour characterized by rejection or marginalization.

A very important aspect which has led to the insertion of the non-discrimination principle in many other legislative documents mentioned above, this “framework” law regulates in special provisions the following areas providing protection against discrimination:

- ▶ 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;

A key institution for combating discrimination is the National Council for Combating Discrimination, which can be referred to by any persons considering himself/herself discriminated when a discrimination action occurs.

(3) Equality in the economic activity and in terms of employment and profession

Labour Code – Law no. 53/200351

As stated above, the first area in which G.O. 137/2000 provides protection against discrimination is “... the economic activity and employment and profession”. Thus, the Labour Code, regulating the overall individual work relationships, how the control of the application of regulations in work relationships is performed, as well as the labour jurisdiction, includes **explicit provisions regarding the equal opportunities and gender mainstreaming**, as follows:

Art. 5:

- ▶ The principle of equal treatment applies to the work relationships for all employees;
- ▶ Interdiction of direct and indirect discrimination of an employee, based on criteria such as **sex, sexual orientation, genetic features, age, nationality, race, colour, ethnic group, religion, political orientation, social origin, disability, family situation or responsibility, adherence to or trade union activity**;
- ▶ Definition of direct and indirect discrimination.

Art. 6:

- ▶ Any employee carrying out a certain activity benefits from appropriate work conditions in order to perform his/her tasks, referring to social welfare, labour safety and health, as well as the fact that one must show respect for his/her dignity and consciousness, without any discrimination whatsoever;
- ▶ The right to equal payment for equal work;

Art. 154 par (3):

- ▶ when establishing or granting the wage it is forbidden to show any discrimination;

Art. 258.

- ▶ The employer’s internal regulation includes, among others, necessarily rules on the observance of the non-discrimination principle and elimination of any form of violating dignity.

(4) Access to education

National Education Law

According to the national education law, the public education service is organized and operates in Romania in compliance with the equity and equal opportunities principle, according to which the access to learning opportunities is granted without discrimination, including by ensuring social and educational services for **children who are in special conditions: children/young people coming from socially and economically disadvantaged environments, from single-parent, separated families or families in which parents have health problems, children/young people with special educational needs and other similar**.

(5) Details of GO 137/2000 by specific categories

Law no. 202/2002 concerning the equal opportunities between men and women

A second essential legislative document in the Romanian context is Law 2002/2002 regulating the measures for promoting equal opportunities and equal treatment between men and women, in order to eliminate all forms of discrimination based on the sex criterion, in all areas of public life in Romania.

The equal opportunities and equal treatment between men and women refers to **“considering the capacities, needs and aspirations of various persons either male or female and their equal treatment”**.

This law regulates the forms of discrimination also laid down by G.O. 137/2000 concerning the prevention and sanctioning of all forms of discrimination, **retaining only one criterion of discrimination, sex**.

According to this legislative document, the areas for implementation of the equal opportunities and equal treatment between men and women are:

- ▶ Equal opportunities and equal treatment between men and women in terms of **labour**;
- ▶ Equal opportunities and equal treatment between men and women as engaged in an activity in a **self-employed capacity**;
- ▶ Equal opportunities and equal treatment in terms of **access to education, health, culture and information**;
- ▶ Equal opportunities between men and women in terms of participation in the **decision-making**.

Law no. 202/2002 concerning the equal opportunities between men and women is supplemented by another series of legislative documents:

- ▶ Emergency Ordinance no. 67 as of June 27, 2007 regarding the application of the equal treatment principle between men and women within the social welfare schemes
- ▶ Emergency Ordinance no. 61 as of May 14, 2008 regarding the implementation of the equal treatment principle between men and women in terms of access to goods and services and provision of goods and services
- ▶ Law no. 217/2003 for preventing and fighting domestic violence

Law no. 448/2006 for protecting and promoting the rights of people with disabilities

- ▶ This law regulates the rights and obligations of the people with disabilities granted for their social integration and inclusion. These provisions apply to **children and adults with disabilities, Romanian citizens, citizens of other states or stateless people, during the period in which, as per legal provisions, they have their domicile or residence in Romania**.
- ▶ As per art. 2, paragraph 1 of the law, “the persons with disabilities, within the meaning of this law, are the persons who, because of physical, mental or sensorial illness, lack the abilities necessary to normally carry out the daily activities, needing protection measures for supporting their recovery, social integration and inclusion.”

Law no. 272/2004 for protecting and promoting the child’s rights

- ▶ This law regulates the legal framework regarding the observance, promotion and guarantee of the child’s rights.

Law n. 107/2006 approving the Government Emergency Ordinance n. 31/2003

- ▶ The law concerns the interdiction or organizations and symbols with fascist, racist or xenophobic character and the promotion of persons guilty for committing infractions against peace and humanity.
- ▶ At the same time, it imposes sanctions on individual, legal persons and public institutions proven guilty of xenophobe, fascist and racist acts.

(6) Access to public administrative and legal, health services, to other services, goods and facilities

*Law 292/2011 on social assistance*⁵⁸

The new law on social assistance better regulates this field and is implemented based on the following (among other) values and principles, provided for under art. 5 (i)(r):

- ▶ Non discrimination, according to which vulnerable persons benefit of measures and actions of social protection without restrictions or preference based on race, nationality, ethnic origin, language, religion, social status, opinion, sexual orientation, age, political grounds, disability, non contagious chronic diseases, HIV infections or belonging to a disadvantaged category;
- ▶ Equal opportunities, according to which beneficiaries, have equal accesses without any form of discrimination to the opportunities of personal development fulfilment and also to measures and actions of social protection.

It is important to mention in this context that the law 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”.

Law no. 76/2002 regarding the system for unemployment insurance and stimulation of employment

Law no. 76/2002 regulates the measures for preparing the strategies and policies for the protection of the persons for the unemployment risk, ensuring a high level of employment and adaptation of the labour force to the labour market requirements. Such measures are also aimed at supporting the employment of the persons belonging to disfavoured categories of the population and ensuring the equal opportunities on the labour market.

The law excludes any kind of discrimination on **criteria such as politics, race, nationality, ethnic origin, language, religion, social category, convictions, sex and age**. Though the criterion of sexual orientation and disability is missing, the law grants financial incentives and/or fiscal facilities to employers hiring for an indefinite period graduates among **persons with disabilities, fresh graduates of educational institutions, unemployed people aged over 45 or unemployed people who are single parents and supporters of single-parent families**.

Law no. 95/2006 regarding the health reform

Law no. 95/2006 regulating the public health and public health assistance includes a series of provisions setting forth the equal opportunities and gender mainstreaming principle, for example:

- ▶ art. 98 par.(7) “the qualified first aid and emergency medical assistance is granted, without any discrimination **related to, 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**”;
- ▶ art. 374 par.(3) “medical decisions and resolutions can be made considering the patient’s interest and rights, the generally accepted medical principles, non-discrimination between patients, respect for the human dignity, the principles of ethics and medical deontology, concern for the patient’ s health and public health”;
- ▶ art. 652 par.(2) „the dentist, the nurse/midwife cannot refuse to grant medical assistance/health care based on ethnical, religious or sexual orientation criteria or on other discrimination criteria forbidden by law.”

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

Important for the object of our research, this law defines from the point of view of the Romanian State the **vulnerable groups in terms of health** as follows:

- a) below poverty threshold economic level
- b) unemployment

⁵⁸ Law no. 47/2006 concerning the national social welfare system was repealed and Law 292/2011 was adopted in its place.

- c) low educational level
- d) various disabilities, chronic diseases
- e) illnesses in terminal stage needing palliative treatment
- f) pregnancy
- g) seniority
- h) age under 16
- i) are part of single-parent families
- j) risk of social exclusion

(7) Miscellaneous

Romanian Criminal Code

Art. 75(c) of the Romanian Criminal Code provides as an aggravating circumstance the fact of committing an offence for reasons related to **race, nationality, ethnic group, language, religion, gender, sexual orientation, political opinion or adherence, wealth, social origin, age, disability, non-catching chronic disease or HIV/SIDA infection** or for other similar circumstances, deemed by the doer as causes of the **inferiority** of a person as compared to the others.

Audio-visual Law no. 504/200262

According to the law of the audio-visual commercial communications delivered by audio-visual media services providers should meet, among others, the following conditions, as well:

- ▶ not to include any form of discrimination for reasons related to race, ethnic group, nationality, religion, faith, disability, age, sex or sexual orientation;
- ▶ not to offend the religious or political convictions of viewers or listeners;
- ▶ not to stimulate indecent or immoral behaviors.⁶³

Law no. 4 din 2008 for preventing and combating violence on the occasion of sport competitions and games

Organizers of sport competitions shall be bound to forbid the posting in the sport arena of symbols, slogans or texts with an obscene content or which incites to the denigration of the country, to xenophobia, national, racial, class or religious hatred, to discrimination of any kind or violence, regardless of the support on which they are displayed.

It shall be deemed as an offence to use in the sport arena fascist, racist or xenophobic symbols, the distribution or possession, for distribution purposes, of such symbols in the sport arena shall be deemed as an offence and shall be punished as per art. 4 of G.O. no. 31/2002.

(8) Relevant Strategies

National strategy on implementing measures for preventing and combating discrimination

The national strategy on implementing measures for preventing and combating discrimination has been prepared by the National Council for Combating Discrimination in 2006 for the 2007-2013 period. As we will see below, this Strategy reflects to a great extent the provisions of GEO 137/2001.

As per art. 3 par. (1), this is aimed at “setting forth guidelines for action for preventing and combating discrimination and developing an inclusive and intercultural society” and “it is based on policies promoting interaction, equal opportunities, mutual understanding and respect.”

The objectives of this Strategy are:

- ▶ the effective protection and remedy against discrimination;

- ▶ ensure the inclusion and equal opportunities in the economic field and in terms of employment and profession;
- ▶ ensure the equality of access, participation and results in terms of public and private services intended for the wide public;
- ▶ Intensification of the recognition and awareness of diversity aimed at media, culture and sport;
- ▶ Concentration of efforts for the application of the policy of zero tolerance to any form of discrimination in the Romanian society.

Chapter II of the Strategy details the groups deemed vulnerable aimed at by the measures provided therein. A survey requested by the National Council for Combating Discrimination has revealed the categories of persons seen by the population as being most frequently victims of discrimination, namely **persons infected with HIV, homosexuals and Roma**.

Discriminatory behaviours seem to occur in three main contexts: the access to and exerting an occupation, school and public places and the relation with public authorities.

According to the statistics of the National Council for Combating Discrimination, based on the criterion of complaints submitted starting with 2002 until 2006, **the ratio of cases involving discrimination, in a hierarchy depending on the number of complaints**, as compared to the discrimination criteria, is as follows:

- 1) ethnic group/nationality
- 2) social category
- 3) disability
- 4) convictions
- 5) age
- 6) infection with HIV
- 7) gender
- 8) sexual orientation
- 9) religion etc.

According to the same statistics, depending on the criterion of sanctions applied, starting with 2002 until 2006, the ratio of cases in which discrimination has been identified, in a hierarchy depending on the number of complaints, as compared to the discrimination criteria, is as follows:

- 1) ethnic group
- 2) age
- 3) gender
- 4) nationality
- 5) social category
- 6) religion
- 7) sexual orientation
- 8) infection with HIV
- 9) disability etc.

As a conclusion to these exploratory analyses, the most often identified type of discrimination is the discrimination for ethnic criterion (Roma), followed by the criterion of age, sex, social category, religion, infection with HIV, sexual orientation, disability. To this date there is no information on the stage of implementation of such strategy.

National Strategic Report for Social Protection and Social Inclusion (2008-2010)

„The National Strategic Report on the Social Protection and Social Inclusion (2008-2010)” of the Romanian Government performs an “evaluation” of how the National Action Plan for Inclusion (NAPinc) has been implemented and sets forth a series of new priorities (included in the NRP 2011-2013):

- ▶ Increase the employment level for disfavoured people;
- ▶ Foster integrated family policies by promoting a set of efficient measures on benefits and social services;
- ▶ Continue the efforts of improving the life quality of the Roma.

Though the strategy is aimed at vulnerable groups, such groups are considered in economic terms, and discrimination is not addressed as a driving factor for vulnerability. The evaluation conducted for the 2006-2008 period indicates that vulnerable groups subject to various measures during the 2006-2008 period were:

- ▶ Young people coming from foster care centres,
- ▶ Young people providing for their children,
- ▶ Families with children and newly-formed families,
- ▶ Persons with disabilities,
- ▶ Aged people,
- ▶ Homeless people and
- ▶ Victims of domestic violence.

National Reform Programme (2011-2013)

The National Action Plan for Inclusion mentioned above and evaluated by the aforementioned report has been continued by NRP 2011-2013. As target groups, NRP for 2011-2013 focuses its social inclusion measures on the following categories:

- ▶ Families with low income/very poor families;
- ▶ Families with children (over 3);
- ▶ Depending persons (with disabilities, aged people);
- ▶ Single persons;
- ▶ Women (participation in the labour market, after maternity);
- ▶ Children (including those with disabilities, HIV/SIDA, terminal diseases, school-leavers);
- ▶ Young people (including over 18 years leaving the institutionalized child protection system);
- ▶ Roma;
- ▶ Persons with disabilities;
- ▶ Persons leaving from the minimum guaranteed income;
- ▶ Persons without shelter;
- ▶ Persons living in isolated communities ETC.

Strategy of the Romanian Government for Inclusion of Romanian citizens belonging to Roma minorities for the 2012-2020 period

According to this Strategy under implementation, in the case of citizens belonging to Roma minority, the approach to public policies is focused on measures in the **social** field: education, employment, health, housing and small infrastructure, areas accompanied by measures for combating **discrimination**, combating **poverty** and promoting **equal opportunities**.

Sectoral Operational Programme Human Resources Development

According to POSHRD (page 109), vulnerable groups, eligible under PA 6 Promotion of social inclusion, have been identified in the Joint Social Inclusion Memorandum (JIM), signed in 2005 between the Romanian Government (Ministry of Labour, Social Solidarity and Family) and the European Commission (General Directorate Employment and Social Affairs). These are:

- ▶ Roma population;
- ▶ Persons with disabilities;

- ▶ Young people leaving the state child care system;
- ▶ Women;
- ▶ Families with more than 2 children;
- ▶ Single-parent families;
- ▶ Children in risky situations;
- ▶ Offenders and former delinquents;
- ▶ Drug and alcohol addicts;
- ▶ Persons without shelter;
- ▶ Victims of domestic violence;
- ▶ Persons infected with HIV/AIDS;
- ▶ Persons affected by occupational diseases;
- ▶ Refugees, people seeking asylum.

Minimum Legal requirements deriving from the national legislation concerning the equal opportunities principle

Government Ordinance no. 137/2000 regarding the prevention and sanction of any form of discrimination, supplemented and republished

ART. 2

(4) Any active or passive behaviour which, by its resulting effects, favours or disfavours 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 shall entail the contraventional liability hereunder, unless it falls under the criminal law.

(5) One shall deem as harassment and shall inflict a contraventional sanction on any behaviour on criteria such as race, nationality, ethnic origin, language, religion, social category, convictions, gender, sexual orientation, membership in a disfavoured group, age, disability, refugee or asylum seeker status or any other criterion leading to the creation of an intimidating, hostile, degrading or offensive environment.

(6) Any difference, exclusion, restriction or preference based on two or more criteria provided for by par. (1) shall be an aggravating circumstance upon ascertaining the contraventional liability unless one or several components hereof fall/s under the criminal law.

(7) One shall deem as victimization and shall inflict a contraventional sanction hereunder on any adverse treatment, coming as a reaction to a complaint or legal proceeding regarding the breach of the equal treatment and non-discrimination principle.

(10) Within the meaning hereof, the elimination of any forms of discrimination shall be performed through:

- a) prevention of any acts of discrimination, by setting forth special measures, including assertive actions in order to protect the disfavoured people who do not enjoy equal opportunities;
- b) mediation by amicable settlement of conflicts arising from the performance of discriminatory actions/deeds;
- c) sanction of the discriminatory behavior specified under the provisions of par. (1)-(7).

(11) The discriminatory behaviour provided for by par. (1)-(7) shall entail the civil, contraventional or criminal liability, as the case may be, under the legal terms.

ART. 5

One shall deem as a contravention, according to this ordinance, the conditioning of the participation in an economic activity of a person or the choice or freely exerting of a profession on the fact that he/she belongs to a certain race, nationality, ethnic group, religion, social category, respectively convictions, sex or sexual orientation, age or membership to a disfavoured category.

ART. 6

One shall deem as a contravention, according to this ordinance, the discrimination of an individual for the reason that he/she belongs to a certain race, nationality, ethnic group, religion, social categories or disfavoured category, respectively for convictions, age, sex or sexual orientation, in a work and social welfare relationship, except for the cases provided for by the law, shown in the following areas:

- a) termination, cancellation, modification or cessation of the work relationship;
- b) establishment and change of the professional tasks, workplace or wage;
- c) granting other social rights than the wage;
- d) vocational training, retraining, reconversion and promotion;
- e) enforcement of disciplinary actions;
- f) the right to adhere to a trade union and the access to the facilities granted by the latter;
- g) any other conditions for performance of the respective activity, as per the applicable legislation.

ART. 7

(1) One shall deem as a contravention, according to this ordinance, the refusal of a natural or legal entity to hire an individual for the reason that the latter belongs to a certain race, nationality, ethnic group, religion, social categories or disfavoured categories or because of his/her convictions, age, sex or sexual orientation, except for the cases provided for by the law.

(2) One shall deem as a contravention, according to this ordinance, the conditioning of filling in a position by announcement or contest, launched by the employer or by its representative, on the fact that he/she belongs to a certain race, nationality, ethnic group, religion, social category or disfavoured category, age, sex or sexual orientation, respectively on the applicants' convictions, except for the cases specified under art. 2 par. (9)⁵⁹.

(3) Natural and legal entities with tasks in the labour mediation and distribution shall apply an equal treatment to all job seekers, shall grant them free and equal access to the consultation of the demand and supply existing on the labour market, to the consultation on the possibilities of filling in a position and obtaining a qualification and shall refuse to support employers' discriminatory requests. Employers shall ensure the confidentiality of the data on race, nationality, ethnic origin, religion, sex, sexual orientation or other private data concerning job seekers.

ART. 8

One shall deem as a contravention, according to this ordinance, the discrimination of employees by employers, in terms of the social benefits granted, because the employees belong to a certain race, nationality, ethnic origin, religion, social category or disfavoured category or on criteria such as age, sex, sexual orientation or convictions promoted by the latter.

ART. 10

One shall deem as a contravention, according to this ordinance, unless it falls under the criminal law, the discrimination of a natural entity, of a group of individuals or individuals managing the legal entity because of the fact that he/she/they belongs/s to a certain race, nationality, ethnic group, religion, social category or disadvantaged category, respectively because of convictions, age, sex or sexual orientation of the respective persons through:

- a) refusal to grant public administrative and legal services;
- b) refusal to give an individual or a group of persons access to public health services – the choice of the family physician, medical care, health insurance, emergency services or other health services;
- c) refusal to sell or to rent a plot of land or a building with lodging purposes, except for the case in which this restriction is objectively limited by a legitimate goal, and the methods for reaching such goal are appropriate and necessary;
- d) the refusal to grant a bank loan or to conclude any other type of contract, except for the case in which this restriction is objectively justified by a legitimate goal, and the methods for reaching such goal are appropriate and necessary;

⁵⁹ (9) Measures taken by the public authorities or by legal entities of private law in favour of an individual, group of individuals or a community, aimed at ensuring their natural development and effective application of the equal opportunities in relation with the other individuals, groups of individuals or communities, as well as positive measures aimed at the protection of disfavoured groups shall not account for discrimination within the meaning hereof.

- e) the refusal to give an individual or a group of individuals access to the services provided by theatres, cinemas, libraries, museums and exhibitions, except for the case in which this restriction is objectively justified by a legitimate goal, and the methods for reaching such goal are appropriate and necessary;
- f) 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, regardless of whether they are under private or public ownership, except for the case in which this restriction is objectively justified by a legitimate goal, and the methods for reaching such goal are appropriate and necessary;
- g) the refusal to give to an individual or a group of individuals access to services provided by public transportation companies – by plane, ship, train, subway, bus, trolleybus, tramway, taxi or other means -, this restriction is objectively justified by a legitimate goal, and the methods for reaching such goal are appropriate and necessary;
- h) the refusal to grant to an individual or a group of individuals rights or facilities.

3rd SECTION

Access to education

ART. 11

(1) One shall deem as a contravention, according to this ordinance, the refusal to give an individual or a group of individuals access to the public or private educational system, to any form, degree and level, because they belong to a certain race, nationality, ethnic group, religion, social category or disfavored category, respectively because of convictions, age, sex or sexual orientation of the individuals in question.

(2) The provisions of par. (1) shall apply to all phases or stages of educational system, including the enrollment or admission in educational units or institutions and to the knowledge assessment or examination.

(3) One shall deem as a contravention, according to this ordinance, the request for supporting statements regarding the fact that the respective individual or group belong/s to a certain ethnic group, conditioning the access of an individual or group of individuals to education in the mother tongue. The exception refers to the case in which in the high-school or university education applicants compete for vacancies specially granted to a certain minority and it is required to prove, by a document issued from a legally setup organization of the respective minority, that the respective individual/s belong/s to such minority.

(6) One shall deem as a contravention, according to this ordinance, any hindrance for criteria such as belonging to a certain race, nationality, ethnic group, religion, social category or disfavoured category in the process of setting up and accrediting educational institutions created according to the applicable legal framework.

4th SECTION

Freedom of circulation, the right to freely choosing the domicile and the access to public places

ART. 12

(1) One shall deem as a contravention, according to this ordinance, any action consisting in 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.

(2) One shall deem as a contravention, according to this ordinance, any behaviour consisting in causing the abandonment of domicile, deportation or rendering difficult the life conditions in order to get to the abandonment of the traditional domicile of an individual or group of individuals belonging to a certain race, nationality, ethnic group or religion, respectively of a community, without their agreement. One shall deem as a breach of the provisions hereof both compelling a group of individuals who are in minority to leave the locality, areas or zones inhabited by them, as well as compelling a group of individuals belonging to the majority to settle in localities, areas or zones inhabited by a population belonging to national minorities.

ART. 13

(1) One shall deem as a contravention, according to this ordinance, any behaviour aimed at moving or chasing away an individual or a group of individuals in a neighbourhood or building because he/she belongs to a certain race, nationality, ethnic group, religion, social category or disfavoured category, respectively because of convictions, age, sex or sexual orientation of the respective individuals.

ART. 14

One shall deem as a contravention, according to this ordinance, the restriction of the access of an individual or a group of individuals in public places because of the fact that they belong to a certain race, nationality, ethnic group, religion, social category or any other disfavoured category, respectively because of convictions, age, sex or sexual orientation of the individuals in question.

5th SECTION

Right to personal dignity

ART. 15

One shall deem as a contravention, according to this ordinance, unless it falls under the criminal law, any publicly displayed behaviour, with a character of nationalist and chauvinist propaganda, of incitement to racial or national hatred or conduct which has the purpose or aim at harming dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, directed against an individual, a group of individuals or a community and related to the fact of belonging to a certain race, nationality, ethnic group, religion, social category or disfavoured category or to convictions, sex or sexual orientation.

CHAP. III

Procedural provisions and sanctions

ART. 26

(1) Contraventions specified under art. 2 par. (5) and (7), art. 5-8, art. 10, art. 11 par. (1), (3) and (6), art. 12, art. 13 par. (1), art. 14 and 15 shall be sanctioned by fine from RON 400 to RON 4,000, if the discrimination is aimed at a natural entity, respectively with a fine from RON 600 to RON 8,000, if the discrimination is aimed at a group of individuals or a community.

(2) Sanctions shall also apply to legal entities.

(3) Upon the request of findings agents, legal representatives of public authorities and institutions and of economic agents subject to control⁶⁰, as well as natural entities shall be bound, under legal terms:

- a) to make available any document likely to help clarify the purpose of the control;
- b) to provide information and explanations both verbally and in writing, as the case may be, in connection with the issues referring to the purpose of control.
- c) to issue copies of the required documents;
- d) to ensure the support and conditions necessary for the proper performance of control and to help clarify the findings.

(4) Failure to comply with the obligations specified under par. (3) shall account for a contravention and shall be sanctioned by fine from RON 200 to RON 1,000.

ART. 27

(1) The individual who considers herself/himself discriminated may file, before the court, a claim for being granted compensations and resumption of the previous status or cancelation of the status generated by discrimination, as per the common law. The claim shall be exempted from judicial stamp fee and shall not be dependent on the notification of the Council.

CRIMINAL CODE

Aggravating circumstances

Art. 77. – The following shall account for aggravating circumstances:

- a) deed committed by three or more individuals together;
- b) deed committed by cruelty or subject of the victim to degrading treatments;
- [...]
- h) deed committed for reasons such as race, nationality, ethnic origin, language, religion, gender, sexual orientation, opinion or political adherence, wealth, social origin, age, disability, non-catching chronic disease or HIV/SIDA infection or for other similar circumstances, deemed by the doer as causes of inferiority of an individual as compared to others.

⁶⁰ Representing staff of the National Council for Combating Discrimination, which act if a complaint is submitted to this institution.

Torture

Art. 282.

(1) The deed of the public servant filling in a position involving the act of exerting a state authority or of another person acting for incitement or express or tacit agreement to cause to an individual a serious physical or psychic sufferance:

- a) in order to get information or statements from this individual or from another third party;
- b) in order to punish him/her for an action committed or allegedly committed by the latter or a third party;
- c) in order to intimidate or to put pressure on this individual or to intimidate or put pressure on a third party;
- d) for a reason referring to any form of discrimination, shall be punished by imprisonment from 2 to 7 years and banishment to exert such rights.

Incitement to hatred or discrimination

Art. 369. The public incitement, by any means, to hatred or discrimination against a category of individuals shall be punished by imprisonment from 6 months to 3 years or by fine.

CHAPTER III

Offences committed on a family member

Domestic violence

Art. 199.

(1) If the deeds specified under art. 188, art. 189 and art. 193-195 are committed on a family member, the special maximum term of the punishment provided for by law shall be increased by one quarter.

(2) In case of offences specified under art. 193 and art. 196 committed on a family member, the criminal proceeding may be started ex officio, as well. The reconciliation shall relieve from criminal liability.

CHAPTER VIII

Offences against freedom and sexual integrity

Rape

Art. 218.

(1) The sexual intercourse, oral or anal intercourse with a person, committed by constraint, rendering it impossible for the respective person to defend herself/himself or to express his/her will or taking advantage of such a state, shall be punished by imprisonment from 3 to 10 years and banishment to exert certain rights.

(3) The sanction shall be imprisonment from 5 to 12 years and banishment to exert certain rights when:

- a) the victim is under the care, protection, education, guard or treatment of the doer;
 - b) the victim is a direct line relative, brother or sister;
 - c) the victim is not 16 years;
- [...]

Sexual aggression

Art. 219.

(1) The sexual intercourse, other than those specified under art. 218, with a person, committed by constraint, rendering it impossible for the respective person to defend herself/himself or to express his/her will or taking advantage of such a state, shall be punished by imprisonment from 2 to 7 years and banishment to exert certain rights.

(2) The sanction shall be imprisonment from 3 to 10 years and banishment to exert certain rights when:

- a) the victim is under the care, protection, education, guard or treatment of the doer;
 - b) the victim is a direct line relative, brother or sister;
 - c) the victim is not 16 years;
- [...]

Sexual intercourse with a minor

[...]

Sexual corruption of minors

[...]

Soliciting minors for sexual purposes

[...]

Sexual harassment

Art. 223.

(1) Recurrently pretending sexual favours in a work relationship or in a similar one, if by this the victim has been intimidated or put in a humiliating position, shall be punished by imprisonment from 3 months to one year or by fine.

(2) The criminal proceedings shall be started upon the damaged party's prior complaint.

Family abandonment

Preventing the access to the general mandatory education

Art. 380. - (1) The parent or the person who has been entrusted, according to the law, with the custody of a minor child and who, in an unjustified manner, withdraws or prevents by any means the latter to attend general mandatory education studies shall be punished by imprisonment from 3 months to one year or by fine.

[...]

CHAPTER III

Offences against religious freedom and respect owed to dead persons

Preventing religious freedom from being exerted

Art. 381.

(1) Preventing or hindering the free exerting of the ritual of a religious cult, organized and operating under the law, shall be punished by imprisonment from 3 months to 2 years or by fine.

[...]

Abuse of office

Art. 297.

(1) The deed of the public servant who, while exerting the professional tasks, does not perform an action or performs it in a faulty manner and by this causes damages or prejudice to the rights or legal interests of a natural entity or legal entity shall be punished by imprisonment from 2 to 7 years and banishment to exert the right to fill in a public position.

(2) The same punishment shall also apply to the public servant who, while exerting the professional tasks, hinders the exerting of a right of a person or causes for the latter an inferiority situation for criteria such as race, nationality, ethnic origin, language, religion, sex, sexual orientation, political adherence, wealth, age, disability, non-catching chronic disease or HIV/AIDS infection.

Law no. 202/2002 concerning the equal opportunities between men and women

Art. 2

Measures for promoting equal opportunities and equal treatment between men and women in order to eliminate all forms of discrimination based on the sex criterion shall apply in areas such as labour, 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.

Art. 6

(1) Discrimination shall be deemed the propensity to discriminate a person based on the sex criterion.

(2) Any order of discrimination against persons for sex criteria shall be deemed as discriminatory.

(3) Any form of discrimination based on the sex criterion shall be forbidden.

CHAPTER II

Equal opportunities and equal treatment between men and women in terms of labour

Art. 8

(1) Employers shall be bound to ensure the equal opportunities and equal treatment between employees, men and women, in any kind of professional relationships, including by introduction of provisions for banishing

discriminations based on the sex criterion in the organization and operation regulations and in internal regulations of units.

(2) Employers shall be bound 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.

Art. 9

(1) One shall forbid the discrimination through the usage by the employer of certain practices disfavouring people of a certain sex, concerning work relationships, regarding:

a) announcement, organization of contents or examinations and selection of applicants for filling in the vacancies in the public or private sector;
[...]

Art. 12

For preventing and eliminating any behaviours, defined as discriminatory based on criteria such as sex, the employer shall have the following obligations:

a) to stipulate in the internal regulations of units sanctions for misconduct, under legal terms, for the employees who breaches the personal dignity of other employees by creating degrading, intimidating, hostility, humiliating or offending environments, through discrimination actions, defined under art. 4 letters a)-e) and under art. 11;
b) to ensure the information of all employees on the banishment of harassment and sexual harassment at the work place, including by posting in public places the provisions of internal regulations of units for preventing any act of discrimination based on the sex criterion;
c) to inform immediately after having notified the public authorities authorized to apply and control the law enforcement on the equal opportunities and equal treatment between men and women.

Art. 14

For preventing discrimination actions based on the sex criterion in the labour field, both in the single collective labour agreements at national level, specific to the industry, and upon the negotiation of collective labour agreements at unit level, the contracting parties shall set forth 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.

CHAPTER III

Equal opportunities and equal treatment in terms of access to education, health, culture and information

Art. 15

(1) One shall forbid 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.

(2) Educational units of all levels, social factors involving in training and educational processes, as well as all the other training and retraining services providers, authorized as per the law, shall include in the national educational programs issues and activities concerning equal opportunities between men and women.

(3) Institutions provided for by par. (2) shall be bound to set forth, in their activity, non-discriminatory practices based on the sex criterion, as well as actual measures for guaranteeing the equal opportunities and equal treatment between men and women, according to the applicable legislation.

[...]

Art. 16

(1) 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.

(2) The Ministry of Education and Research shall promote those school manuals, university courses, guidelines for application of analytical programs which should not include aspects of discrimination between sexes, as well as negative behavioural patterns and stereotypes in terms of women's and men's role in the public and family life.

Art. 17

One shall forbid 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.

Art. 18

County and Bucharest public health departments shall be liable for the application of measures for complying with the equal opportunities and equal treatment between men and women in the health field, in terms of access to medical services and their quality, as well as occupational health.⁶¹

Art. 19

(1) Cultural public institutions, as well as any other structures or units promoting the cultural act under any form shall be bound to apply the necessary measures for the access of all people, without discrimination based on the sex criterion, to cultural productions.

[...]

CHAPTER IV

Equal opportunities between men and women in terms of participation in the decision-making

Art. 22

(1) Central and local, civil and military public institutions and authorities, economic and social units, as well as political parties, employers' organizations and trade unions and other non-profit entities, carrying out their activity based on own by-laws, promote and support the balanced participation of women and men in the management and decision-making and adopt the necessary measures for ensuring the balanced participation of men and women in the management and decision-making.

[...]

Art. 23

(1) For the actual achievement of equal opportunities and equal treatment between women and men, central and local public institutions and authorities, social dialogue structure, employers' organizations and trade unions, political parties shall ensure the fair and balanced representation of men and women at all decision-making levels.

[...]

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Full

CHAP. IX

Judicial Responsibility

ART. 100

(1) The following facts represent contraventions and will be sanctioned as it follows:

(a) Failure to fulfil the obligations specified under art. 15 par. (1), with a penalty from 6,000 lei to 12,000 lei; (Art. 15 par. (1): People with handicap have free and equal access to any form of education, regardless the age, according to the type, degree of handicap, and their educational needs.)

(b) Failure to fulfil the obligation specified under art. 18-20, art. 21 par. (3) and (4), art. 22, art. 23 par. (1) and (2), art. 24, 30 and 31, art. 33 par. (1), art. 34 par (3), art. 51 par. (4), art. 55 par. (1), art. 61-64, art. 65 par. (1), (2) and (5), art. 66-68, art. 69 par. (1), art. 70, 71 and art. 82, with a penalty from 6,000 to 12,000 lei;

Art. 18

(1) During the learning process, regardless of its level, the people with handicap have the right to: a) educational support services; b) technical equipment adapted to the type and degree; adaption of the furniture in lecture rooms; d) school text books and course work in a format that is accessible to pupils and students with sight deficiencies; e) the use of assistance software and equipment in the examination processes of any kind and level.

(2) Pre-pupils, pupils and students with handicap, together with their personal assistants and professional personal assistants, have the right to free places in rest camps, once a year, regardless of the type of study.

⁶¹ No sanctions prescribed if they fail.

(3) The financial amounts related to the right mentioned in par. (2) is ensured from the state budget through the National Youth Authority.

Art. 19 With regard to ensuring the access of people with handicap in the educational units and institutions, the public authorities have the obligation to take the following specific measures:

- a) to promote and guarantee the access to education and professional formation for the people with handicap;
- b) to ensure home-schooling for people with handicap that cannot move during the mandatory schooling period, as well as school preparation, regardless of the place where the person is located, including through support educational staff;
- c) to ensure access to permanent education forms, adapting them to the educational needs of the people with handicap;
- d) to support the cooperation between the units for special education or for meal with the family and the community, in order to ensure an educational offer that answers the individual needs of people with handicap;
- e) to support the preparation of educational staff for the adaption to the educational practices for pupils with handicap from regular study groups;
- f) to ensure educational support services for people with handicap and their families, through specialists in the field of special psycho-pedagogy; h) to ensure access to study institutions.

Art. 20

(1) In order to ensure the people with handicap access to obtaining a home, the public authorities have the obligation to take measures to introduce a priority criterion for rental, at lower floors, of homes that belong to the public domain of the state or to the territorial-administrative units of it.

(2) People with handicap benefit from the following rights: a) giving of a living room, besides the normal minimal living norms provided by the law, based on the rent contracts for the dwellings that belong the public or state private domain or to its –territorial-administrative units; b) Waive of rental pay for the living surfaces that dwellings owned by the state or by its territorial-administrative units and that are used by these people.

(3) Beneficiaries of the provisions of par. (2) are also the family or the legal representative, during the period when they are in charge of a child or a person with severe handicap.

(4) Beneficiaries of the provisions of par. (2) letter b) is also the adult with severe handicap.

Art. 21

(3) The child with handicap, as well as the person that accompanies him/her, benefits from free entrance tickets to shows, museums, artistic and sports manifestations.

(4) The adults with severe or advanced handicap benefit from entrance tickets to shows, museums, artistic and sports manifestations, as it follows: a) the adult with a severe or advanced handicap, as well as the person accompanying him/her benefit from free tickets; b) the adult with medium and light handicap benefits from entrance tickets in the same conditions as pupils and students.

Art. 22

The local public administration authorities have the obligation to take specific measures to ensure common transportation for people with handicap: a) to purchase adapted means of transport; b) to adapt the functioning existing means of transportation within the technical possible limits, according to the applicable law; c) to realise, in collaboration with or in partnership with public or private judicial persons, transport programmes for people with handicap.

Art. 23

(1) People with severe and advanced handicap benefit from free access to all lines of urban transport with above- and under-ground means of transportation.

(2) The following persons are also beneficiaries of the provisions in par. (1): a) the people accompanying people with severe handicap, in their presence; b) the people accompanying children with severe handicap, in their presence; c) the people accompanying people with severe advanced auditory or mental handicap, in their presence, based on the social inquiry realised by the social assistant from the specialised compartment of the city hall in whose territorial area the person with handicap is resident; d) the personal assistants of people with handicap; e) the professional personal assistants of the people with advanced handicap.

Art 24.

(1) People with severe handicap benefit from free interurban transportation, on any type of train, within the cost limits of a 2nd class train ticket, on buses or with river transportation ships, for 12 return tickets per year.

(2) Beneficiaries of the provisions of par. 1 are also the following people: a) the people accompanying people with a severe handicap, only in their presence; b) the personal assistants of people with severe handicap.

(3) People with severe handicap benefit from free interurban transportation, on any type of train, within the cost limits of a 2nd class train ticket, on buses or with river transportation ships, for 6 return tickets per year.

(4) Beneficiaries of the provisions of par. (3) are also the people accompanying children with severe handicap, only in their presence.

(5) People with kidney affections that need dialysis in other locations than those of residence benefit from free interurban transportation, on choice, for any type of train, within the cost limits of a 2nd class train ticket, on buses or with river transportation ships, beyond the limit of yearly tickets, depending on the recommendation of the dialysis centre.

(6) Beneficiaries of the provisions of par. (5) are also the personal assistants or the people accompanying the people with handicap that need dialysis.

(7) The financial amounts related to the rights mentioned in par. (1) - (6) are ensured from the state budget through the budget of the National Authority for People with Handicap.

(8) The modality of giving the rights mentioned in par. (1) - (6) is established through a Governmental decision.

Art. 30: In order to ensure the correlation of services from the children with handicap care system with the services of the adult people with handicap care system, the responsible public administration authorities have the obligation to take the following specific measures: a) to plan and to ensure the transition of the young person with handicap from the child protection system to the adult person with handicap protection system, based on the individual identified needs of the person; b) to ensure the continuity of the services offered to people with handicap; c) to put in place measures meant to ensure the preparation of the young person for the adult life and for the independent life; d) to develop, in collaboration with or in partnership with public or private judicial persons, programmes for preparation for adult life; e) to develop informing sessions of the young person with handicap with regard to the opportunities for education, employment, access to familial life and to social life, to different means of spending the free time; f) to evaluate on request, the pupils from the special education units.

Art. 31

(1) The right to social care in form of social services is given upon request or by default, depending on the case, based on proving documents, in the conditions provided by the law.

(2) The request for the award of right to social services is registered at the local public administration authority in the area of which the person with handicap is registered.

(3) The request and the proving documents are submitted for registration by the person with handicap, their family, the legal representative, the personal assistant, the professional personal assistant or by the NGO whose member the person with handicap is.

(4) In order to ensure the necessary social services for the people with handicap, the public authorities have the obligation to take the following special measures:

a) to create access conditions for all types of services correspondent to the individual needs of the people with handicap;

b) to initiate, sustain and develop social services centred on the person with handicap, in collaboration or partnership with public or private judicial persons;

c) to ensure the proportion of the professional specialist staff employed in the people with handicap care system in accordance to the types of social services: social assistants, psychologists, occupational therapy instructors, kinetherapists, recovery educators, stuttering specialists, psycho-educators, support teachers, specialised educators, psychiatrists, dentists, medical assistants;

d) to involve the family of the person with handicap in his/her activities of care, rehabilitation, and integration;

e) to ensure the training of the staff working in the system of care for people with handicap on the specific problem of the person with handicap, including of the personal assistants and of the professional personal assistants;

f) to develop and support collaboration programmes between the parents and specialists in the field of handicap, in collaboration or partnership with public or private judicial persons;

g) to set up and to sustain the system based on case management in the protection of the person with handicap;

h) to encourage and to support volunteering activities;

i) to ensure socio-medical assistance and care at the residence of the person with handicap.

Art. 33

(1) The local public administration authorities have the obligation to organise, administrate and finance social services dedicated to people with handicap, within legal conditions. Art. 34: (1) the social services for adult people with handicap are coordinated by the National Authority for People with Handicap.

(2) The monitoring of the implementation of specific quality standards and the control of their application are in the competence of the National Authority for People with Handicap and is applied by the staff with attributions in the field, according to a methodology that has been approved by its President.

(3) In the realisation of the activity mentioned in par. (1) the staff of the National Authority for People with Handicap has access to the spaces that are connected to the supply of social services, to data and information related to people with handicap that benefit from the respective service.

Art. 66:

(1) the 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, according to the law L. 8 / 1996, regarding copyrights and connected rights, with the subsequent modifications and additions.

(2) Public libraries have the obligation to set up departments with books in formats that are accessible to people with sight or reading deficiencies.

Art. 67:

(1) Up to 31 March 2007, 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) to offer information on the costs of services in forms accessible to people with handicap.

(3) The employees of banking and postal services have the obligation to offer assistance in filling in the forms, upon request from people with handicap.

Art. 68: Up to 31 December 2007, the owners of 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.

Art. 69 par. (1) 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.

Art. 70: (1) 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 handicap.

(2) In 6 months time from the moment this law becomes applicable, the public relations services will display and will be able to offer information that is accessible to people with a visual, auditory and mental handicap. Art. 71: (1) Up to 31 December 2007, the public authorities have the obligation to take measures for: a) making the own internet pages accessible, in the view of improving the access of electronic documents by people with mental and visual handicap; b) the utilisation of pictograms in all public services; c) the adaption of tele-fax and tele-text devices for people with hearing handicap.

(3) In the acquisition of equipment and software, the public institutions will take into account respecting the accessibility criterion.

Art. 82

(1) the protected authorised units benefit from the following rights: a) exemption from tax payment for authorisation at the moment of set up and for reauthorisation; b) exemption from profit tax, on the condition that at least 75% of the amount obtained through exemption be reinvested in restructuring or purchase of technological equipment, cars, machines, work equipment, and/or decoration of protected work places, according to the law L.571/2003, with the subsequent modifications and additions; c) other rights given by the local public authorities financed from own funds.

(2) At the beginning of each year, the authorised protected units have the obligation to present to the National Authority for People with Handicap the activity report for the previous year.

(3) Disobedience of the obligation mentioned in par. (2) is sanctioned with the suspension of the functioning permit as a protected unit or, depending on the case, with the cancelation of it and full reimbursement of the facilities of which it benefited from on the duration of functioning as an authorised protected unit.

(4) The procedure for the suspension or cancelation of the protected units authorisation is established through methodological norms for application of the present law.)

Art. 100 c) Failure to fulfil the obligation specified under art. 78, with a penalty from 15,000 to 20,000 lei;

Art. 78

(1) the people with handicap can be integrated in work environment according their professional qualification and work capacity, proven by the certificate for integrating within a degree of handicap, issued by the evaluation committees on a county level or on a district one, in Bucharest.

(2) Public authorities and institutions, public or private judicial persons that do not employ people with handicap in the conditions mentioned in par. (2) can opt for the fulfilling of one of the following obligations: a) to pay the state budget a monthly amount representing 50% of the minimum base salary in the country, multiplied with the number of work places where they did not hire disabled people; b) to acquire products or services realised through the own activity of the people with handicap employed in the authorised protected units, on a partnership basis, for an equivalent amount to the amount owed to the state budget, in the conditions mentioned at letter a). (4) Exceptions from the provisions of par. (2) are the public institutions for national defence, public order and national security. (5) The monitoring and control for respecting the provisions of par. (2) and (3) are done by the Labour Inspection.)

Art. 100 d) failure to respect the specific quality standards, with a penalty from 6,000 lei to 12,000 lei and/or the suspension or cancelation of the functioning permit;

Art. 100 e) Failure to respect the authorization conditions during the period of functioning as a protected authorised entity, with a penalty from 20,000lei to 25,000 lei and the cancelation of the functioning permit;

Art. 100 f) parking of other means of transport on the parking places specially adapted, reserved and signalled through the international sign for handicapped person, with a penalty from 200 lei to 1,100 lei and removal of the means of transport from the respective parking place;

Art. 100 g) Issuance of certifications for level of handicap, against the provisions of art. 85 (10), with a penalty from 2,500 lei to 5,000 lei. (Art. 85 par. (10): The medical, psychological and social criteria on the base of which the type and degree of handicap is established are approved through a common order of the minister of labour, family and social care and of the minister of health).

(2) The establishments of the contraventions and the application of contraventional penalties from par. (1), letters a), b), d), e) and g) are made by the staff of the Ministry of Labour, Family and Social Care, empowered for this through a Order of the Labour, Family and Social Care Minister.

(3)The establishments of the contraventions and the application of contraventional penalties from par. (1) letter c) are made by the staff of the Labour Inspectorate.

(4)The establishment of the contravention and the application of contraventional penalty from par. (1), letter f) is made by traffic agents or by the control staff with such attributions.

Labour Code – Law no. 53/200351

Art. 5

(1) Within the work relationships the principle of equal treatment for all employees and employers shall apply.

(2) Any direct or indirect discrimination of an employee, based on criteria such as sex, sexual orientation, genetic features, age, nationality, race, colour, ethnic origin, religion, political orientation, social origin, disability, family situation or responsibility, adherence to a trade union or related activity, shall be forbidden.

(3) One shall deem as direct discrimination acts and deeds of exclusion, difference, restriction or preference, based on one or more of the criteria provided for by par. (2), which are aimed at or have as an effect the non-granting, restriction or elimination of the recognition, use or exerting of the rights stipulated in the labour law.

(4) One shall deem as indirect discrimination acts and deeds apparently based on other criteria than those specified under par. (2), but which cause the effects of direct discrimination.

Art. 6

(3) For equal work or work of equal value one shall forbid any discrimination based on the sex criterion in terms of all payment items and conditions.

Art. 159

(3) When establishing and granting the wage, one shall forbid any discrimination based on criteria such as sex, sexual orientation, genetic features, age, nationality, race, colour, ethnic origin, religion, political opinion, social origin, disability, family situation or responsibility, adherence to a trade union or related activity.

Execution of the individual labour agreement

Art. 37. – The rights and obligations concerning the work relationships between the employer and the employee shall be established according to the law, by negotiation, under collective labour agreements and individual labour agreements.

[...]

Art. 39. - (1) The employee shall mainly enjoy the following rights:

[...]

d) the right to equal opportunities and equal treatment;

[...]

Art. 40. - (1) The employer shall mainly enjoy the following rights:

[...]

f) to set out the individual performance objectives, as well as assessment criteria for their achievement.

(2) The employer shall mainly have the following obligations:

[...]

c) to grant the employees all the rights deriving from the law, from the applicable collective labour agreement and from individual labour agreements;

f) to pay all the contributions and taxes which are his/her/its responsibility, as well as to collect and transfer the contributions and taxes owed by employees, under legal terms;

g) to create a general employees' record and to make the registrations stipulated by law;

[...]

i) to ensure the confidentiality of employees' personal data.

Art. 159.

[...]

(3) Upon establishing and granting the wage one shall forbid any discrimination for criteria such as sex, sexual orientation, genetic features, age, nationality, race, colour, ethnic group, religion, political opinion, social origin, disability, family situation or responsibility, adherence to a trade union or related activity.

TITLE

X

Labour Inspection

Art. 237. – The enforcement of general and special regulations in the work relationships, occupational security and health shall be subject to the control of the Labour Inspection, as a specialized body of the central public administration, with a legal personality, subordinated to the Ministry of Labour, Family and Social Welfare.

[...]

TITLE

XI

Legal liability

CHAPTER I

Art. 241. – The internal regulation shall be prepared by the employer, with the consultation of the trade union or the employees' representatives, as the case may be⁶².

Art. 242. – The internal regulation shall include at least the following categories of provisions:

a) rules on the occupational protection, hygiene and security across the unit;

b) rules on the compliance with the non-discrimination principle and elimination of any form of breach of dignity;

c) employer's and employees' rights and obligations;

[...].

Art. 243. - (1) The internal regulations shall be notified to the employees care of the employer and shall produce its effects on the employees upon their notification.

⁶² The law does not provide for sanctions for non-preparation hereof, the labour inspection does not check it.

(2) The obligation to inform the employees on the contents of the internal regulations should be fulfilled by the employer.

(3) The actual manner of informing each employee of the contents of the internal regulations shall be set out under the applicable collective labour agreement or, as the case may be, by the contents of the internal regulations.

(4) The internal regulations shall be posted at the employer's headquarters.

Art. 244. – Any change occurring in the contents of the internal regulations shall be subject to the information procedures stipulated under art. 243.

Art. 245.

(1) Any employee concerned may report to the employer on the provisions of the internal regulations, to the extent to which he/she proves that one of his/her rights have been violated.

(2) The control of the lawfulness of the provisions included in the internal regulations shall lie with the law courts, which can be referred to within 30 days as of the communication date by the employer on the settlement of the complaint filed as per par. (1).

Art. 246.

(1) The preparation of the internal regulation at the level of each employer shall be made within 60 days as of the effective date of this code.

(2) In case employers setup after the effective date of this code, the term of 60 days stipulated at par. (1) shall start to run as of the date when the legal personality is acquired.

CHAPTER

IV

Contraventional liability

Art. 260.

(1) One shall deem as a contravention and shall sanction therefore the following deeds:

a) failure to comply with the provisions regarding guaranteeing the payment of the minimum gross base salary at country level, by fine from RON 300 to 2,000;

b) breach by the employer of the provisions of art. 34 par. (5), by fine from RON 300 to 1,000;

c) hindering or compelling, by threats or violence, an employee or a group of employees to take part in a strike or work during the strike, by fine from RON 1,500 to 3,000;

[...]

(2) Ascertainment of contraventions and application of sanctions shall be performed by labour inspectors.

[...]

CHAPTER

V

Criminal liability

[...]

Art. 262. – Failure to enforce a final court award on reintegration at the workplace of an employee shall be deemed as an offence and shall be punished by imprisonment from 6 months to one year or by fine.

Art. 263. - (1) In the case of offences specified under art. 261 and 262 the criminal proceedings shall be started upon the damaged person's claim.

(2) The parties reconciliation shall relieve from criminal liability.

Art. 264.

(4) In case of committing one of the offences stipulated under par. (2) and (3) and under art. 264 par. (3)⁶³, the law court may also order the enforcement of one of the following complementary punishments:

a) loss in full or in part of the employer's right to be granted public benefits, aids or subsidies, including European Union funds managed by the Romanian authorities, for a period of up to 5 years;

[...]

⁶³ Not including aspects concerning equal opportunities or internal regulations

Law no. 188/1999 on the Status of civil servants, consolidated 2009

Section 1 – Rights of civil servants

Art. 27

[...]

(2) A discrimination between civil servants on grounds related to politics, trade union membership, religious beliefs, ethnicity, gender, sexual orientation, wealth, social origin or any alike shall be prohibited.

Section 1 – Recruitment of civil servants

Art. 57

[...]

(3) The screening shall be based on the principles of open competition, transparency, professional merits and competency, as well as equal access to public roles for each citizen meeting legal requirements.⁶⁴

National Education Law

Art 118

(2) No discrimination on grounds related to age, ethnicity, gender, social origin, political or religious orientation, sexual orientation or other types of discrimination, except for affirmative measures legally provided for, shall be allowed in higher education institutions.

(3) Students with physical disabilities shall be entitled to access routes adapted to their needs throughout university premises, as well as to conditions for the normal conduct of academic, social and cultural activities within higher education institutions.

Art. 202. – (1) The principles regulating student activities with the university community are as follows:

a) non-discrimination principle – based on which all students receive equal treatment from the higher education institutions; any direct or indirect discrimination against the student shall be prohibited;⁶⁵

Law 107/2006 for endorsement of Government Emergency Ordinance no. 31/2002 regarding the banishment of organizations and symbols with a fascist, racist or xenophobic nature and promotion of the cult of persons found guilty for committing crimes against peace and humanity

Art. 1.

To prevent and fight against incitement to hatred based on nationality, race and religion, discrimination and crimes against peace and humanity, this Emergency Ordinance regulates the prohibition of organizations and symbols that are fascist, racist or xenophobic in nature and the promotion of the cult of individuals found guilty of having committing crimes against peace and humanity.

Art. 3.

(1) The set up of an organization which is fascist, racist or xenophobic in nature shall be punished by imprisonment from 5 to 15 years and by the prohibition of certain rights.

(2) The same sanction shall apply in the case of joining an organization which is fascist, racist or xenophobic in nature, as well as supporting in any way such an organization.

[...]

Art. 4.

(1) Distribution, sale or production of fascist, racist or xenophobic symbols, as well as the possession, for distribution purposes, of such symbols shall be punished by imprisonment from 6 months to 5 years and prohibition of certain rights.

(2) The same punishment shall also apply to the use in public of fascist, racist or xenophobic symbols.

(3) One shall not deem as an offence the deed specified under par. (1) or (2), unless committed for the interest of art or science, research or education.

⁶⁴ No provisions related to sanctions if the principle is not implemented.

⁶⁵ No sanctions if the principle is not implemented

Art. 5. – Promotion of the cult of individuals found guilty for committing crimes against peace and humanity or promotion of the fascist, racist or xenophobic ideology, by propaganda, committed by any means, in public, shall be punished by imprisonment from 6 months to 5 years and prohibition of certain rights.

Art. 6. – Challenge or denial in public of the Holocaust or of its effects shall be punished by imprisonment from 6 months to 5 years and prohibition of certain rights.

Art. 7. – In the case of the offences specified under art. 3-6 the criminal investigation shall necessarily be performed by the prosecutor.

Art. 8.

(1) One shall deem as contravention and shall sanction by fine from RON 25,000,000 to 250,000,000:

- a) the distribution, sale or production of fascist, racist or xenophobic symbols, as well as the possession, for distribution purposes, of such symbols by a legal entity;
- b) the use in public of fascist, racist or xenophobic symbols by a legal entity;
- c) the promotion of the cult of persons found guilty for committing crimes against peace and humanity or promotion of the fascist, racist or xenophobic ideology, by propaganda, committed by any means, in public, by a legal entity.

(2) One shall not deem as a contravention the deed specified under par. (1) letter a) or b), unless committed for the interest of art or science, research or education.

(3) The ascertainment of the contravention and the application of the sanction shall be performed by the staff empowered for this purpose by the minister of culture and cults, as well as by the specially authorized staff within the Ministry of the Interior.

[...]

Dissolution of the legal entity

Art. 9.

(1) One can dissolve by court award the legal entities which carry out one or more of the following activities:

- a) activities proper to an organization with a fascist, racist or xenophobic nature within the meaning of art. 2 letter a);
- b) distribution, sale or production of fascist, racist or xenophobic symbols or possession, for distribution purposes, of such symbols or their use in public;
- c) promotion of the cult of individuals found guilty for committing crimes against peace and humanity or promotion of the fascist, racist or xenophobic ideology, by propaganda, committed by any means, in public.

CHAPTER IV

Obligations of public administration authorities

Art. 12. – The erection and maintenance, in public places, except for museums, of statues, statuarys, commemorative plaques featuring individuals found guilty of having committed crimes against peace and humanity shall be prohibited.

Art. 13.

(1) The naming of streets, boulevards, squares, piazzas, parks or other public places after individuals found guilty of having committed crimes against peace and humanity shall be prohibited.

(2) The naming of organizations, with or without legal personality, after individuals found guilty of having committed crimes against peace and humanity shall be also prohibited.

Law 292/2011 on social assistance

Art. 9 (8): “Employers hiring individuals receiving social benefits may be granted, under the law, tax or other incentives.”

Law no. 76/2002 regarding the system for unemployment insurance and stimulation of employment

ART. 4

(1) For the purpose of enforcing this law, any type of discrimination on grounds related to politics, race, nationality, ethnicity, language, religion, social category, conviction, gender and age shall be prohibited.

(2) The measures and special rights granted by way of this law to certain categories of disadvantaged people shall not account for discrimination within the meaning of par. (1).

SECTION 3 – Incentivizing employers to hire unemployed individuals

ART. 77

Employers shall be incentivized to hire unemployed individuals by way of:

- a) subsidizing jobs;
- b) issuing credits under privileged conditions for the purpose of creating new jobs;
- c) granting certain facilities.

CHAPTER 7 – Legal liability (art.110-119)

ART. 110

The violation of this law shall result in disciplinary, material, civil, contraventional or criminal sanctions, as applicable.

ART. 111

The breach by the employer of the obligations referred to in art. 26 par. (1) and art. 27, namely circumventing the obligation to pay unemployment contributions shall account for an offence and it shall be punished by imprisonment from 6 months to 1 year or by fine.

ART. 112

The withholding of unemployment contributions from the employees by the employer and the failure to transfer such contributions within 15 days into the accounts established according to legal regulations in force shall account for an offence and shall be punished by imprisonment from 6 months to 1 year or by fine.

ART. 116

The compliance with the obligations related to employment and maintenance of employment undertaken by employers who benefited from subsidies, credits or non-refundable funds from the unemployment budget, as well as from facilities under art. 93, shall be checked by active measure control bodies within county and Bucharest employment agencies, which shall ascertain and enforce, as applicable, the sanction provider for herein.

Law no. 95/2006 regarding the health reform

No provisions in terms of sanctions if the law is violated

LAW No. 92 as of April 10, 2007 Law on the local public transportation services

Art. 1

(4) The local public passenger and commodity transport service shall be organized by local public administration authorities within relevant regional and administrative jurisdictions, in compliance with the following principles:

- b) equal and non-discriminatory access to the local public transport market for transport operators and authorized carriers;
- m) protection of disadvantaged social categories, by way of refunding transport costs from the local budget;

ART. 14

(1) Local public transport services shall be performed by way of a specific technical and urban infrastructure which, together with the means of transport, makes up the local public transport system.

Annex 3: Lists of 35 KAIs analyzed under EQ2

► DIRECT IMPACT (TARGETED KAIs)

N	PO	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
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N	PO	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
10.	Regional Operational Programme (ERDF)	3. Improvement of social infrastructure	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	Direct impact
11.	Regional Operational Programme (ERDF)	3. Improvement of social infrastructure	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	Direct impact
12.	Regional Operational Programme (ERDF)	3. Improvement of social infrastructure	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 centres 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 ⁶⁶	Education and training: adaption and equipment to facilitate access	Direct impact
13.	SOP Human Resource Development (ESF)	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
14.	SOP Human Resource Development (ESF)	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 counseling, development of relevant curriculum, learner centred 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	Direct impact
15.	SOP Human Resource Development (ESF)	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
16.	SOP Human Resource Development (ESF)	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

⁶⁶ Selected in consideration of KAI indicators: "5.000 disadvantaged children benefiting from the rehabilitated / modernized /extended/equipped educational units – pre-university education infrastructure"

N	PO	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
17.	SOP Human Resource Development (ESF)	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
18.	SOP Human Resource Development (ESF)	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 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	Direct impact
19.	SOP Human Resource Development (ESF)	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
20.	SOP Human Resource Development (ESF)	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
21.	SOP Human Resource Development (ESF)	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

► **INDIRECT IMPACT (NON-TARGETED KAIs)**

N	PO	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
22.	Regional Operational Programme (ERDF)	1. Support to sustainable development of urban growth poles	1.1 Integrated urban development plans: - Growth poles - Urban development poles - Urban centres	Increase the quality of life and to create new jobs in cities and their surrounding areas, by rehabilitating the urban infrastructure, improving services, including social services , as well as by developing business support structures and entrepreneurship	Health, well being, social inclusion: urban development, social infrastructure and security in urban areas.	Indirect impact
23.	SOP Increase of Economic Competitiveness (ERDF)	3. ICT for private and public sectors	3.1 Supporting the ICT use 3.1.1 Support access to broadband and connected services	Access to broadband connections in the market failure areas (e.g. under-served rural and small urban areas) complying with "Guidelines on criteria and modalities of implementation of structural funds in support of electronic communications"	Health, well being, social inclusion: access to and use of ICT technology, communication (in alternative ways)	Indirect impact
24.	SOP Increase of Economic Competitiveness (ERDF)	3. ICT for private and public sectors	3.2 Developing and increasing the efficiency of electronic public services 3.2.1 Support the implementation of e-government solutions and ensuring broadband connection where necessary	Support economic competitiveness and promote interactions between public sector and enterprises/citizens by improving and fully exploit ITC and applications potential.	Health, well being, social inclusion: access to and use of ICT technology, communication (in alternative ways)	Indirect impact
25.	SOP Human Resource Development (ESF)	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 counseling, innovative actions in view of supporting access to quality education and initial VET).	Education and training: participation in VET, modernizing education	Indirect impact
26.	SOP Human Resource Development (ESF)	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
27.	SOP Human Resource Development (ESF)	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

N	PO	PA	KAI	Specific Objectives	Relevant areas / topics	Impact on equal opportunities
28.	SOP Human Resource Development (ESF)	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
29.	SOP Human Resource Development (ESF)	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
30.	SOP Human Resource Development (ESF)	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
31.	SOP Human Resource Development (ESF)	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
32.	SOP Human Resource Development (ESF)	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
33.	SOP Human Resource Development (ESF)	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

► NON RELEVANT (NON-TARGETED KAIs)

N	PO	PA	KAI
34.	SOP Increase of Economic Competitiveness (ERDF)	1. An innovative and eco-efficient productive system	1.1 Productive and environment friendly investments and preparation for market competition, especially of SMEs
35.	SOP Increase of Economic Competitiveness (ERDF)	3. ICT for private and public sectors	3.3 Sustaining the E-Economy 3.3.2 Support the development of e-commerce systems and other electronic solutions for business
36.	SOP Environment (ERDF, CF)	1. Extension and modernization of water and wastewater systems	1.1 Extension/modernization of water and wastewater systems
37.	SOP Environment (ERDF, CF)	4. Implementation of adequate management systems for nature protection	4.1 Development of infrastructure and management plans to protect biodiversity and Natura 2000
38.	SOP Transport (ERDF, CF)	1. Modernization and development of TEN-T priority axes aiming at sustainable transport system integrated with EU transport networks	1.2 Modernization and development of railway infrastructure along the TEN-T priority axis 22
39.	SOP Transport (ERDF, CF)	4. Technical Assistance	4.1 Support for effective SOP T management, implementation,

N.	PO	PA	KAI
			monitoring, and control
40.	OP Development of Administrative Capacity (ESF)	1. Structural and process improvements of the public policy management cycle	1.2 Strengthen the accountability framework
41.	OP Development of Administrative Capacity (ESF)	1. Structural and process improvements of the public policy management cycle	1.3 Improvement of organizational efficiency
42.	OP Development of Administrative Capacity (ESF)	2. Improved quality and efficiency of the delivery of public services on a decentralized basis	2.2 Improve the quality and efficiency of service delivery
43.	OP Technical Assistance (ERDF)	1. Support to the implementation of Structural Instruments and Coordination of Implementation Plan	1.2 Support for the evaluation
44.	OP Technical Assistance (ERDF)	3. Dissemination of information and promotion of Structural Instruments	3.1 Dissemination of general information and publicity activities regarding the Structural Instruments allocated to Romania

Annex 4: Check Lists used under EQ2

PROGRAMME LEVEL CHECK-LIST FOR ALL OPS	
ASPECT TO BE CHECKED	FINDING
(1) Programming phase	
1. Is the concept defined, in any way?	
2. If yes, how (copy+paste)	
3. Is this definition based on Romanian/European legislation/both/none?	
4. Is the definition making a distinction between gender equality and non-discrimination, accesibility?	
5. Which areas/topics as identified by the Inception Report are mentioned in the definition/approach etc? Are these mentioned also in the Europe 2020 Strategy? Are there areas/topics used by the document which are not identified in the IR/Europe 2020 Strategy?	
6. Which vulnerable groups as identified by the IR are mentioned in the definition/approach etc? Are these mentioned also in the Europe 2020 Strategy? Are there vulnerable groups used by the document which are not identified in the IR/Europe 2020 Strategy?	
7. Definition of the concept of Equal Opportunities within Guidelines (if any) that were published / distributed during the design phase of the Programme.	
(3) Implementation phase - Project selection	
8. Are there any specific provisions concerning Equal Opportunities principle in relation to the project selection process?	
(4) Implementation phase – Financial management and Control	
9. How is the concept instrumentalized during programme governance system?	
10. How is the concept instrumentalized during programme financial management process?	
(5) Implementation phase – monitoring	
11. Are there any “follow-up” arrangements made for the implementation of this horizontal principle? (the OP and the DCI describe these mechanisms, to be used in the implementation – guides for applicants/progress reports, monitoring – indicators , data collection methodology, and evaluation)	
12. How is the concept instrumentalized during programme implementation (including project monitoring)?	
13. How is the concept instrumentalized during programme monitoring?	
(6) Evaluation	
14. How is the concept instrumentalized during programme evaluation?	
15. Have any of the existing evaluations covered the Equal Opportunities principle? And what were the findings, if any?	
16. Are any evaluations planned in the field of Equal Opportunities based on the contents of the latest multi-annual evaluation plans?	
(8) Partnership principle	
17. How is the concept instrumentalized during programme “partnership” approach?	

KAI LEVEL CHECK-LIST FOR NON-TARGETED KAIS (INDIRECT IMPACT AND NON RELEVANT FOR EO)	
QUESTION	FINDING
(2) Implementation phase – Calls for proposals	
1. Is the concept of equal opportunities explained / defined in the Guidelines for Applicants?	
2. Have information and publicity actions addressed specifically the issues of Equal Opportunities / Vulnerable Groups?	
(3) Implementation phase – Project Selection	
3. How is the equal opportunities principle treated in the assessment process (eligibility criteria, selection criteria)?	
4. What is the weight, if any, of the score assigned to equal opportunities aspects over the maximum possible score?	
5. Are there any internal guidelines for assessors providing indications on how to score equal opportunities issues?	
6. Have training sessions (if any) for project appraisers covered also the scoring of Equal Opportunities issue?	
7. Are there any specific provisions in the contracts with project assessors related to the application of the Equal Opportunities principle?	
(5) Implementation phase – Monitoring	
8. How are equal opportunities principles treated in project monitoring templates?	
9. Are the indicators monitored at project level consistent with those monitored at Programme Level?	
10. Are there any specific reporting requirements related to Equal Opportunities?	
(6) Implementation phase – Project Implementation	
11. Do the project implementation guidelines provide any specific information concerning the implementation of the equal opportunities principle?	
12. Have any manuals / guidelines been produced concerning the application of the Equal Opportunities principle at project level?	

ADDITIONAL KAI LEVEL CHECK-LIST FOR TARGETED KAIS (DIRECT IMPACT)	
ANALYSIS	INFORMATION COLLECTED
1. The objectives and rationale of the KAI are in line with the Programme strategy (as defined in the OP and FID) and with the framework of Equal Opportunities within the evaluation)	Objectives and justification of the KAI
2. The application packages of targeted interventions are coherent with the objectives and justification of the KAI and are complete given the scope of the KAI and the call	- The guidelines contain specific conditions (eligible activities, beneficiaries, partners and target group - Financing request template
3. The monitoring system of the KAI and of the projects takes into account the provisions of the OP and FID	Coherence between KAI indicators and those in the Guidelines for Applicants
4. The assessment and selection process is adequate, in consideration of the provisions for the KAI included in the Application Package of the respective call	Verification of the phases of assessment and selection process and selection criteria
5. The expertise necessary in the assessment and selection process is identified coherently with the needs and the operations financed under the respective KAI	Selection procedure for identifying expertise in the assessment and selection process
6. The template for progress monitoring reports is adequate for physical monitoring of activities and for assessing the performance of the project	The template of the progress report allows for verification of the progress of activities and in the achievement of indicators
7. Support system for beneficiaries in the implementation of the project are coherent with the provisions of the OP/FID/Call for proposals and provide additional guidance concerning eligible activities, target groups and monitoring indicators	Support tools for beneficiaries contain explanation related to activities, target groups, monitoring indicators.

Annex 5: EQ2.3 Best, faulty practices and benchmarking

PHASE 1:

PROGRAMMING OF STRUCTURAL INSTRUMENTS

Romanian Best practice: SOP Human Resource Development

I. Methodology - The path to the best practice

The Programming Phase of SOP HRD is identified as a best practice in the implementation of the principle of equal opportunities in Structural Instruments, fulfilling six out of the seven criteria established to assess the sound integration of the principle:



II. Overview and description – What the best practice is all about

SOP HRD is one of the 7 Operational Programmes financed under the Convergence Objective of the EU Regional Policy in Romania with a total financial allocation of approximately EUR 4 bn. co-financed by the European Social Fund.

SOP HRD has been designed to address the thematic priority of the National Strategic Reference Framework 2007-2013 "Development and more efficient use of the human capital in Romania".

Coherently with the provisions of art 16 of EC Regulation 1083/2006, SOP HRD aims at mainstreaming the principle of equal opportunities in all the phases of its implementation starting from Programming.

Programming is hereby represented as best practice in consideration of the coherent and linear approach that was adopted in defining the needs of vulnerable groups in Romania and the strategy and measures to address them.

Fulfilment of criteria related to the Context analysis

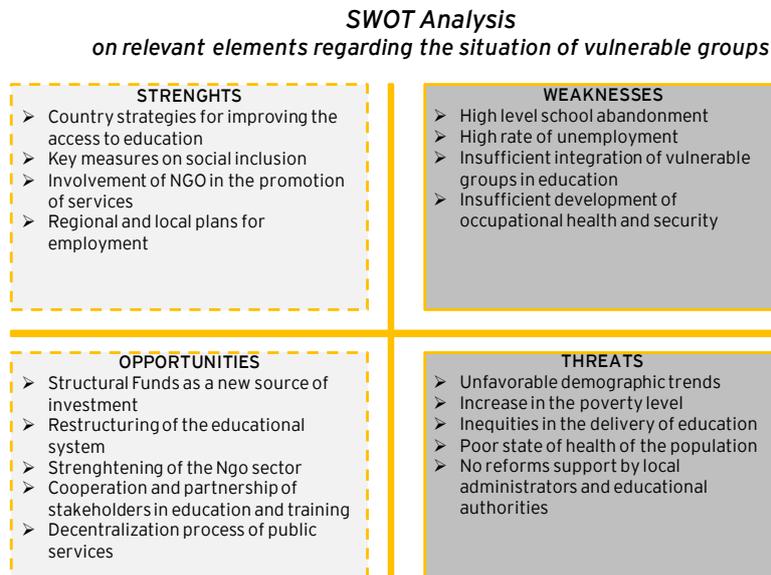
SOP HRD has been developed taking into account European and National strategic guidelines, documents and action plans related to human capital development which have been embedded in the national context through an analysis of the statistical baseline concerning the existing situation on social inclusion, education and employment issues.

Relevant data regarding equal opportunities issues and the socio-economic situation of vulnerable groups were collected through the National Institute of Statistics and analyzed under the 5 pillars of:

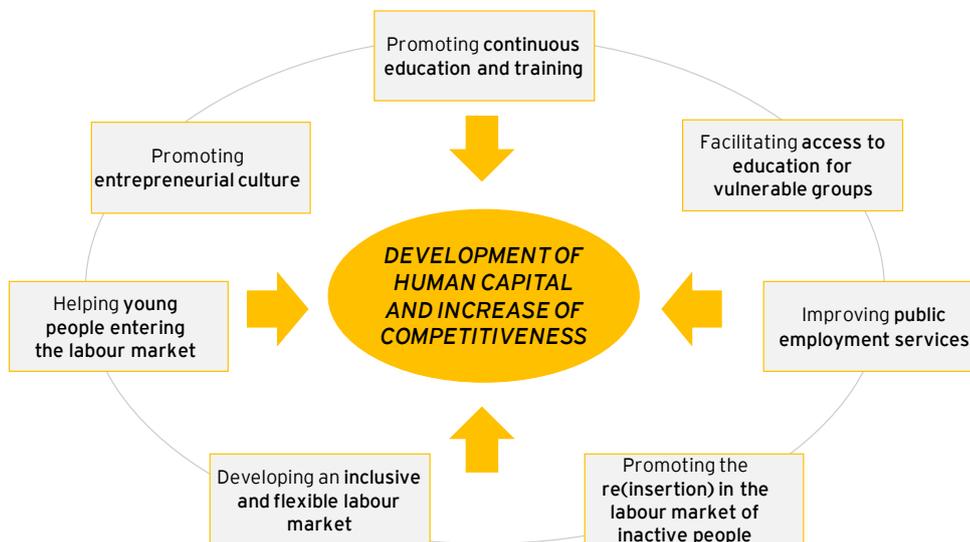
- Education;
- Employment;
- Social inclusion;
- Health;
- Lessons learned from the past.

Fulfilment of criteria related to the Strategy development

To deepen the knowledge on the current situation, a SWOT analysis was conducted in order to identify the strategic priorities relevant to equal opportunities to be addressed through the Programme. Based on such SWOT – which is represented below - SOP HRD decided to adopt a targeted strategy, whereby areas which have received support “have resulted from the *analysis of weaknesses* of human resources in Romania.



The focus on the weaknesses identified through the SWOT analysis - in particular on those related to equal opportunities and vulnerable groups - is reflected in terms of the specific objectives of the programme, that stem from the **general objective of “development of human capital and increase of competitiveness”**, as shown in the figure beneath:



Fulfilment of criteria related to the Design of interventions

In order to implement the specific objectives related to equal opportunities and addressing the conditions of vulnerable groups SOP HRD has adopted:

- **Targeted interventions:** interventions directly addressing vulnerable groups such as for example those aimed at improving access and participation for vulnerable groups on the labour market or the development of social economy. The nine targeted interventions, included in SOP HRD and listed in the table lower down, pertain to the spheres of:

- Employment;
 - Health;
 - Well being;
 - Social inclusion;
 - Education;
 - Training;
 - Fundamental rights;
- **Mainstreaming actions:** actions aimed at integrating the equal opportunities principle in the phases of project selection, monitoring, control and evaluation, thus ensuring that vulnerable groups may benefit of opportunities offered by the Programme even beyond the scope of target interventions.

Both approaches are aimed at ensuring opportunities for disadvantaged groups to access the labour market, retain employment, build vocational capacity through training and qualifications, access public services and improve their quality of life through the intervention of Structural Instruments.

Table 18: targeted KAIs

KAI	Specific Objectives related to Equal Opportunities	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	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 neighbourhood 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 market	Eliminate discrimination and discriminatory practices on multiple grounds including ethnic origin, disability or age.	Fundamental rights Employment: avoid discrimination 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

Fulfilment of criteria related to the Indicators

In order to measure the extent to which the programme objectives are achieved, SOP HRD has defined a set of output and result indicators aimed at capturing the specific achievements related to equal opportunities issues and vulnerable groups. For instance the Programme is keeping separate evidence of the number of persons benefiting of assistance in terms of gender, disability, age, or possible institutionalization in corrective institutions.

III. *Effects – The difference that counted*

Through substantial efforts, SOP HRD defined a robust and relevant statistical baseline, thanks to which the European and National priorities related to the Romanian human capital have been adapted to the current situation of vulnerable groups. These efforts led to the definition of an effective strategy addressing equal opportunities and the needs of disadvantaged persons, paving the way for the amelioration of their conditions.

IV. *Replicability - A lesson for the future*

The replicability of the approach of SOP HRD to Programming is mainly linked to the availability of reliable and updated socio-economic data relevant, both for the Programme as a whole and for the vulnerable groups that may be addressed through its interventions.

Therefore:

1. Addressing the issue in an early stage of programming would allow Managing Authorities to ensure the availability of a sound statistical baseline when defining the Programme specific objectives, in relation to Equal Opportunities and vulnerable groups.
2. Despite the fact that a Programme may not include targeted interventions, mainstreaming of equal opportunities should be considered already in the phase of programming and relevant indicators included in the Operational Programme.
3. These steps can pave the way for pursuing the principle in all phases of programme implementation, setting the conditions for a positive contribution to improving the life of vulnerable groups in the future.

V. *Conclusions*

SOP HRD has been identified as a best practice since it disclosed the positive outfalls of the proper approach to mainstreaming the equal opportunities principle in the programming phase.

A proper approach to equal opportunities is possible when data necessary for appropriate analysis and planning are available. Furthermore, SOP HRD teaches that the definition of programmes can give additional coherence and consistency to the interventions financed under Structural Funds.

Romanian Faulty practice: Sectoral Operational Programme Transport

I. Methodology - The path to the faulty practice

The Programming Phase of SOP Transport is identified as a bad practice in the implementation of the principle of equal opportunities in Structural Instruments, fulfilling none of the seven criteria established to assess the sound integration of the principle:



II. Overview and description – What the faulty practice is all about

SOP T distinguishes as a less good practice from the point of view of the application of the equal opportunity and non-discrimination principle in the Programming phase, due to the low level of consideration of these aspects in the context analysis, strategy development and design of interventions.

Non Fulfilment of criteria related to Inception of Programming and Context analysis

SOP Transport includes an analysis of the current situation concerning transport infrastructure in Romania, which does not intersect with any issue related to equal opportunities. Despite the fact that it can be agreed that this type of intervention does not have any direct impact on equal opportunities issues or vulnerable groups, the Programme has the capacity to intervene on macro and context variables of the territory that account also for such dimensions.

Taking into account that the general objective of the Programme is to "promote a sustainable transport system in Romania, which will facilitate safe, fast and efficient *movement of persons* and goods with appropriate level of service at European standards, nationally, Europe-wide and *between and within Romanian regions*", the context analysis could have included such data as the level of occupation and unemployment with breakdown by gender and region, indicators of poverty by Region, distribution of the population with disability by Region, i.e. of those variables that may in the long run register a change induced by the Programme intervention.

Non Fulfilment of criteria related to Strategy Development

The chapter of SOP T dedicated to the strategy identifies in general terms the coherence with the Lisbon Strategy and with the Community strategic guidelines for cohesion policy in support of growth and jobs for 2007-2013.

The Programme acknowledges that equality opportunities are a major issue affecting the evolution of the economy and the society in Romania and that access to employment opportunities in the transport sector is still characterized by gender disparities. The programme proves awareness on equality matters and mentions measures (without being specific in this sense) for granting equal access to labour for women, Roma and migrants during the construction phases of the SOP T projects (specification made in the FID).

Equal access is envisaged also as regards the MA SOP T human resources policy and under the programme TA PA, as presented in the FID. 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.

On the other hand the Programme Strategy does not seem to capture the overarching indirect positive contribution to the achievement of equal opportunities that the improvement of transport infrastructure and services may have in terms of removal of barriers to mobility. Better infrastructure can contribute to the increase of competitiveness of productive sectors, accessibility and attractiveness of less developed territories where women, disabled persons and minorities are facing even greater challenges and further promote life-work balance and increase employment opportunities for lower income population.

In synthesis, failing to acknowledge these aspects means not recognizing the possible contribution that the Programme may have in improving the conditions of disadvantaged groups and promoting more generally equal opportunities.

Non Fulfilment of criteria related to Programme indicators

Given the nature of the interventions the non fulfilment of these criteria does not have to be considered a bad practice.

Non Fulfilment of criteria related to Design of interventions

Given its strategic objectives, SOP Transport does not foresee any targeted intervention addressing vulnerable groups. The Programming document contains a general statement according to which special attention shall be paid in ensuring that actions will be undertaken to keep the equality principle between genders, vulnerable groups such as Roma, the disabled and immigrant population. On the other hand the Programme does not reinforce in any manner aspects related to the physical accessibility to built infrastructure on behalf of disabled persons, not even in terms of respect of the minimum legal requirements.

III. Conclusions

The lack of a specific focus on equal opportunities issues in the Programming phase has resulted in a lower level of attention also during the following phases of Programme implementation⁶⁷ such as launching of calls for proposals, selection process, monitoring, evaluation, partnership principle.

Despite the fact that the effects of this type of Programme on equal opportunities issues are of indirect nature a more focused approach starting from the Programming phase could have been adopted starting from the aspects of accessibility to built infrastructure.

⁶⁷ This conclusion was drawn after analyzing all 7 phases in the framework of this programme. Despite having a potential impact on particular topics and vulnerable groups, especially disabled, SOP T hasn't considered paying more attention to it in terms of design of interventions, its monitoring, evaluation and reporting.

EU Best practice:

ESF National Operational Programme for Convergence Regions “Governance and System Actions”, Italy

The overall objective of the Programme “Governance and System Actions” is to support institutional and governance capacity for the achievement of the European objectives of lifelong learning and occupation and for promoting and strengthening in the national context innovation, quality and integration of education training and labour systems.

One of the specific objectives of this Programme is the “Promotion and strengthening of equal opportunities and combating any form of discrimination” through a dedicated Priority Axis entitled “*Equal Opportunities and non-discrimination*” aimed at capitalizing on one hand upon experiences of the Programming period 2000-2006 concerning equal opportunities between men and women and on the other hand to build based on the priorities set for the new programming period 2007-2013 new paths of intervention, both through mainstreaming actions widening the scope of intervention from gender equality to all the other forms of discrimination, with particular reference to aspects related to learning and employment. The Strategy of this Priority Axis takes into account all community and national guidelines related to the respect of the equal opportunities principle, thus addressing both the scope of intervention of the ESF and the existing cultural barriers.

The Intermediary body appointed for the implementation of this Priority Axis is the Department for Equal Opportunities and Non-discrimination. DPO is a Department of the Presidency of the Council of Ministers of the Italian Government. Among others, it covers a fundamental role with respect to the full exploitation of opportunities and resources provided by European Funds, at national and regional level, in the fields of equal opportunities and non-discrimination.

In accordance with art. 16 of the General Regulation, DPO has assumed two specific objectives. The first one consist in “further pursuing and broadening support processes in the implementation of the equal opportunities principle between men and women in the field of occupation, training and in the socio-economic system” thus resulting in such actions as:

- ▶ implementation and consolidation of system actions concerning monitoring and evaluation under a gender perspective
- ▶ support to gender balance initiatives

The second specific objective consists in “overcoming stereotypes referring to forms of discrimination based on race, ethnic origin, religion, personal beliefs, disabilities, age and sexual orientation” resulting in such actions as:

- ▶ Experimentation of transferability of operational guidelines for carrying out evaluation under a gender perspective and evaluations that are sensitive to other forms of discrimination
- ▶ Implementation and consolidation of system actions concerning monitoring and evaluation under a gender perspective.

PHASE 2:

LAUNCHING OF CALLS FOR PROPOSALS

Romanian Best practice: SOP Environment

I. Methodology - The path to the best practice

The Phase of Launching of Calls for Proposals of SOP Environment is identified as a best practice in the implementation of the principle of equal opportunities in Structural Instruments, in particular concerning Information and Publicity activities, fulfilling the 2 respective criteria:



II. Overview - What the best practice is all about

The Sectoral Operational Programme Environment 2007-2013 is one of the seven Programmes financed under the Convergence Objective of the EU Regional Policy in Romania with a total financial allocation of EUR 4.5 billion. The global objective of the SOP ENV is to **improve the living standards and the environment**, focusing in particular on meeting the environmental acquis by financing:



In order to inform all potential beneficiaries and Romanian citizens about the role of the Programme, the available financing opportunities and the potential benefits that the investments may lead to, the Programme has adopted and implemented a communication plan foreseeing a mix of tools such as a Programme website, dissemination events, publications and the use of media.

In this context, in the year 2011 the MA of SOP Environment deployed a national promotional campaign about the Programme in Romanian language. Such campaign included diffusion activities and the preparation of branding material, in order to evaluate the national impact of the Programme.

Since the results of the above mentioned campaign showed a 34% popularity rate of SOP Environment among the urban population in the age group 18-65, the MA decided to roll-out another campaign, this time **targeting ethnic minorities through the use of dedicated media channels**, with the aim of increasing the level of awareness about the Programme among the general public.

Such new campaign, implemented between March and August 2012, pursued the general objective of “ensuring access to information about SOP Environment, in an equal and non-discriminatory manner in the language of the national minorities for which media channels exist”. Thanks to the launch of this campaign, the wide public got informed - both in Romanian and in the languages of national minorities - on the objectives, importance and priorities of the development and modernization of environmental infrastructures.

III. Description - How was it done?

First of all, the project consisted in the adaption of the media concepts of the Programme developed within the previous national campaign, into the languages of the ethnic minorities for which dedicated media channels were already present and, therefore, in the development of a media plan.

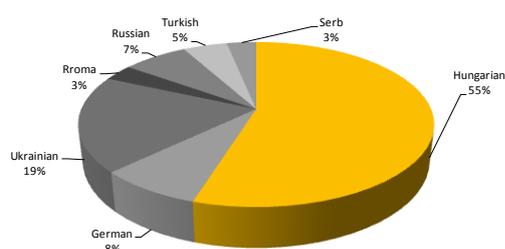
The selected languages were seven:

- ▶ German;
- ▶ Hungarian;
- ▶ Russian;
- ▶ Ukrainian;
- ▶ Turkish
- ▶ Roma;
- ▶ Serbian.

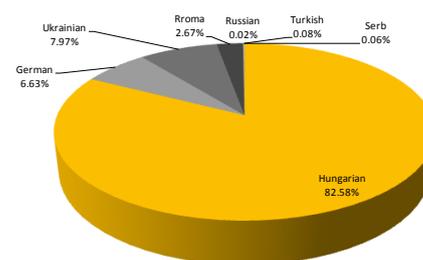
The media plan was rolled out between April and June 2012. In such period a total of 5231 radio spots of the duration of 40 seconds each were broadcasted through 54 radio stations, covering 24 of the 41 Romanian counties. At the same time, the appearances in the press were in total 310 through 30 newspapers, one of which with national coverage.

The distribution of audio and press appearances by ethnic minority, is shown in the following charts:

Distribution of audio spots by language:



Distribution of press spots by language:



“WE INVEST IN ENVIRONMENT. WE BELIEVE IN THE FUTURE”. So recited the slogan developed within the first promotional campaign (2008 – 2009), which was adopted also in the targeted campaign with the aim of both ensuring the recognition of the Programme and maintaining the powerful visual identity already gained.

Therefore, the SOP Environment represents a best practice in the phase of Launching of Calls for Proposals, particularly in relation to information and publicity activities targeting vulnerable groups since:

- ▶ It is the first initiative launched in Romania under Structural Instruments addressing national language minorities;
- ▶ It aims at ensuring free, equal and unrestricted access to information in relation to the financing opportunities available within the Programme.

IV. **Effects – The difference that counted**

As shown in the picture below, the implementation of the information campaign of SOP Environment – in conformity to the provisions of art. 16 of Regulation 1083/2006 of the General Regulation related to gender equality and non-discrimination - generated several positive impacts, which will eventually contribute to rebalancing the negative effects of other forms of discrimination affecting disadvantaged categories.

Information campaign of SOP ENVIRONMENT	
Equal and unrestricted access to information	
Equal access to the Programme for all its potential beneficiaries, independently from their belonging to ethnic groups, either minorities or majorities	
Financial assistance granted exclusively on the grounds of selection criteria and quality of the project applications	
Removal of unjustified barriers	
Efficiency and effectiveness of the Programme reached at both national and regional level	

For instance, thanks to the water and waste collection infrastructure financed through the SOP, minority groups may benefit in terms of socio-economic aspects.

V. **Replicability - A lesson for the future**

The promotional campaign in the language of national minorities is a best practice that can be easily replicated in the framework of other Operational Programme, by transposing the existing information and publicity material (e.g. radio spots, websites, brochures) in the languages of ethnic minorities.

One of the lessons learned is represented by the importance of carrying out impact evaluations of communication activities. These evaluations, in fact, can support the better planning of future communication activities as in this case, where the evaluation of national promotional campaign lead to the launching of a targeted communication campaign addressing ethnic minorities. Political support should also be considered as an important success factor in this context.

The translation of promotional campaigns in the language of minorities facilitates access of vulnerable groups to Structural Instruments, thus resulting in a greater awareness and interest in the Programme.

VI. **Conclusions**

The removal of the language barriers faced by ethnic minorities concerning the financing opportunities available under SOP Environment is an example of best practice because the initiative:

- ▶ Applies adequately the principle of equal opportunities
- ▶ Ensures equal access to information to all the potential benefits of Structural Instruments.

EU Best practice:

Best practice “Equal Opportunities Good Practice Guide: Equality in Practice – Making it work” - Scotland

The Guide, published by the Scottish ESF Objective 3 Partnership Ltd, has been designed to provide projects with an easy-to-use manual to help ensure that mainstreaming equal opportunities takes place at each stage of project design and delivery, and to share the extensive experience of mainstreaming equal opportunities in projects funded by the European Structural Funds in Scotland.

All projects should incorporate equal opportunities issues as a condition of Structural Funds support and the Guide is intended to show how equality issues can be built into different types of projects and at different stages. It has been designed as a reference manual for project developers and project managers. The Guide is developed into three main sections:

- ▶ A background to the Scottish approach to mainstreaming equal opportunities,
- ▶ A step-by-step guide to how equality issues can be mainstreamed into different types of projects at the design and the delivery stages,
- ▶ Good practice examples and case studies taken from a range of projects.

The Guide provides examples from the five Structural Fund Programmes, and the four Community Initiative Programmes active in Scotland in the period 2000-2006.

The Guide follows project activity through different parts of a life-cycle and shows ways that equal opportunities considerations can be built in - from project development and design, through consultation, delivery, monitoring and evaluation. Examples are given from real projects to reflect the variety of activity funded through the Programmes, and show how equal opportunities can be incorporated into different types of projects.

The Guide is not meant to be just a tick-list for projects. Not all of the practical suggestions on how to address equality issues will be relevant to every project, but the suggestions allow projects to choose which of these may be relevant to their project activity, to their organisation, and to their style of partnership working. This can help develop an approach to mainstreaming equality which is tailored to projects.

The Guide looks at all aspects of project design and project delivery and gives project examples covering:

- ▶ What are some of the equality issues?
- ▶ What would help?
- ▶ Examples of how equal opportunities can be built more effectively into activity from Structural Fund projects.

This Guide takes examples of different types of activity from real projects such as:

- ▶ Business start-up and Business growth, Research and development
- ▶ Community economic development (CED), Rural development, Urban Development
- ▶ Sites and premises and infrastructure, Tourism
- ▶ Training for employed people, Training for non-employed people

Examples show how projects have incorporated equal opportunities issues:

- ▶ Recognition that not all groups and individuals have the same requirements and support needs
- ▶ Flexible delivery of support and training to take account of care and employment responsibilities
- ▶ Early consultation with groups and individuals to deepen understanding of needs and support required
- ▶ Using publicity, marketing, and training materials which use inclusive language and images
- ▶ Addressing accessibility issues, including physical access issues for those with mobility or sensory impairments; and accessible materials
- ▶ Promoting positive messages about equal opportunities
- ▶ Working with partners and employers to develop equal opportunities strategies.

Best practice “Equal Opportunities Good Practice Guide: Equality in Practice – Making it work” - Scotland

Source:<http://www.scotland.gov.uk/Topics/Business-Industry/support/17404/StructuralFunds2007-201/HorizontalThemes/EOGuidance>

PHASE 3:

PROJECT SELECTION

Romanian Faulty practice: Operational Programme Technical Assistance

I. Methodology - The path to the faulty practice

The Project Selection Phase of OPTA is identified as a bad practice in the implementation of the principle of equal opportunities in Structural Instruments, fulfilling none of the criteria established to assess the sound integration of the principle:



II. Overview and description – What the faulty practice is all about

OP TA is a programme with high potential impact on the implementation of the principle of equal opportunities and non-discrimination, especially through some of its activities such as horizontal trainings, studies and evaluation, SMIS. OP TA is hereby presented as a faulty practice in relation to the lack of focus on equal opportunities issues in the project selection phase.

Non Fulfilment of criteria related to Eligibility and Assessment and Selection (elements 1, 2)

The Framework Implementation Document (FID) of OP TA does not define any selection criteria for the project applications other than the respect of national and community policies and coherence with the Programme Objectives, affirming that the Managing Authority will select applications based on verification lists included in internal Procedures and in the Guidelines for Applicants.

The Guidelines for Applicants however do not include any additional details about eligibility and selection criteria despite those already included in the Operational Programme. As a result, in an equal opportunities perspective, both the eligibility and the selection process are taking into account exclusively the respect of national and community legislation in place.

III. Conclusions

The lack of specific eligibility and selection criteria related to equal opportunities, limits the potential impact on equal opportunities that OP TA could have specifically in terms of mainstreaming actions. The respect of the minimum legal requirements could be formulated at least in a more explicit manner and the selection process could foresee at least under certain type of operations additional scoring for projects promoting equal opportunities.

European Best practice:

Progress Call For Proposals VP/2012/007: Call For Proposals For Social Policy Experimentations, European Commission: DG Employment, Social Affairs and Inclusion

PROGRESS is the European Union (EU)'s employment and social solidarity programme set up to provide financial support for the attainment of the EU's objectives in employment, social affairs and equal opportunities. Besides eligibility and selection criteria specific to the calls for proposals it issues (which may contain specific reference to gender or other discrimination), it requires that all activities take into consideration gender mainstreaming, needs of disabled people and equal opportunities for all in the selection and composition of the projects' team. As an example, the clause included in the call VP/2012/007, easily transferable to any programme, reads as follows:

Requirements on how the activities shall be carried out

The PROGRESS Programme aims to promote gender mainstreaming in all its five policy sections and supported activities. Consequently, the Beneficiary shall take the necessary steps to ensure that:

- ▶ Gender equality issues are taken into account when relevant for the drafting of the proposal by paying attention to the situation and needs of women and men;
- ▶ Implementation of proposed activities includes a perspective informed by a systematic consideration of the gender dimension;
- ▶ Performance monitoring includes the collection and gathering of data disaggregated by sex when needed;
- ▶ Its proposed team and/or staff respects the gender balance at all levels.

Equally, needs of disabled people shall be duly acknowledged and met while implementing the proposed activities. This will ensure in particular that where the Beneficiary organises training sessions and conferences, issues publications or develops dedicated websites, people with disabilities will have equal access to the facilities or the services provided. Finally, the Contracting Authority encourages the Beneficiary to promote equal employment opportunities for all its staff and team. This entails that the Beneficiary is encouraged to foster an appropriate mix of people, whatever their ethnic origin, religion, age, and ability. The Beneficiary will be required to detail in its final activity report the steps and achievements made towards meeting these contractual requirements.

PHASE 4:

FINANCIAL MANAGEMENT AND CONTROL

European Best practice:

Gender budgeting, Italy

Gender budgeting experiences have been developed in Italy starting from the year 2000. They have been prevalently realised at local level, municipal and provincial, and in some cases at regional level. There has also been a national level initiative which consisted in the gender analysis of the economic and financial programming of 2008 (State Budget Law 2008). Most of the projects were supported by the ESF.

The local level of experimentation has given rise, since 2002, to “Provinces and Municipalities Network for the dissemination of Gender Budgeting analysis and good practices promoting equal opportunities” which has the task of disseminating gender budgeting model and all those initiatives aiming at reaching equal opportunities and substantive equality between women and men. This institutional network has contributed significantly to the diffusion of gender budgeting experimentation in Italy which now reaches about 60 experiences.

Some of these institutions have promoted gender analysis of budget documents; others, in addition to, and through the analysis, have made proposals for improvements as for the distribution of resources to women; some institutions have implemented these initiatives with a certain regularity over the years; some have elaborated guidelines and training modules on the issue addressed to their councillors, directors and officials; some have defined gender-sensitive indicators of public spending; all of them have promoted actions of awareness and involvement of all the key actors on the theme of gender budgeting.

The competences of local authorities concerned with gender budgeting initiatives have been: territorial planning and programming, the environment, agriculture, manufacturing, public works, vocational training, education, social policies, culture, sport and the internal organization of the same institution. Several of these areas have also experienced modalities of integration between gender budgeting and social budgeting.

In this context, it is interesting to recall the experience coordinated at national level by Isfol since 2002 as a follow up of the action “Use of resources according to a gender perspective in the ESF programming”. After a project involving 3 provinces in the past programming period, the action in 2007-2013 is targeted at Regional Administrations and promotes the internalization of gender dimension in all the phases of implementation of the budgetary procedure starting from the regional budget planning tool. The intent is to start and facilitate a process for making the procedures of planning and economic-financial reporting more transparent and provide forms of more equitable distribution of resources between women and men.

For a selection of experiences, see: <http://www.civit.it/?p=4517>

Sources: www.pariopportunita.gov.it; www.retepariopportunita.it; www.isfol.it

PHASE 5 MONITORING

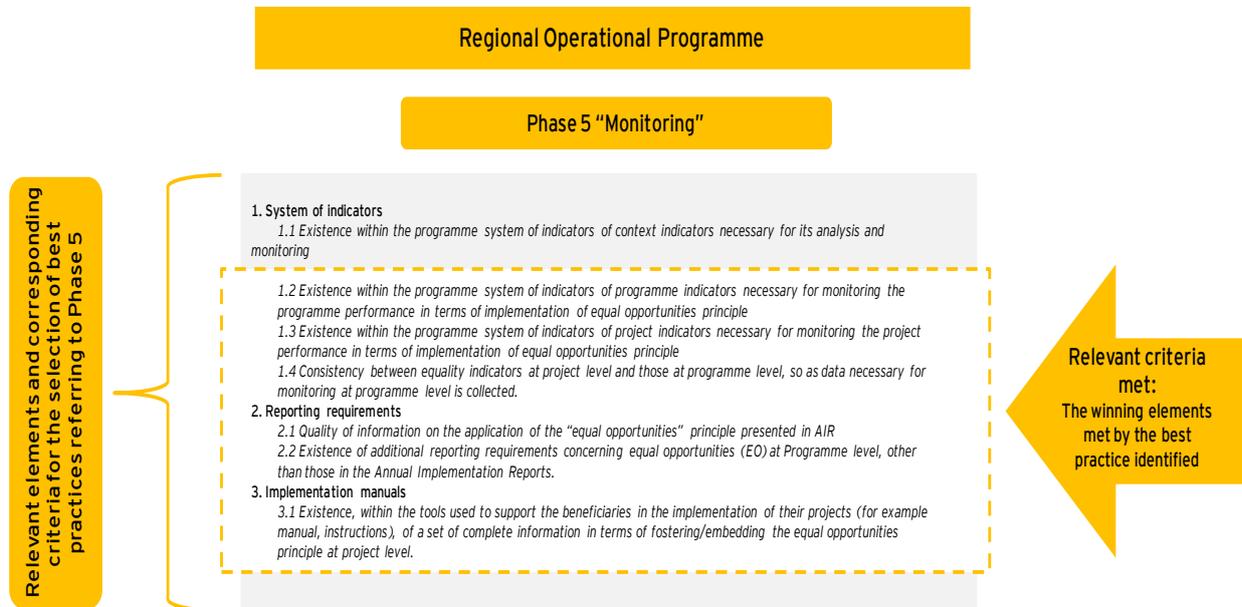
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PHASE 6 EVALUATION

Romanian Best practice for monitoring: Regional Operational Programme

I. Methodology - The path to the best practice

The Monitoring Phase of ROP is identified as a best practice in the implementation of the principle of equal opportunities in Structural Instruments, fulfilling six out of the seven criteria established to assess the sound integration of the principle:



II. Description and overview - What the best practice is all about

ROP is one of the 7 Operational Programmes financed under the Convergence Objective of EU Regional Policy in Romania, with a financial allocation of over EUR 4 billion, its strategic objective being supporting the economic, social, territorially balanced sustainable development of Romanian Regions.

In relation to Equal Opportunities, ROP affirms that its interventions - as well as the implementation system - shall provide for appropriate measures in order to ensure accessibility for beneficiaries, without any discrimination based on sex, racial and ethnic origins, religion, age, disabilities and sexual orientation.

Moreover, this overall objective is also detailed in a number of specific objectives that identify the thematic areas of intervention of the Programme relevant to equal opportunities:

- ▶ Ensuring the balanced participation of men and women in the labour market
- ▶ Ensuring equal opportunities in education and vocational training
- ▶ Encouraging women entrepreneurs
- ▶ Reconciliation between family and professional life
- ▶ Ensuring access to social infrastructure for vulnerable groups
- ▶ Ensuring the balanced participation of men and women in decision-making process
- ▶ Ensuring upgraded equipped infrastructure for pre-university education for disadvantaged children
- ▶ Ensuring students modernized infrastructures for pre- university education

Fulfilment of criteria related to the system of indicators (criteria 1.2, 1.3 and 1.4)

In order to ensure an adequate monitoring of the contribution of the Programme to the implementation of the equal opportunities principle, the Managing Authority has included in the system of indicators a set of supplementary ones aimed at capturing the effects produced by financed interventions on vulnerable groups (particularly women, disabled persons and Roma).

<p>PA 1: Support to sustainable development of urban growth poles</p>	<p>PA 3: Improvement of social infrastructure</p>
<p>KAI 1.1: Integrated urban development plans</p> <ul style="list-style-type: none"> ▶ Number of jobs created with breakdown by gender, rroma ethnics, people with disabilities ▶ Number of benefiting of services provided by rehabilitated/modernized social services detailed by a) children, aged persons, persons with disabilities, drug addicts, ex-convicts, persons that have suffered of abuses; b) rroma people; c) men/women ▶ Number of persons reintegrated on the labour market, detailed by men/women, rroma and people with disabilities 	<p>KAI 3.1: Rehabilitation, modernisation and equipping of the health services' infrastructure</p> <ul style="list-style-type: none"> ▶ Number of men/women that have benefited of medical services offered by rehabilitated/equipped medical units <p>KAI 3.2: Rehabilitation, modernization, development and equipping of social services infrastructure</p> <ul style="list-style-type: none"> ▶ Number of persons reintegrated on the labour market, detailed by men/women, rroma and people with disabilities
<p>PA 2: Improvement of regional and local transport infrastructure</p>	<p>PA 4: Strengthening the regional and local business environment</p>
<p>KAI 2.1: Rehabilitation and modernization of county roads and urban streets network</p> <ul style="list-style-type: none"> ▶ Number of jobs created in the project execution period detailed by men/women, rroma 	<p>KAI 4.3: Support the development of micro-enterprises</p> <ul style="list-style-type: none"> ▶ Number of jobs created in the project execution period detailed by men/women, rroma

It is important to underline that applicants are required to detail in the financing application the contribution of their projects to the promotion of equal opportunities (which is subject to scoring).

At the same time, they must report progress made in their achievements, which is subject to monitoring by means of periodic reporting on behalf of beneficiaries and during on-site visits.

Fulfilment of criteria related to Implementation manuals (criterion 3.1):

The monitoring and implementation of the principle of equal opportunities has been supported through the dissemination of the “Booklet on Equal Opportunities and Non-discrimination”, which contains practical information for the implementation of the equal opportunity principle during the phases of project preparation, implementation, monitoring and evaluation.

Fulfilment of criteria related to Reporting requirements (criteria 2.1 and 2.2):

The strong commitment of the Programme in relation to the promotion of Equal Opportunities is reflected in the level of relevant information included in the Annual Implementation Reports (AIR).

The 2011 AIR, for instance, accounts for the active engagement of Programme Stakeholders in relation to Roma issues, in terms of participation to national conferences, consultations with the European Commission and identification of potential courses of action for better approaching the integration of Roma population in the future programming period, transport

It also includes some examples of interventions financed under the Programme and their specific effects, quantified in terms of indicators, on relevant categories of vulnerable groups.

Evidence of the focus of ROP on equal opportunities issues is confirmed by the activities of the Monitoring Committee of the Programme, whose members include organizations representative of vulnerable groups.

To better understand the contribution of the interventions financed so far under the RO to the “National Strategy for Roma people”, during Monitoring Committee meetings specific attention is paid in presenting the results achieved by ROP projects targeting Roma communities.

III. Effects – The difference that counted

The system of indicators of ROP enables the monitoring of the implementation of the equal opportunities principle from project to Programme Level, with specific attention on women, disabled persons and persons of Roma ethnics.

The monitoring system as well as the practical guidance provided in the “*Booklet on Equal Opportunities and Non-discrimination*” have paved the premises for the effective application of the principle at beneficiary level, ensuring that disadvantaged groups have access to the infrastructure, goods and services created by the Programme and that they improve overall their quality of life.

IV. Replicability - A lesson for the future

The example provided by ROP shows that the effective monitoring of equal opportunities may be achieved under any Operational Programme by:

1. Defining a set of indicators comprising relevant indicators for equal opportunities that are coherent from Programme to project level;
2. Providing the right tools to beneficiaries in order to ensure the understanding of equal opportunities issues and the related monitoring requirements;
3. Ensuring an active monitoring focused on assistance to beneficiaries in complying with the equal opportunities principle during project implementation;
4. Enhancing the type and quality of relevant information made available to Programme stakeholders both through Annual Implementation Reports and within Monitoring Committees.

Furthermore, it is relevant to ensure a coherent approach between the monitoring of equal opportunities and other key phases of the Programme lifecycle in terms of:

- ▶ Evaluation and scoring of financing applications by specific indicators, output and result indicators;
- ▶ Assisting the beneficiaries in the implementation of such projects;
- ▶ Programming intended for equal opportunities, in particular, based on the analysis of needs;
- ▶ Promotion of successful projects, which will eventually be replicated at the level of other beneficiaries;
- ▶ Ensuring continuity among programming exercises in order to reach sustainability of results.

V. Conclusions

The monitoring system of the Regional Operational Programme is considered a best practice in the structural funds management in Romania by the fact that **it includes a comprehensive system of indicators focused on equal opportunities, disaggregated by gender, ethnic origins, disabilities and age.**

The approach adopted for monitoring equal opportunities

- ▶ is coherent with the overall strategy of the Programme in addressing vulnerable groups;
- ▶ has resulted in the coherent mainstreaming of the principle in different phases of the Programme life-cycle, as well as in an early definition of the targeted approach to be adopted in the new Programming period.

EU Best practice for Monitoring and Evaluation:

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

ISFOL is a public research institute that is entrusted by the Department for Equal Opportunities and Non-discrimination (DPO) with the implementation of specific actions under the Priority Axis “Equal Opportunities and non-discrimination” of the “Governance and System Actions” presented as best practice in Programming. Since 2002, ISFOL **developed an evaluation model** useful to give evidence of the different effects (at the main stages of implementation: realization-result-impact) of public policies on men and women according their conditions (for example: age, marital status, education/degrees, parenthood, presence of other non self-sufficient people, etc.).

The field of public policies concerned by the above mentioned model were that of policies co-financed by the ESF, that is to say employment, vocational training and, in general, development of human resources policies. Since then, the model has been disseminated, tested in cooperation with national and regional Authorities, updated and applied.

Research reports and guidelines have been produced and disseminated, concerning equal opportunities mainstreaming as a whole, as well as specific aspects, namely reconciliation of work-family life, gender sensitive **monitoring and evaluation indicators**, gender sensitive assessment of public resources allocation.

DPO and ISFOL are attempting, within ESF 2007-2013 Funds’ opportunities, to exploit the experience gained in the field of gender evaluation in order to extend it to other discriminations. Given the sensitivity of the problems encountered by the different groups at risk of discrimination, ISFOL is coordinating a complex partnership, participated by representatives of these vulnerable groups (NGO’s, Trade Union, Associations) with the aim of analyzing if and how gender specificities differ (or not) from other discriminating specificities and how this may be included in evaluation criteria.

Sources: www.pariopportunita.gov.it; www.retepariopportunita.it; www.isfol.it

PHASE 7

PARTNERHSIP PRINCIPLE

EU Best practice:

Mainstreaming Integration Act, Finland

Although not directly developed within the Framework of Structural Instruments, the Finnish Equality Act 2004 provides an example of best practices in the mainstreaming of Equal Opportunities in the partnership principle which can be replicated under Structural Instruments.

The Finnish Equality Act 2004 places a general obligation on public authorities to promote equality. This, in essence, requires the mainstreaming of equality considerations on the grounds of age, ethnic and national origin, nationality, language, religion, belief, disability, state of health, sexual orientation, and 'any other status'. In 2009 the Ministry of the Interior piloted this mainstreaming in drawing up a new Integration Act. This was a one-off exercise. Participation was the tool used in this initiative. Screening is also to be used when a long term approach is established.

The objective of non-discrimination/equality mainstreaming of the Integration Act was to ensure that the Act supported good ethnic relations. It also aimed to promote equality for a diversity of immigrants, through positive action and measures to advance their representation at all levels.

The Ministry of the Interior established a broad based steering committee for this mainstreaming. Members were drawn from relevant Ministries, regional and local administrations, non-governmental organisations, equality bodies, social partners and others. Five different sub-groups were established including one on 'Equality and good ethnic relations'. This subgroup involved non-governmental organisations representing people with disabilities, older people, immigrants, and young people. The sub-group:

Prepared guidelines on equality and non-discrimination for the new Act.

Analysed the draft Act from an equality perspective and proposed changes in the draft Act to the steering committee and underlined the importance of appropriate language.

Carried out a gender impact assessment and an equality impact assessment on the new Act.

The tools designed for the project were:

- ▶ **Participation:** The participation of non-governmental organisations is the central tool in this approach to non-discrimination/equality mainstreaming. Nongovernmental organisations provided information, knowledge and analysis to the policy making process through the 'Equality and good ethnic relations' subgroup. Broader consultation to discuss and react to the draft Act was also organised with the general public, nongovernmental organisations, researchers and local authorities.
- ▶ **Screening:** It is envisaged that, in the longer term, screening will be used to assess which pieces of legislation should be subject to this mainstreaming. This screening will be based on assessing if there are inequalities in the policy area or if there are opportunities for promoting equality through the policy area.

As a support tool, the Government is preparing a guide for the equality impact assessment of new legislation. The approach developed for the new Integration Act provides learning for this guide. A guide on gender impact assessment is already available. The participation of the target groups for the Integration Act in the drafting process is key to the success of this approach.

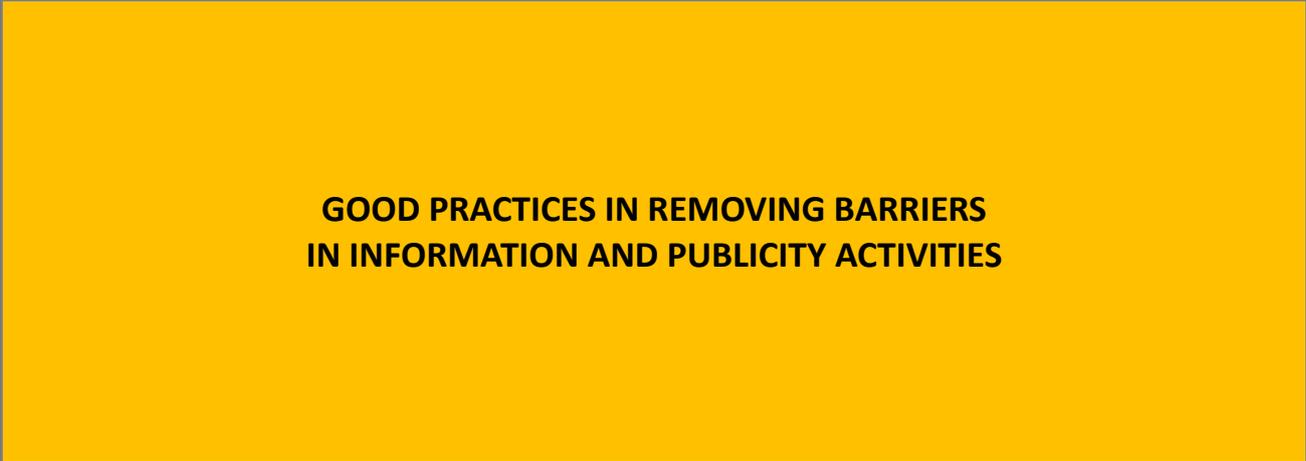
Source: European Commission – Justice; Compendium on Practice Non Discrimination/Equality Mainstreaming, Luxembourg, 2011

http://ec.europa.eu/justice/discrimination/document/index_en.htm

Annex 6: EQ3 Barriers in access to Structural Instruments financing

N.	ELEMENTS REDUCING BARRIERS IN ACCESSING FINANCE ON BEHALF OF VULNERABLE GROUPS	AGE		RELIGION/ BELIEF	SEXUAL ORIENTATIO N	DISABILITY	RACIAL/ ETHNIC ORIGIN
		YOUNG PEOPLE	AGED PEOPLE				
1	INFORMATION AND PUBLICITY ACTIVITIES						
1.1	Findings of Q2, related to the selection criteria of Phase 2 “Calls for proposals”: <ul style="list-style-type: none"> sub-criteria 5 “Launching of calls for proposals – information and publicity” 						
1.2	MEANS USED: information concerning available financing is channeled through a variety of means including both: <ul style="list-style-type: none"> Traditional media: press, television, brochures, handouts, public events (locations ensure accessibility) Web: based on the international web content accessibility guidelines of the W3C 						
1.3	STAKEHOLDERS INVOLVED: information concerning available financing is channeled also through organizations that have strong links with vulnerable groups, e.g.: <ul style="list-style-type: none"> establishing agreements with umbrella organizations of vulnerable groups outsourced media campaign 						
1.4	USE OF LANGUAGE: the language used in information and communication activities takes into account specificities of vulnerable groups, e.g.: <ul style="list-style-type: none"> promotional campaigns in language of minorities use of simple language for providing basic information about available opportunities 						
1.5	REFERENCE TO VULNERABLE GROUPS: the information and publicity campaigns make explicit reference to the pursuit of the equal opportunities principle						
2	CALLS FOR PROPOSALS						
2.1	Findings of Q2, related to the selection criteria of Phase 2 “Calls for proposals”: <ul style="list-style-type: none"> sub-criteria 2 “Explanation of EO principle” sub-criteria 3 “Financing Request – content to be provided” sub-criteria 4 “Monitoring requirements” sub-criteria 6 “Submission mechanism” sub-criteria 7 “Project generation” 						
2.1	USE OF LANGUAGE: the calls for proposals avoid the use of discriminatory language, e.g.: sexist language, use of his/her, language denigrating minorities						
2.2	SUBMISSION MECHANISMS (Operational aspects): the submission mechanisms provide for multiple options serving the needs of all vulnerable groups, including: <ul style="list-style-type: none"> Web based submission Traditional paper-based submission taking into account physical accessibility issues 						
3	PROJECT SELECTION						
3.1	Findings of Q2, related to the selection criteria of Phase 3 “Project selection”						
4	ELEMENTS RELATED TO PROJECT IMPLEMENTATION						
3.1	10% FLEXIBILITY RULE: the implementing provisions provide for the flexibility facility between ERDF and ESF according to Art. 34 (2) of the general regulation, e.g.: <ul style="list-style-type: none"> under ESF Programmes allow eligibility of costs related to infrastructure or equipments under ERDF Programmes allow eligibility of costs related to training of employees with disabilities 						
3.2	FINANCIAL MECHANISMS: there are accompanying measures aimed at easing financial constraints faced by vulnerable groups: <ul style="list-style-type: none"> JEREMIE ESF Initiative, Micro-credit, Guarantees, Ethic Banks 						

Annex 7: EQ3 Benchmarking from Member States



**GOOD PRACTICES IN REMOVING BARRIERS
IN INFORMATION AND PUBLICITY ACTIVITIES**

Barrier removed: Lack of variety of means for information and publicity

Best practice: “project MY PORTFOLIO” financed under the EQUAL Community Initiative, Netherlands

Emmen, a Dutch city undergoing rapid economic change, was coping with a sombre situation: the city's inhabitants were increasingly under pressure to adapt to socio-economic change, meaning that their traditional jobs and life styles were slowly being undermined or disappearing. Those who were 'left behind' were finding themselves increasingly isolated and trapped in deprived neighbourhoods, where the idea of leaving the city to pursue a 'better life' and find new employment was becoming a distant dream. Moreover, this situation was passing from one generation to the other, with young people growing up in districts deprived of a sense of community, social support and reduced job prospects. Furthermore, people's previous negative experiences of learning and periods of unemployment often caused them to stay away from any training courses or educational settings.

Following collaboration in EQUAL Round 1, three organisations put their heads together and brainstormed about potential solutions to Emmen's problems, focusing in particular on the employment and social inclusion potential of ICTs. They came up with the concept of 'My Portfolio Online', offering fun ways of ICT learning which not only promoted the competences and skills of individuals, but also the identity, capacity and social dimension of the community/neighbourhood. This highly innovative project thereby combined social and physical restructuring at local level, framed within the wider employment perspective of EQUAL.

The digirooms

An essential element of My Portfolio Online was to create public access points called 'digirooms' where citizens could use technology and where social professionals could offer personal assistance. The digiroom has been developed in such a way as to minimise the barriers for potential users via: a location that is frequented by a wide range of community members (e.g. close to a shopping centre), an interior design that creates a welcoming and relaxed environment, the presence of social workers who are knowledgeable on ICT and its social applications (rather than only the technical side) and a user-friendly software programme. This software programme was developed by the My Portfolio Online partnership specifically to help in the design of websites and web applications.

My Portfolio Online created learning environments that feel safe and fun to be in, which is particularly significant when working with target groups who might have had a negative experience of education. Through their participation in the project, these groups could gain ICT skills and learn how to reach their goals by using these skills. All of this means that the digiroom created a safe bridge for community members to (re)access further education and ultimately gain employment.

Aside from the unemployed, statistics show that the EQUAL project was supporting other disadvantaged groups. Amongst those visiting the digirooms, 60% are women, 30% are disabled and 30% are over 55.

The idea underpinning the programme is transferable to the possibility of creating info-points where publicizing, among others, the chances offered by Structural Funds supported programmes, in a friendly and inclusive environment attractive. Support could be also provided in this environment to assist vulnerable groups in identifying possibilities of participation as target groups into running projects or to support organizations representative of vulnerable groups to develop new applications.

Source: http://ec.europa.eu/employment_social/equal/practical-examples/adapt-07-nl-myport_en.cfm

Barrier removed: Limited number of stakeholders involved

Best practice: The Society Integration Programme of Jelgava, Latvia

Local government has responsibility for a wide range of policy areas in Latvia. Local government society integration commissions which participate in implementing society integration programmes play a role in promoting the integration of minority ethnic groups. This approach has been developed in a number of municipalities with varying degrees of ambition and progress.

The City of Jelgava is one positive example. This integration process enables a mainstreaming of non-discrimination/equality considerations in relation to minority ethnic and religious groups into key areas of local government service provision.

The objectives of this mainstreaming initiative are to promote equality for minority ethnic groups and to prevent ethnic division in Jelgava. The Society Integration Department of Jelgava municipality coordinates the Society Integration Programme and engages with minority ethnic organisations.

The Society Integration Commission is a partnership developed to support the preparation and implementation of the Society Integration Programme. This Commission includes municipal and state Institutions and non-governmental organisations.

The Ethnic Minority NGO Association cooperates with the municipality of Jelgava in devising and implementing the Society Integration Programme. This combines seven non-governmental organisations representing Russian, Polish, Ukrainian, Byelorussian, Lithuanian, Jewish and Roma people.

The Society Integration Programme of Jelgava 2008-2013 sets out guidelines and actions to advance integration in a context of ethnic and religious diversity and tries and overcome the fact that public opinion is not well attuned to equality and non-discrimination for marginalised groups.

It promotes:

- ▶ Fostering civic participation by minority ethnic groups.
- ▶ Accessibility of education to minority ethnic groups.
- ▶ Accessibility of cultural services to minority ethnic groups.
- ▶ Accessibility of sporting activities to minority ethnic groups.
- ▶ Social integration.
- ▶ Ethnic and religious diversity.

Minority ethnic organisations attract financial support for projects from the Jelgava Municipality and from other sources including foundations, Ministries and voluntary contributions from their members. This enables their participation in the Society Integration Programme.

Jelgava experience in involving ethnic and religious minorities may be used for modeling stakeholders involvement in order to reduce barriers to participation of those very minorities in European Funds supported programmes and projects.

Source: European Commission – Justice; Compendium on Practice Non Discrimination/Equality Mainstreaming, Luxembourg, 2011

http://ec.europa.eu/justice/discrimination/document/index_en.htm

Barrier removed: Limited number of stakeholders involved

Best practice: ESPRIT Global Grant, Italy

The ESF 2000-2006 Regional Operational Programme, Obj. 3, of the Tuscany Region (Italy) identified in the Global Grant the key financial instrument to foster local development (Measures B1 – E1 – D3) by means of the promotion of the social economy sector. The overall objective of the Global Grant was to develop the social economy in Tuscany and to promote its capacities as a new source of employment for disadvantaged people, removing the obstacles which hinder the socio-labour inclusion of the weakest part of the population.

ESPRIT is a Consortium created in 2003 as the Intermediate Body for the implementation of the ESF Global Grant after a call for tender issued by the Region Tuscany. The consortium is composed of:

- a) the regional departments of two of the largest confederate trade unions in Italy, that is CISL (Italian Confederation of Workers' Trade Unions) and UIL (Italian Workers' Union);
- b) Confcooperative della Toscana (Tuscan Confederation of Cooperative enterprises); it is the regional department of the Confederation of Italian Cooperatives which is the association representing, safeguarding and monitoring the cooperative movement.
- c) Associazione Generale Cooperative Italiane – AGCI (General Association of Italian Cooperatives). It is a non-profit, independent organization created in 1952. Its mission consists in representing, safeguarding and monitoring the 6.200 associated cooperatives representing approximately 263.000 members (data updated in June 2008).
- d) Banca Popolare Etica. Banca Etica has the legal form of a popular banking institute which, according to the Italian law, allows it to operate on a national level, in full respect of its co-operative and solidarity intents.
- e) CEFORCOOP. It is the Centre for Cooperative Studies for Vocational Training, Research and Management Consulting. As a training provider, it is accredited in Tuscany.
- f) Progetto Toscana. Created in 2002 it is a second-level association whose members are NGOs and other organisations with catholic inspiration, working in the fields of social protection and inclusion (education and training, health, social assistance and service, employment).

One of the success factors of the project is represented by the proximity of the Consortium ESPRIT to the potential beneficiaries of the grant scheme and the capacity to network different players working in the territory in the pursuit of common goals (e.g. concerning employment development, social inclusion, balanced and fair competitiveness).

http://www.esprit.toscana.it/cecily/index.php?option=com_docman&task=doc_download&gid=16&Itemid=10

Barrier removed: use of discriminatory language

UK Office for Disability Issues' Guide on Delivering Inclusive Communications, UK

The UK Office for Disability Issues prepared a Guide on Delivering Inclusive Communications based on the fact that there are over 10 million disabled people in Britain and that Government communicators must be confident their message will reach everyone. This can be done by ensuring all communications are inclusive and accessible.

The Office for Disability Issues (ODI) aimed at helping government communicators to:

- ▶ involve disabled people from the start of any project
- ▶ make sure disabled people are represented positively
- ▶ create accessible communications
- ▶ access a library of free images
- ▶ deliver accessible online video and podcasts.

The Guide gives simple but precise information on the issues at stake (legal background, perception of disability, language and imagery, ...) and shows how to connect to the Office's dedicated sections in the website, where topics are treated in more depth and further support material is available.

The model, precious for any Governmental activities, could be experimentally transferred to Autorità di gestione, offices and services dealing with EU supported programmes and projects, in order to increase civil servants awareness towards disability and, through appropriate communication, reduce barriers to people with disabilities' access to projects and funds.

<http://odi.dwp.gov.uk/inclusive-communications/index.php>

**GOOD PRACTICES IN REMOVING BARRIERS
IN INFORMATION AND PUBLICITY ACTIVITIES**

Barrier: non-application of 10% flexibility rule**Integrated Projects for family-work reconciliation, Regione Marche, Italy**

In the year 2009, the Marche Region in Italy issued a call for proposals, under the Regional ESF Objective 2 Programme 2007-2013, supporting "Integrated Projects Aimed At Ensuring The Reconciliation Of Family And Work Balance". The initiative, based on the experimentation that took place in the 2000-2006 programming period is strongly focused on the promotion of gender equality. The total resources allocated to the call amounted to approximately EUR 5 million and the maximum budget to grant each project amounted to EUR 800.000.

Candidate projects were to strive towards contributing to the improvement of the living conditions of women and men through the promotion of instruments that, with an integrated approach on a given territory, were able to provide concrete answers for the enhancement of time management across the work, family and leisure spheres; even through the development of new services and models of organization that could flexibilize the schedules at work, at daycare services for children, for the elderly, the leisure schedules, the schedules for transportation services and mobility, the schedules for the provision of public services, etc.

Projects should also focus on strategies that would facilitate the coordination between the institutional and social agents involved in the provision of the services in order to achieve an optimal integration and articulation of the interventions throughout the territory. The activities to be funded could be:

- ▶ Action 1 - Launch of new services of public interest or expansion of existing ones, aimed at improving the work-life balance;
- ▶ Action 2 - Launch of innovative projects in the field of planning and reorganization of the territory and of urban and suburban transportation, aimed at improving the quality of life in the cities and in the different territories;
- ▶ Action 3 – Establishment of agreements on work schedules and modalities of work organization aimed at promoting forms of flexibility for the work-life balance of employees.

The 7 projects that were funded included at least one of the above mentioned actions.

The complementarity between funds, in particular the ESF, the ERDF - Priority 4, specific objective "to improve mobility and local public transport in terms of sustainability," used for type 2 actions, has allowed the eligibility of the following types of expenditure:

- ▶ Acquisition of buses, taxis, city cars, bicycles and other light vehicles, characterized by a low level of polluting emissions (electric cars, natural gas, hybrid, powered by biofuels, LPG);
- ▶ Investments on street works for the construction of service or rest areas for such vehicles;
- ▶ Investments on all types of traffic and road signs for the above mentioned vehicles;
- ▶ Investments for the construction of protected cycling and walking paths - home/school, home/work.

Complimentary funding on an issue as important as life-work balance has allowed the extension of activities covering aspects that are usually overlooked in this field (such as those related to mobility), addressing the issues through a systematic approach: first the design & delivery of services, then the evaluation of territorial accessibility, always with the support of both public and private partners.

Source: <http://www.istruzioneformazione lavoro.marche.it/Notizie/singolaBando.asp?IdN>

Barriers: availability of financial resources supporting implementation**ESF Jeremie Fund, Lombardy Region, Italy**

ESF ROP Lombardy 2007-2013 provides the use of JEREMIE (3rd axis – social inclusion) in order to deploy innovative instruments for SMEs and non-profit organizations operating in the field of social inclusion and encourage easier access to work for excluded (or at risk of social exclusion) people and their access to credit.

The scheme was set up as a response to the diagnosis that co-operatives and especially social co-operatives are excluded from the credit market – a fact that is aggravated by the financial crisis. Its objective is to improve access to credit for co-operative members, in order to allow them to buy equity in their businesses. It targets social co-operatives as these create employment, especially for disadvantaged people.

JEREMIE provides loans to social cooperative (to associates) the work force of which is made up of at least of 30% of disadvantaged people. The amount loaned depends on number their associates (maximum EUR 4.000 for an associate, up to maximum of EUR 200.000 for an enterprise). One half of the loan becomes a grant in case the associate stays within the social enterprise for more than five years. Access to the funding is managed by local banks and takes place through the so called “counter service procedures” which means that funding is allocated chronologically to all eligible applicant until all funding is exhausted.

http://www.lavoro.regione.lombardia.it/cs/Satellite?c=News&childpagename=DG_IFL%2FDetail&cid=1213466935528&packedargs=menu-to-render%3D1213413826531&pagename=DG_IFLWrapper

Annex 8: EQ4 Check-lists for the identification of best practices

TARGETED KAIs	NON TARGETD KAIS
1. INNOVATIVENESS	
The project possesses an innovative approach to the given issue that differentiates it from the majority of other financed projects (e.g. in terms of originality or added value or intelligent adaption of successful experiences realized in different fields)	Same
2 EXTERNAL CONSISTENCY	
The project is consistent with national strategies addressing vulnerable groups or issues related to equal opportunities.	The project includes operational goals that address also vulnerable groups.
3. INTERNAL CONSISTENCY	
3.1 CONTEXT ANALYSIS <i>The project includes a clear and well motivated analysis of the context it insists on in relation to the condition of vulnerable groups (demographic, economic, social, health-related, ...)</i>	Same
3.2. PROJECT GOALS <i>The project includes a clear and well motivated identification of short-mid- and long-term goals in relation to vulnerable groups (results and impacts) and these are linked explicitly to the context analysis.</i>	Same
3.3 DATA COLLECTION <i>The project includes a clear and feasible proposal of data collection aimed at monitoring the project's advancement and the attainment of goals with specific reference to vulnerable groups.</i>	Same
4. EFFICIENCY	
No irregularities have been detected concerning the use of financial resources and the budget spent is overall in line with the planned one.	Same
5. EFFECTIVENESS	
The operational objectives related to vulnerable groups are substantially achieved as proved by monitoring data.	
6. PARTNERHSIP INVOLVEMENT	
The project involves, where applicable, either in terms of partnership or networking, one or more of the following stakeholders with competences related to vulnerable groups that are relevant and essentials for the project's correct design, implementation and dissemination of results: <ul style="list-style-type: none"> • Public authorities • Agencies • NGOs • Other organizations relevant for vulnerable groups 	Same
7. TRANSFERABILITY	
7.1 TO SAME / SIMILAR TARGETS <i>The results of the project can be transferred to the same or similar target groups (e.g. to other regions or other fields of action or in other administrative levels)</i>	Same
7.2 TO DIFFERENT TARGETS <i>The results of the project can be transferred to different target groups (e.g. in terms of methodology or partnership creation or networking tools or information, dissemination)</i>	Same
8. SUSTAINABILITY	
The project contains a detailed analysis of the way in which results of the project will be sustained after the end of the grant (e.g. prospective replication and follow up / dependence on public funding / potential economic-financial non-public sources).	Same
SUGGEST A PROJECT FOR BEST PRACTICE IN ADDRESSING EQUAL OPPORTUNITIES ISSUES / VULNERABLE GROUPS INDEPENDENTLY FROM THE FULFILLMENT OF THE ABOVE CRITERIA (MARK WITH "X")	Not applicable
9. PREMIALITY MECHANISM	
Not applicable	The project foresees a premiality mechanism to enhance vulnerable group participation in project activities (as target group)

Annex 8: EQ4 Best practice projects

PROJECT “Improving the access of youngsters in prison to training programs and labour market integration throughout and following the execution of their sentence”

A best practice project dedicated to vulnerable groups

I. Methodology - The path to the best practice

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that the project “Improving the access of youngsters in prison to training programs and labour market integration throughout and following the execution of their sentence “ was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	3
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	3
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	3
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	3
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	3
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more interested actors having relevant competences for the aspects related to vulnerable groups.	3

CRITERION	SCORE (1-3)
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	3
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	3
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	3
TOTAL	33

On a second stage of evaluation, after the beneficiaries of the initiative gave direct feedback on the initiative, the project was also selected as one of the top 5 best practice example projects.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	3
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	3
Clear and justified objectives and results, explicitly correlated with the reference context	3
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	3
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	3
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	3
Transferability to the same target groups	3
Transferability of results to the other target groups	3
Sustainability of results after the termination of the financial assistance period	3
TOTAL	33

A case study was then elaborated with the information collected and finally it was presented and discussed during an interview with Cristi Pleşa (Software Project Manager, ANP), Herbert Paulschin (President of CFCECAS) and Nicolae Tătulescu (Director PMT Craiova).

II. Overview and description of the project

The National Penitentiary Administration – the beneficiary of the project - reports to the Ministry of Justice and is part of the public order and national security system in Romania, that manages the entire network of prisons in the country.

In this project it partnered with:

- ▶ Ministry of Justice, General Administration of Prisons, Austria
- ▶ Austrian Social Worker Association;
- ▶ Craiova Youth Correctional Facility;
- ▶ Tichilești Youth Correctional Facility;
- ▶ Centre for Training and Evaluation in Social Work (CFCECAS).

The overall objective of the project – which refers to Priority axis 6 “Promoting social inclusion”, Key area of intervention 6.2 “Improving the access and participation of vulnerable groups on the labour market” - is to **provide assistance to people in prison to training programs and labour market integration, while they are still serving their sentence and following its execution.**

In order to bring about the planned actions, the project took a holistic approach of the areas involved in the preparation, access and maintenance on the job market of young people, by addressing the following groups:

- ▶ youngsters who are still serving time in prison;
- ▶ staff of youth correctional facilities in Craiova and Tichilești;
- ▶ potential employers of youth who are done serving their sentence;
- ▶ staff which offers social and employment services in the local administrations.

The total budget exceeded 18 million RON, out of which 89% was an EU contribution (more than 16 million) and the length comprised 36 months (from December 2008 to November 2011).

The objectives beneath the project

The main goal of this project was to **increase the degree of social inclusion of youth in prison by facilitating training programs during their sentence and developing services to support their access and maintenance on the job market after their release from prison.**

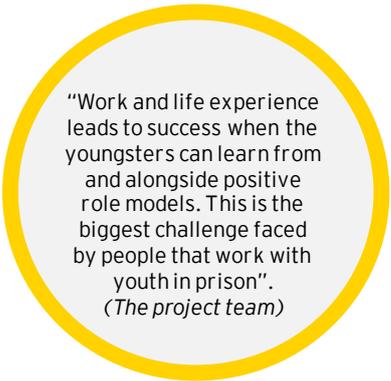
In order to reach that ambitious purpose, the project set a series of specific objectives that targeted:

- ▶ ▶ the identification of conditions and services required for improving access to the job market for youth serving custodial sentences;
- ▶ ▶ the creation and implementation of the concepts of training and occupation during the serving of the sentence;
- ▶ ▶ the presence of qualified personnel necessary to implement an inclusive approach regarding access to the job market for those young people;
- ▶ ▶ the promotion of the inclusion of youth serving custodial sentences among both employers and the whole society.

If penitentiaries do not offer enough support for young people to acquire a full set of social and professional skills, problems related to social inclusion and access to labour market may occur after they are done serving their time. The correctional facility holds a great responsibility in creating a context where young people may acquire positive values and change their attitude and conduct.

The context around the project

Before the start of the project, an analysis was carried out on specific professional qualification and support service that young prisoners may need.



“Work and life experience leads to success when the youngsters can learn from and alongside positive role models. This is the biggest challenge faced by people that work with youth in prison”.
(The project team)

Training workshops created in each of the penitentiaries

YCF Craiova	YCF Tichilești
<ul style="list-style-type: none">▶ cardboard▶ gastronomy - pastry▶ wrought iron	<ul style="list-style-type: none">▶ milling▶ bakery▶ carpentry

The conclusions of the analysis were included in the design of the training courses and vocational counselling services offered by the CFCECAS experts to the youngsters in prison, along with the penitentiary employees.

The core of the project: activities for the youth serving custodial sentences

Young people have been involved in professional and social skills training programs that on the one hand could allow them to be prepared to face real work conditions and, on the other, to develop the social skills required to interact efficiently within work teams.

To implement the concept of workshops, the youth correctional facilities of Craiova and Tichilești have created capable teams of employees who, with the help of the youth, have developed (and in some cases renovated) the logistical framework required to conduct the activities.

The young people received career counselling to identify the jobs they want to perform during their training. Support services have been offered to help evaluating their professional development potential, along with social skills improvements and self-marketing services, meant to develop their skills in seeking and accessing employers in order to enter the job market.

The project highlighted the importance for youth correctional facility staff to possess socio-pedagogical skills in order to support the personal, social and professional development of young people serving custodial sentences. Staff training has been done through several modules:

- ▶ Training courses were organized at the two locations to develop the socio-pedagogical skills of the staff who took part in the daily activities;
- ▶ Some of the penitentiary staff was trained as trainers and evaluators of socio-pedagogical skills for the rest of the penitentiary staff that works with youngsters. Following the training courses, CFCECAS has certified the penitentiary staff as vocational counsellors and trainers.

Activities for potential employers

Contributions were made to a framework of **cooperation between youth correctional facilities and employers** in order to **identify and promote job opportunities** either during sentence execution for youth in open or semi-open regimes, or after their release from the penitentiary. Both penitentiaries have organised job fairs, where interview simulations with representatives of employers from Craiova and Brăila took place. In those occasions, young people could, on one hand, practice the skills they acquired during self-marketing courses and, on the other, be identified by employers seeking people to hire for their companies.

What is important to underline is the fact that **young people steadily gained confidence**, and began projecting themselves in the future in a positive manner, which is **rarely seen in vulnerable groups**. The beneficiary, with the active involvement of Craiova and Tichilești penitentiary staff, has organised 8 Regional seminars for promoting the employability of youth after the release from prison, one for each development region.

III. Results achieved – the reaching of the objective

All project indicators were fulfilled by at least 100%, most notably the number and diversity people in the two penitentiaries who received assistance and counselling.

To be more precise, here are listed the facts and figures of the project:

- ▶ 6 workshops were prepared;
- ▶ 36 penitentiary employees underwent professional training courses to become vocational counsellors and trainers;
- ▶ information and experience from the two penitentiaries was disseminated to 40 local public administrations
- ▶ 93 young people received assistance and socio-professional counselling, as opposed to the 50 that were initially planned;

Consequently to the implementation of the project, the number of violent incidents between youngsters dropped from **1/week for 280 prisoners** to **1/3 weeks for 550 prisoners**.

- ▶ 6 internships in Austria were prepared;
- ▶ 8 regional seminars and 2 national conferences were organised.

Thanks to the project, penitentiary employees developed their teaching skills, begun to work with passion and fully understood the importance of their role with respect to the education of young people.

Of relevance is also the fact that this transformation **amplified the potential, activated and capitalized the existing resources**, especially because this was done in an environment doubled by restrictions specific to detention systems, without actually interfering with the current activities of the penitentiaries.

Thanks to the project the atmosphere in penitentiaries is more relaxed, based on mutual trust and not anymore only on obedience. Youth no longer need to see prison staff as somebody to fear but as educators, role models in terms of professionalism and work dedication.

IV. *Being a best practice – The difference that counted*

The project “Improving the access of youngsters in prison to training programs and labour market integration throughout and following the execution of their sentence” is considered a best practice towards vulnerable groups for several reasons:

- ▶ Innovation: The most innovative elements of this project are both the partnership with a similar foreign institution and the creation of activities that succeeded in developing a better living and stimulating environment for prisoners and better working conditions for the penitentiary’s staff;
- ▶ Data collection: The qualitative research methodology realized within the project was developed by specialists with extensive experience in social research. Moreover, to evaluate the impact and the type of change experienced by the people in the target group (both penitentiary staff and youth), personalised feedback questionnaires were designed and filled in;
- ▶ Sustainability: Both the beneficiary and the involved partners gave great importance to sustainability. Some penitentiary employees assumed the roles of multipliers and were trained to become agents of change inside the penitentiary system. To this end, they provided training for the colleagues who could not take part in the project.

Another important outcome of the project is that some representatives of the penitentiary personnel shared their formative experience during regional seminars, where they had the chance to present the work they begun with the youth and spread the voice about the best practice.

As a consequence of taking part in this project, the management of the two youth correctional facilities have changed their mentality and became more eager to implement new similar activities. Furthermore, it must be noted that the training courses, support services and workshop activities are still ongoing.

V. *Conclusions*

The project can be easily replicated in other youth correctional facilities, penitentiary and, with minor alterations, can also be adapted to address adult prisoners needs.

In order to answer the specific personal and professional development needs of youth while they serve their sentences, as well as their social integration after release, **the project:**

- ▶ has combined activities that develop skills, capitalize on potential and include counselling for the development of personalised career paths;
- ▶ has sought the development of cooperation between prisons and employers, trade unions and other relevant actors on the job market ,in order to identify and promote job opportunities for young people during the execution of their sentences and after their release from prison.

“We make people grow!” said the slogan of a project partner. Indeed, building constructive interpersonal relationships based on trust and providing a positive outlook are the key to promote a more egalitarian society.

PROJECT “Expansion and equipment of the neuropsychiatric recovery and rehabilitation Centre Brâncovenești” A best practice project dedicated to vulnerable groups

I. Methodology - The path to the best practice

This is one of the 7 cases of good practice identified in the project „**Evaluation of the manner into which provisions regarding equal opportunities were transposed in the correspondent framework of the Structural Funds in Romania**”, implemented under the coordination of the Evaluation Central Unit of the Ministry of Foreign Affairs of Romania.

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that the project “Expansion and equipment of the neuropsychiatric recovery and rehabilitation Centre Brâncovenești” was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	2
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	3
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	2
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	3
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	3
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more interested actors having relevant competences for the aspects related to vulnerable groups.	2
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	3
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	3

CRITERION	SCORE (1-3)
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	3
TOTAL	30

The 7 good practice example projects were selected after their beneficiaries offered additional information through a second specific survey.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	2
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	2
Clear and justified objectives and results, explicitly correlated with the reference context	3
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	3
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	3
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	1
Transferability to the same target groups	3
Transferability of results to the other target groups	2
Sustainability of results after the termination of the financial assistance period	3
TOTAL	28

A case study was then elaborated with the information collected and finally it was presented and discussed during an interview with Crina Căliman (Inspector, Programme-Projects Department, DGSACP Mureş) and Pokorny Laszlo (Director, The Neuropsychiatric Recovery and Rehabilitation Centre Brâncovenesti) and following this, the description of the case was finalised.

II. Overview and description of the project

An important component of social protection is represented by the set of social institutions, programs, measures and specialized services that aim at the protection of persons, groups and communities temporarily in difficult conditions due to social, biological, psychological or economic reasons.

The **General Department of Social Care and Child Protection (GDSCCP) Mureş is the beneficiary** of the project and it functions as a local public institution, which aims to identify and solve community social problems related to the protection of children, families, single persons, elderly, disabled and, more in general, any person in need.

Through its activities, the project – that refers to Priority axis 3, “Improvement of social infrastructure”, Key area of intervention 3.2 “Rehabilitation/modernisation/development and equipment of social services infrastructure” - targets adults suffering from psychological and neuropsychological disabilities in Mureş county, in particular those who stay at the Brancovenesti Centre.

The total budget provided for the project exceeded 3 million RON, out of which 78% was a EU contribution (more than 2.7 million) and the length comprised 17 months (from March 2010 to August 2011)

The objectives beneath the project

The Neuropsychiatric Recovery and Rehabilitation Centre (NRRC) Brâncovenesti holds the mission of promoting and protecting the rights of persons with disabilities who are temporarily or permanently deprived of their family environment, thus requiring protection through specialized services and therapeutic recovery activities, in order to fully reintegrate into society. The centre houses 310 beneficiaries, composed by young people, adults and elderly people with neuropsychiatric problems.

The objective of the project was to **expand and modernize the Neuropsychiatric Recovery and Rehabilitation Centre Brâncovenesti, in order to increase the quality of life for the institutionalized persons and to facilitate their reintegration into the community.** The recovery and rehabilitation of persons have to necessarily be offered under the assistance of specialized personnel and by using modern recovery equipment.



"After being relocated to the new center, beneficiaries seem now willing to be more involved in social activities and the number of crisis diminished significantly".
(The Director of the centre)

The context around the project

The project is part of a more complex initiative of the General Department of Social Care and Child Protection Mureş, related to the restructuring of the NRRC Brâncovenesti, by relocating its beneficiaries to 4 new modern facilities.

The need to restructure the facilities was given by the fact that most of the existing premises and equipment from the old castle building were in an improper condition, not meeting the European standards of accommodation and treatment.

The activities related to the project

The project consisted in building a new annex to one of the existing accommodation facilities of the NRRC Brâncovenesti, so as to **relocate 50 beneficiaries into the modern spaces.**

The new facilities built were properly arranged and equipped to respond to the beneficiaries needs that, in this way, can receive more proper medical and social rehabilitation services (i.e. physiotherapy services, relaxation sessions, involvement in occupational therapy activities, etc) - specific to their type and degree of disability.

In the CRRN Brâncovenesti, rehabilitation of patients is achieved through medication, psychotherapy socialization and occupational therapy. The new centre, with **spacious and modern rooms**, is able to better accommodate these activities: patients have more intimacy and they are spurred on being more creative.

The occupational therapy programs are conducted through **workshops**, such as painting, ceramics, crafts, theater, dance, carpentry and tailoring. Each resident participates in one or two workshops, depending on the skills and preferences. These activities are aiming at **training personal autonomy skills, lessening behavioral disturbances** and, more generally, improving the quality of life of the assisted residents.

III. Results achieved – the reaching of the objective

The 50 beneficiaries of the centre have benefited of the **increased standard of living and quality of life**, determined by the **improved recovery and rehabilitation services**, now in line with the European standards.

IV. Being a best practice – The difference that counted

The project can be considered:

- ▶ **Innovative:** by using the new premises and the medical and treatment equipments acquired, the team of specialists from the centre is now able to perform an integrated therapy, through which recovery and rehabilitation of disabled adults can be performed at the maximum potential. The innovation derives also from the occupational therapy activities, leading to increased self-esteem and confidence of patients;
- ▶ **Sustainable:** at the end of each fiscal year the County Council allocates the financial resources needed to cover the current expenses of the centre.

VI. Conclusions

The activities of the project "Expansion and equipment of the neuropsychiatric recovery and rehabilitation Centre Brâncovești" and the related **work methodology** can be transferred into projects aimed at the same target groups or even similar ones. As a matter of facts, DGASPC Mureș has currently three projects under implementation, which aim at the achievement of the same results using the same methodology for implementation and monitoring.

The main accomplishment obtained thanks to the project implementation is having contributed to the ongoing reform of protection system for disabled adults from Mureș County, by **modernizing the health services** offered to people with mental disabilities, who are unable to secure themselves their social needs or to develop their own capacities and skills for social integration.

Accomplishments of the project

1 social centre modernized, developed and equipped	
50 people with disabilities who received high quality social services	
40 new jobs created in the execution phase	

PROJECT “MIOS - Integrated occupational measures for the unemployed in the Covasna county” A best practice project dedicated to vulnerable groups

I. *Methodology - The path to the best practice*

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that “MIOS - Integrated occupational measures for the unemployed in the Covasna County” was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	3
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	2
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	2
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	3
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	2
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more interested actors having relevant competences for the aspects related to vulnerable groups.	2
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	3
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	2

CRITERION	SCORE (1-3)
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	3
TOTAL	28

On a second stage of evaluation, after the beneficiaries of the initiative gave direct feedback on the initiative, the project was also selected as one of the top 5 best practice example projects.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	3
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	3
Clear and justified objectives and results, explicitly correlated with the reference context	2
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	2
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	2
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	2
Transferability to the same target groups	3
Transferability of results to the other target groups	2
Sustainability of results after the termination of the financial assistance period	3
TOTAL	28

A case study was then elaborated with the information collected and finally it was presented and discussed at an interview with Monica Păltineanu (Project Coordinator).

II. Overview and description of the project

Brahms International is an authorized training supplier that organises over 40 types of introductory, qualification and specialization courses. Since the company holds significant experience in the field it has exploited these opportunities, both as beneficiary as well as partner and consultant.

The objectives beneath the project

The overall goal of the project – referring to Priority axis 5 “Promoting active employment measures” and Key area of intervention 5.1 “Developing and implementing active employment measures” - has been the **increase of the employment rate** for the long-term unemployed, the unemployed, the young unemployed, job-seekers and inactive people from the county of Covasna.

The total budget exceeded 2 million RON, out of which 84% was EU contribution (more than 1.8 million) and the length comprised 16 months (from November 2010 to February 2012).

In order to elevate the employment level an integrated program of active employment measures was implemented. The beneficiary has therefore implemented an integrated set of activities resulted from an extensive analysis of the project’s context that has contributed to the empowerment and training of its participants. It also facilitated their integration into the labour market, thus ensuring non-discrimination based on gender, age, ethnicity or disability.

The context around the project

An essential stage in ensuring the success of the project is the analysis of the county’s labour market that can allow the identification of the needs and constraints that the target group faces and, at the same time, of the professional skills requested in the job offers. The study was carried out by questioning the companies with potential openings from the county of Covasna and, based on this, the schedule and content of the training activities was formed.

The core of the project: selection, information, orientation and professional counselling for the targeted group

This stage consists of a series of -activities held in Sf. Gheorghe, Covasna and Baraolt, locations that report a significant number of unemployed persons. The project initially defined the content and perimeter of the training activities and, subsequently, identified the participants within the target group through a strong advertising campaign which used multiple media channels such as posters, flyers, brochures, press releases, local radio and television ads.

The designated target group - composed by 1,310 participants - guaranteed the right balance in terms of gender, age, nationality and health conditions.

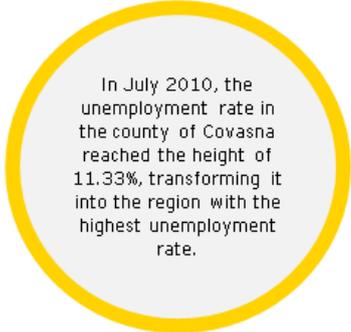
The selected participants took part in various sessions that:

- ▶ included trainings in job-seeking techniques
- ▶ offered a professional counselling path
- ▶ informed them on the evolution of occupation and the labour market

Those who took part in the training activities obtained qualifications recognized nationwide, but what really made the difference was the **acquisition of mobile laboratories**, necessary for the courses that required specific equipment. Thanks to that, not only all participants (including those living in remote rural areas) had the possibility to participate but also project costs were optimized.

Mediation for obtaining a job

A very important aspect that was taken into account was the communication between job seekers and job providers. It has been tried to facilitate contacts between companies that may need persons with those skills gained by the participants of the training courses. Such activity was finalised at the organisation of a job fair for the people of the target group.



In July 2010, the unemployment rate in the county of Covasna reached the height of 11.33%, transforming it into the region with the highest unemployment rate.

III. Results achieved – the reaching of the objective

All project indicators were achieved, a remarkable fact being the number of people who benefitted from professional counselling really high. The important result is that a significant number of people have obtained a job by the time the project was finalised.

One of the most important long term effects that the MIOS project have achieved is the fact that it changed people’s mentality, helping them regain their self-confidence as well as the respect of their families and communities.

IV. Replicability - A lesson for the future

The MIOS project activities can be easily replicated if the necessary resources are available at either local, regional or institutional level. Based on how the activities are organised and approached, they can be transferred to another target groups in another region/area/county without any particular modification:

- ▶ Concerning the professional counselling, evaluation instruments should be adjusted while the methods are kept. The way the training activities are developed ensures maximum transferability with insignificant adjustments of the training program at the participants’ request;
- ▶ The innovative approach of fulfilling the training programs by using mobile laboratories has created the possibility of organising training classes without the necessity of further rehabilitation and equipping measures;
- ▶ The project structure allows orientation towards other activity sectors by adapting the training courses with equal chances of success, as the project has contributed to consolidating knowledge and examples of best practice that permit the development of other similar activities.

Innovation	The mobile laboratories were installed as the training program required in the training locations chosen depending on the participants’ residences. In this way they didn’t need to commute to other locations, as the training experts went to each training location.
Data collection	All project partners had quality management systems certified ISO 9001:2008 and this circumstance guaranteed of high-quality and efficient management. Furthermore, the project implementation team performed weekly analyses on the activity implementation stages and project indicators.
Sustainability	AJOFM Covasna monitored for 3 months from the end of the project the people who were employed following project activities, for 6 months those who benefitted from information, professional counselling and mediation and for a period of 12 months the people who graduated in a training program.
Mainstreaming	The project promoted both equal opportunity and non-discrimination practices on all stages of conception, implementation and on all activities. Since many people were of Hungarian nationality, the project implementation team included Hungarian speaking experts.

VI. Conclusions

The MIOS project has developed and applied an integrated program of active measures of employment based on a wide and structured analysis of the labour market in the county of Covasna. By participating in the project activities, **people in the target group have maximized their chances of obtaining a job, gained trust, developed skills and abilities that match the economical transformation of the labour market.**

Therefore, the facts and figures of the project are the following:

- ▶ 1310 people part of the target group, instead of the 625 planned;
- ▶ 7.095 hours of professional training provided;
- ▶ 660 people benefitted from mediation services, rather than the 420 planned;
- ▶ 1.115 people benefitted from professional counselling, rather than the 500 planned;
- ▶ 430 of the 448 people taking part in the training courses have obtained certificates;
- ▶ 99 people obtained a job by the time the project was finalised, rather than the 42 planned.

“MIOS – Get involved in this project and unemployment can turn into history”.

PROJECT “SHELTERS FOR MOTHERS & CHILDREN IN EMERGENCY”
Development of shelters for children in emergency centres through the construction of modular shelters for them and their mothers
A best practice project dedicated to vulnerable groups

I. Methodology - The path to the best practice

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that “Shelters for Children in Emergency” was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	2
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	2
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	3
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	3
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	2

CRITERION	SCORE (1-3)
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more interested actors having relevant competences for the aspects related to vulnerable groups.	3
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	2
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	3
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	3
TOTAL	29

On a second stage of evaluation, after the beneficiaries of the initiative gave direct feedback on the initiative, the project was also selected as one of the top 5 best practice example projects.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	2
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	3
Clear and justified objectives and results, explicitly correlated with the reference context	2
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	3
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	2
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	3
Transferability to the same target groups	2
Transferability of results to the other target groups	3
Sustainability of results after the termination of the financial assistance period	3
TOTAL	29

A case study was then elaborated with the information collected and finally it was presented and discussed at an interview with Mrs. Mihaela Ristea (Director of Child Protection Department, DGSACP Constanța), Ms. Cioroiu Luminița (Project Manager) and Mr. Marian Ristea (Project Coordinator).

II. Overview & Description - What the best practice is all about

The General Directorate of Social Care and Child Protection, Constanța (D.G. S.A. C.P.) is responsible for the supply of social assistance services in the county. At a national level, each county and district has a similar institution. The main competencies of the GD are child protection and protection of institutionalised or non-institutionalised handicapped people.

The project addresses the risk of separation of children in need and their mothers by avoiding the offering of help exclusively to the children. Therefore, the initiative comprises the construction of a new building to offer accommodation and counselling to mothers in critical financial situations with their children. The professionals involved are set to provide high quality social assistance leading to the solution of the original problems that motivated the need of protection of the children in the first place, in particular by helping the mothers to reintegrate in society.

With a total budget exceeding the 2.2 million RON, of which 65% was contributed by the EU (more than 1.5 million RON), the project made part of a broader social initiative of the GDSACP aiming at providing protected households for people with disabilities, victims of domestic violence and young people in situations of risk of social exclusion. However, the social need of building specific facilities for the accommodation of mothers with such characteristics and their children was only identified in 2007, when an increasing number of requests were made by the mothers of children that were apt to enter the emergency centres. The project began in December 2009 and was finished in May 2011.

The building dedicated to the Urgent Shelter for Mothers in critical financial situations was constructed as an annex to the already existing Shelter for Children in Emergency Centre. With a total surface of 212.22m², the annex has the capacity to accommodate 16 people in 8 bedrooms, each with an individual toilet. It also has 2 kitchen spaces, 1 medical office, 1 psychological office, 1 administrator office, 1 administrative staff office, a storage space, 2 waiting rooms, 3 toilets for the staff and 1 laundry area.

Since the inauguration of the annex, the main services provided by the multidisciplinary staff of 30 that serves the Centre have included: shelter and temporary accommodation, medical care, emotional support and psychological counselling, information and orientation sessions, family and community reintegration. Mothers with their children may stay at the centre for 90 days during which they are supported to learn how to take better care of their children, how to take care of a household and how to find a job to reenter society in the best possible way. Moreover, counselling is not only available for themselves and the children, but also for their relatives—all under the approach of family reintegration and emotional & relational intervention.

III. Effects – The difference that counted

The final interview with the project implementation team and the administrator of the Centre revealed the high level of success of the initiative. The annex has been continuously running at its maximum capacity, with high ratios of reintegration. In fact, in 2012 the Centre hosted a total of 49 children, of whom 46 left the Centre by the end of the year and, among them, 35 were reintegrated in their families. 2011 saw similar results: the Centre accommodated 25 children, of whom 19 left the centre by the end of the year and, among them, 12 were reintegrated in their families.



The Project was based on the observed need to avoid the fracture between the child and the mother when the latter does not desire to abandon the child, but finds herself in critical financial situation

IV. Replicability - A lesson for the future

The key factors to success of “Shelters for Children in Emergency” have been:

- ▶ Innovation: the project is innovative by nature, pioneer at a national level by addressing not only children in need, but also their mothers facilitating their reintegration so that they can regain the possibility to take care of their children on their own.
- ▶ Data collection: the Office for Monitoring, Statistics, Strategies, Programmes & Projects has made periodic activity reports for the annex of the Centre dedicated to the mothers with children, facilitating the improvement of activities as the project was implemented.

- ▶ **Sustainability:** all fixed costs of the Centre are covered by the Local Council of Constanța, as regulated by the decision HCJ 137/03.04.2008. However, the Centre has also established a series of partnerships for the provision of all their services—for example, with the “Mihail Koiciu” school, where the children staying at the Centre can go to study.

Considering that there is a General Directorate of Social Care and Child Protection in every county of Romania and the way in which the activities of the project are organised, the initiative presents great possibilities of replication at a local, regional and national level. On the other hand, the social needs that are addressed by the Shelter don't have territorial boundaries. In fact, the model could certainly be transferred to other target groups than mothers and children in critical situations.

The project implementation team, however, identified one key barrier for replicability, namely: the lack of funding available at other regional directorates for the protection of this target group.

V. Conclusions

The implementation of the “Shelter for Children in Emergency” project enhanced the capacity of the Constanța community to reintegrate better mothers and children in critical financial situations. Experience shows that the activities offered by the Centre have had a positive impact in the lives of the mothers and children who live there. The project could certainly be replicated at a national level, if proper funding is allocated.

PROJECT “ESTHR – EQUAL OPPORTUNITIES FOR WOMEN IN ROMANIA”
Integrated set of actions for developing the role of women in the Romanian society
A best practice project dedicated to vulnerable groups

I. Methodology - The path to the best practice

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that “ESTHR” was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	3
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	3
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	3
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	2
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	3
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more	3

CRITERION	SCORE (1-3)
interested actors having relevant competences for the aspects related to vulnerable groups.	
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	3
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	2
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	2
TOTAL	30

On a second stage of evaluation, after the beneficiaries of the initiative gave direct feedback on the initiative, the project was also selected as one of the top 5 best practice example projects.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	3
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	2
Clear and justified objectives and results, explicitly correlated with the reference context	3
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	3
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	3
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	3
Transferability to the same target groups	3
Transferability of results to the other target groups	3
Sustainability of results after the termination of the financial assistance period	3
TOTAL	32

A case study was then elaborated with the information collected and finally it was presented and discussed at an interview with Ms. Mariana Kniesner (Vice-President of BNS and Project Manager).

II. Overview & Description - What the best practice is all about

The project was led by the National Trade Union Bloc (BNS), one of the five major trade union confederations in Romania that was established more than 18 years ago and has extensive experience in the implementation of social projects. The Organization of Women (OFem), a department of the BNS was the direct promoter of this project. OFem is mainly composed by representatives of women's organizations and federations affiliated to the BNS. OFem's strategic mission is the promotion of equality between women and men in both the labour market and in society in general.

The implementation of the ESTHR project BNS made a partnership with the ABN Consortio in Italy: a non-profit organization that develops and implements integrated strategies for achieving objectives related to promotion and social integration of disadvantaged people. The partnership allowed for a transfer of knowledge in terms of methods and best practices in the field of equal opportunities and social economy, in particular from the Italian authorities operating in the Umbria region. Throughout the implementation of the project, BNS also cooperated with numerous local public and non-governmental organizations.

The overall objective of the project was to promote and develop the principle of equal opportunities in the Romanian society by eliminating gender discriminatory practices in the labour market. The main lines of action of the project were the following:

- A. Identifying the nature of gender discrimination at the local level;
- B. Promoting equal opportunities in the Romanian public administration;
- C. Creating new jobs and personal development of women;
- D. Creating a nationwide network of Gender Committees.

With a total budget that exceeded the 9.7 million RON, of which 87% were contributed by the EU (more than 8.4 million RON), the project had a 3 year duration, from 2008 to 2011. The first stage of development of the initiative consisted on a survey given to a population sample of 101,000 individuals from different regions in Romania. **The initial objective was to identify the gender-based discrimination trends in each geographic area in order to assess whether or not it had a socio-territorial character.** The results of the survey were published in paper and on-line (<http://www.egalitadedesansa.ro>).

The research revealed that:

- ▶ Frequently, regardless of the social or economic status of the respondents, age and health were identified as reasons for female discrimination;
- ▶ In general, women proved to be extremely reluctant to communicate the situations where they felt discriminated or harassed at work;
- ▶ Very few companies in Romania have internal regulations regarding female discrimination at the workplace and even where there are such regulations, employees are not always aware of their existence and, in some cases, such rules are not clear enough or not sufficiently explained or promoted.

The second phase of the project consisted in **promoting equal opportunities in the Romanian public administration.**

To this end, a **"Guide of good practices in terms of equal opportunities and combating discrimination in society and on the labour market"** was elaborated by a team of professionals that was mainly composed by women. The Guide presents a set of recommendations addressed to institutions and directly to women to promote the elimination of gender discrimination in the public sector. The paper can be found online at the project's website: <http://www.egalitadedesansa.ro>. Another set of activities related to this line of action involved the organization of seminars and conferences attended by managers from several public entities and from the public employment services, as well as politicians and representatives of the civil society. Furthermore, a campaign promoting equal opportunities was launched through the creation of a layout broadcasted by the national press, a radio spot, a TV spot and a website that was monitored on a daily basis (www.egalitadedesansa.ro).



The overall objective of the project was to promote and develop the principle of equal opportunities in the Romanian society by eliminating gender discriminatory practices in the labour market

Since the inauguration of the annex, the main services provided by the multidisciplinary staff of 30 that serves the Centre have included:

- ▶ Shelter and temporary accommodation,

- ▶ Medical care,
- ▶ Emotional support and psychological counselling,
- ▶ Information and orientation sessions,
- ▶ Family and community reintegration.

Mothers with their children may stay at the centre for 90 days during which they are supported to learn how to take better care of their children, how to take care of a household and how to find a job to reenter society in the best possible way. Moreover, counselling is not only available for themselves and the children, but also for their relatives—all under the approach of family reintegration and emotional & relational intervention.

In the field of creating **new jobs and personal development for women**, 8 Points of Equal Opportunities (PES) were defined in Bucharest, Braila, Iasi, Oradea, Pitesti, Tg. Jiu, Timisoara and Sibiu. The PES points aimed at advising victims of discrimination and offered entrepreneurial advice to women interested in opening their own businesses. The number of women counselled on this subject exceeded the initial target. Additionally, through this line of action a business plan competition was held to help women start their own businesses. Participants received entrepreneurial consulting services within the Points of Equal Opportunities for designing their business plan and for subsequent implementation. Each of the 40 winning proposals received a grant of 20.000 RON.

Last but not least, the objective of **creating a nationwide network of Gender Committees** was pursued by establishing 8 regional Gender Committees and a national Gender Committee, inserted into the statute of the National Trade Union Bloc. The Committees had consultative competences and participated in negotiating collective agreements, national employment contracts and industry contracts to defend women's interests. 68,361 women joined the committee's network. Their main tasks consisted in proposing changes for new labour legislation.

III. Effects – The difference that counted

Even after the completion of the project all Gender Committees continue their work, regularly hosting activities such as roundtables, conferences and seminars to disseminate information and raise awareness about their work and about the Points of Equal Opportunities. Their activity contributes to the sustainability of project results, representing a network of formal structures recognized nationally. Gender Committees and PES are collaborating with the National Council for Combating Discrimination, which has both an informational and practical intake, offering recommendations for the settlement of discrimination cases.

IV. Replicability - A lesson for the future

The key factors to success of "Shelters for Children in Emergency" have been:

- ▶ **Innovation:** derives primarily from the partnership structure created for the project: a trade union, representative at national level, and a transnational partner, with expertise in relation to discrimination. An innovative element created through this project is represented by the Points of Equality and Gender Committees, strategic structures for the project, unique by their design, by their role and coverage.
- ▶ **Sustainability:** in order to ensure the sustainability and continuity of the positive impact of the project, BNS continues to financially support the work of the Points of Equality and of Gender Committees, which are integrated into the organizational structure of the Union. These structures are still carrying out awareness & counselling activities regarding equal opportunities and the promotion of good practices, although the implementation of the project has been completed.

The project presents a high level of replicability as it could also be addressed to women who are not necessarily members of a union trade, but who face discrimination problems in the labour market. The project provides transferability towards people from other vulnerable groups - young or old. Among the results, the Points of Equality and the activity of Committees of Gender can be easily transferred and the data obtained from the research conducted under the project may be used to start other projects.

V. Conclusions

ESTHR is a project that is vital for the evolution of the Romanian labour market and significantly relevant for the development of women's role in the Romanian society. It has helped and continues to help counteract gender discrimination. The project's relevance to the actual needs of the target group and the ability and expertise of BNS, as well as its international partner, regarding the scope of the project and the implementation of nation-wide initiatives benefiting from European funding, are considered to be key success factors of the initiative.

As a result of the project, there have been established centres for counselling and for the dissemination of information on both equal opportunities and economic issues. There were and still are offered practical solutions for women who want to access a successful career in public institutions or for those who want to start their own business. Although the project implementation is completed, the effects are still present through the activity of the Committees of Gender and of the Points of Equality, which are receiving financial support from BNS.

PROJECT “EMPOWERING RROMANI WOMEN ON THE LABOUR MARKET”

A best practice project dedicated to vulnerable groups

I. *Methodology - The path to the best practice*

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that “Empowering Rromani Women On The Labour Market” was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	3
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	2
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	3
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	3
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	3
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more interested actors having relevant competences for the aspects related to vulnerable groups.	3

CRITERION	SCORE (1-3)
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	3
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	3
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	3
TOTAL	32

On a second stage of evaluation, after the beneficiaries of the initiative gave direct feedback on the initiative, the project was also selected as one of the top 5 best practice example projects.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	3
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	3
Clear and justified objectives and results, explicitly correlated with the reference context	2
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	3
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	3
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	3
Transferability to the same target groups	3
Transferability of results to the other target groups	3
Sustainability of results after the termination of the financial assistance period	3
TOTAL	32

A case study was then elaborated with the information collected and finally it was presented and discussed at an interview with Mr. Gelu Duminičă (Executive Director of the initiative).

II. Overview & Description - What the best practice is all about

Founded in 1999, the “Together” Agency for Community Development has the mission of keeping and affirming the Roma people’s culture through activities such as research, documentation, dissemination, development and implementation of social policies in benefit of the ethnic group. The Agency also contributes to develop the Rromani communities at a civil, social, political and economical level through the creation of partnerships with private, public, national and international associations specialized in researching and implementing social schemes for the collective.

With a total budget that exceeded the 4.4 million RON, of which 83% were contributed by the EU (more than 3.7 million RON), the project had a 2 year duration, from October 2010 to September 2012.

The project aimed at changing how the Roma people are generally perceived by the Romanian society by promoting equal opportunities on the labour market, especially for Rromani women. In order to achieve such goal, the project foresaw a series of lines of action which targeted:



- 1 The development of a national research study for the better understanding of the challenges Rromani women face on the labour market and the ways in which such challenges are considered through social dialog
- 2 The training of a significant number of Union leaders, representatives of NGOs and other relevant institutions in the field of mobilizing and participatory management, in order for them to develop their capacity to promote the interests of Rroma women
- 3 Rising the level of information and awareness regarding the rights to which employees in vulnerable, marginal positions on the labor market are entitled to
- 4 The creation of a campaign for counteracting stereotypes and promoting role models, in order to increase the visibility of Rromani women/vulnerable groups and highlight their contribution to economic and social life

The first line of action was accomplished through the drafting of the study “**Roma women on the labour market: interests, union representation and participation**” by the National Scientific Research Institute for Labour and Social Protection. The study was meant to reveal if and where the common interests of Rromani employees could converge with those of other vulnerable employee groups, in order to establish how these interests could be reflected on the agenda of trade unions.

The study revealed that the issues Rromani women face in the labour market are generally similar to the ones faced by employees with low income, low education levels and with fixed term or part-time contracts. The issues that concern them the most are: salary rights (unpaid overtime hours, lower pay than other employees on similar positions), work environment and safety, the lack of promotion opportunities and discrimination/differential treatment by their co-workers. According to the study, such issues could be reflected in the agenda of Trade Unions, which in Romania are institutions with a rather high negotiating power. The results of the study can be found at the project’s website: www.privestemaasacumsunt.ro.

In regards to the second line of action, the initiative included the organization of mobilizing and participatory management courses and the “See me as I am” project competition. The idea was to develop prevention and improvement mechanisms to reduce the various forms of discrimination, discouragement and exclusion of underprivileged groups on the Romanian labour market. 80 social actors participated in the courses to gain the knowledge and tools necessary for the vindication of the rights of Rromani women and other vulnerable groups on

the labour market. The training was delivered in 4 modules of licensed contents. Almost all the trainees actually implemented the public involvement projects they proposed during the course within the communities/organizations they represented, thus competing in the “See me as I am” competition. The 20 best implemented public participation projects received awards at the end of the course. Among the best actions were raising awareness events, local studies, campaigns for child clothing and toys donations organized by Romani women and a lobbying campaign for the construction of a fountain.

The third line of action proposed by the initiative was addressed by nominating 30 experts on the promotion of equal opportunities at the local level. The network of experts that was formed was then prepped during a 3 day session on how to organize multiplying events.

During the network meetings, 31 partnership agreements were signed with local public authorities and other non-governmental organizations with relevant competencies in working with vulnerable groups. In addition, the National Council for Combating Discrimination endorsed the network, as well as the approach proposed, by designating people to be a part of it. The members of the inter-professional network developed the “**Strategy for promoting equal opportunity and the non-discrimination of vulnerable groups on the labour market**”, available at the project’s website. The strategy envisions increasing the underprivileged groups’ access to education, professional training and economic activities, increasing protection against discrimination and the efficient implementation of European legislation in this matter.

The draft of the strategy designed in the framework of the project was further developed by the Romanian Ministry of Labour, Family and Social Protection and put under public debate, following that the amendment and addendum procedures of the strategy to be performed by the Ministry along with other relevant public institutions.

Last but not least, the fourth line of action was materialized through the launch of a publicity campaign organized to counteract the stereotypes of Roma women at the workplace and to disseminate success stories of this collective. The campaign acquired high levels of visibility through conferences, TV and radio ads and articles published on the national and local press about Romani women role models.

The most successful events of the campaign were the “Living Library”, at which Romani women role models shared their life story with the participants, and the “Which one?” events, where people passing by were informed on the campaign and then were also asked to guess out of 2 women which one they thought was of Roma ethnicity.

III. **Effects – The difference that counted**

All project indicators were achieved and some of them exceeded the initial expectations of participation.

Key project indicators

The initial study was based on 800 questionnaires filled out by Roma and non Roma employees and trade union leaders, compared to the 500 planned	58 multiplying events were organized, as opposed to the 40 planned in all of the country’s counties, during a 3 month span	31 protocols were signed with local and central authorities who commit to equal opportunity on the labour market
30 trade union representatives, 30 NGO representatives and 20 from public institutions’ departments of equal opportunity were trained	Over 1.500 people were informed on the rights they are entitled to at the workplace, of which 948 were women and 452 men	33 Romani women were introduced as community roles models in the national and local press
30 experts, 12 from trade unions, 12 from NGOs and 6 from public institutions, promoted equal chance through multiplying events	4 meetings with the members of the inter-professional network were organized, attended by 182 participants	2 ads were created which aired on the TV and radio 260 times

Furthermore, a guide for trade union organizations was elaborated for the promotion of equal opportunities for vulnerable groups/minorities through social dialog. The guide provided European best practice examples on promoting the interests of minority women, recommendations, work tools and lessons learned.

V. Replicability - A lesson for the future

The main keys to success of the project were identified as follows:

- ▶ **Innovation:** in Romania, as in the rest of Europe the image of the Roma group is quite negative. However, projects like these show that innovation can shape the labour market. The social marketing campaign against the stereotyping of Rromani women at the workplace was the first of its kind in Romania and has led to the increase their visibility on the job market nationwide.
- ▶ **Monitoring:** continuous monitoring has supported the management team in evaluating project progress and identifying quick solutions to the difficulties that occurred throughout the implementation phase. Monitoring was done both through periodical visits in the field, discussions with the personnel involved, as well as through questionnaires for the evaluation of the awareness campaign's impact and of the multiplying events.
- ▶ **Sustainability:** even after the project was finalized, the "Together" Agency continues to ensure, along with its partners, the constant operation of the inter-professional network



This project is an best practice example because it brought trade unions into the heart of the promotion mechanisms of inclusion and social cohesion for the improvement of multiple forms of discrimination, discouragement and exclusion of disadvantaged groups on the job market.

V. Conclusions

This initiative has improved the position of Rromani women on the job market through a complex approach that has taken into account the consolidation of union structure capabilities, of institutions relevant in the field and of the civil society. The creation of a viable partnership between these structures and the accomplishment of a transfer of knowledge from them to the vulnerable groups on the labour market were vital throughout the development of all activities.

However, there is still a long way to finally get rid of discrimination. Several surveys done by the National Council for Combating Discrimination revealed that Rromani employees, especially women, are at the top of the list when it comes to discriminating practices at the workplace. The "Empowering Roma women on the labour market" addressed these problems in order to show all relevant social parties that priority should be given to professional aptitude, not to religious affiliation, minority, sexual orientation, etc. Letting go of discrimination in the workplace will continue to depend on the involvement of social parties, on the multiplying agents trained during the project but also on the political will to fight against it.

PROJECT “WORKSHOPS FOR SOCIO-PROFESSIONAL INSERTION OF HOMELESS ADULTS”

A best practice project dedicated to vulnerable groups

I. *Methodology - The path to the best practice*

This best practice is answers to Evaluation question n.4:

“What are the specific objectives directed or dedicated to vulnerable groups? Which of the specific projects directed or dedicated to vulnerable groups are identified as (having potential for) good practice?”

The selection of this best practice was made through the following procedure:

- ▶ Elaboration and validation (by a focus group) of a set of criteria to be met by the good practice candidate projects;
- ▶ Creation of a data base of all targeted interventions financed through the OP 2007-2013 Romania;
- ▶ Evaluation of all candidacies using a survey (that had been elaborated by the Management Authorities) resulting in the selection of 70 potential good practice projects.

The evaluation of the project according to the pre-established criterion revealed that “Empowering Workshops for Socio-Professional Insertion” was a best practice among projects dedicated to vulnerable groups.

Score received after first survey (maximum score 33 points)

CRITERION	SCORE (1-3)
INNOVATION: the project proposes an innovative approach with regards to a certain topic, which makes it different from the majority of the financed projects.	3
EXTERNAL CONSISTENCY: the project is aligned with the national strategies that target vulnerable groups or aspects related to equality of chances.	3
CONTEXT ANALYSIS: the project includes a clear and thoroughly justified context analysis, focusing on the conditions of the vulnerable groups in cause.	3
PROJECT OBJECTIVES: the project identifies clearly and with justification the objectives on the short-, medium- and long-term that are related to the vulnerable group and explicitly correlated with the reference context.	3
DATA COLLECTION: the project includes a proposal/methodology for data collection that is clear and achievable, aiming to monitor the progress of the project and of objectives’ realisation, specifically referring to vulnerable groups.	3
EFFECTIVENESS: no irregularities were identified with regards to the utilisation of financial resources, and the budget spent is completely included in the one planned.	3
EFFICIENCY: the operational objectives of the project related to vulnerable groups are mainly reached, as proven by a data monitoring process.	3
PARTNERSHIPS: the project includes, where the case is, in the form of partnership or collaboration, one or more	3

CRITERION	SCORE (1-3)
interested actors having relevant competences for the aspects related to vulnerable groups.	
TRANSFERABILITY TO SAME TARGET GROUPS / TO SIMILAR TARGET GROUPS: The results of the project can be transferred to similar target groups.	3
TRANSFERABILITY TO OTHER TARGET GROUPS: The results of the project can be transferred to different target groups.	3
SUSTAINABILITY: The project contains a detailed analysis of how the results of the projects will be maintained after the termination of the financial assistance.	3
TOTAL	33

On a second stage of evaluation, after the beneficiaries of the initiative gave direct feedback on the initiative, the project was also selected as one of the top 5 best practice example projects.

Score obtained based on second survey results (maximum score 33 points)

CRITERION	SCORE (1-3)
Differentiation from other projects through INNOVATION	3
Accordance to national strategies that refer to vulnerable groups or equal opportunities	3
Clear context analysis, highlighting the conditions of the targeted vulnerable groups	3
Clear and justified objectives and results, explicitly correlated with the reference context	3
Clear and achievable proposal or methodology for data collection, specifically referring to vulnerable groups	3
No irregularities regarding the utilisation of financial resources	3
The operational objectives of the project that relate to vulnerable groups are mainly realised	3
Inclusion of partners who are relevant for the project and who have relevant competences related to vulnerable groups	3
Transferability to the same target groups	3
Transferability of results to the other target groups	3
Sustainability of results after the termination of the financial assistance period	2

CRITERION	SCORE (1-3)
TOTAL	32

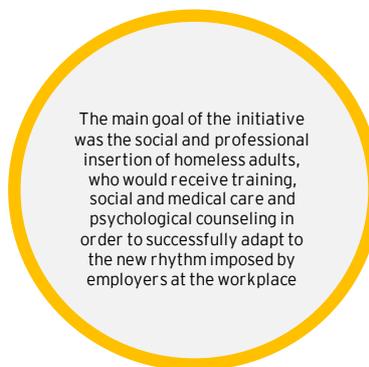
A case study was then elaborated with the information collected and finally it was presented and discussed at an interview with Mrs. Simona Nicolae (Executive Director of the Samusocial Association).

II. Overview & Description - What the best practice is all about

Samusocial is an assistance methodology for the most marginalised segment of population that was created by French Dr. Xavier Emmanuelli. After founding Médecins Sans Frontières and Samusocial Paris in 1993, in 2001 he established Samusocial International in order to develop this system of assistance throughout the world. There are presently 10 Samusocial branches based on 4 continents.

Samusocial Romania led the implementation of the “Workshops for Socio-Professional Insertion of Homeless Adults” project with a total budget that exceeded the 4.7 million RON, of which 72% were contributed by the EU (more than 3.4 million RON), from January 2009 to December 2011.

The main goal of the initiative was the social and professional insertion of homeless adults, who would receive training, social and medical care and psychological counselling in order to successfully adapt to the new rhythm imposed by employers at the workplace. The idea was to offer homeless adults life alternatives on the medium and long term to reintegrate socially and professionally instead of singular short term aids. The main activities performed consisted on:



Selecting people in the target group	Going out into the field, the association's mobile teams (a day team, a night team and a team including psychiatrists) identified homeless adults and directed them to the Samusocial Day Center, to be registered in the association's database and to get specialized help. There they received medical care, information and counseling for socio-professional insertion.
Psychological counseling and training for better adaptation	After the medical check-up and initial counseling, people able and willing to work and have a home entered a well-structured psychological counseling programme. The team psychologists offered specialized support to the homeless adults, which was often the basis for their motivation to re-launch themselves in the struggle for socio-professional reintegration.
Developing the insertion workshop	The Workshops without Frontiers partner was responsible for the management and operation of the insertion workshop, facilitating access to professional networks of recyclers and the signing of agreements with big companies and institutions that would sponsor the workshop with used IT equipment.
Employment during the workshop	Certain people in the target group were recommended for employment in the socio-professional insertion workshop. If they passed the interview phase, they were employed legally for at least 6 months, with the chance of renewal. Along with financial labour rights, workshop employees were given clothing, food and accommodation.
Accountability and involvement campaigns	Campaigns of community awareness, accountability and involvement into the social inclusion process were conducted yearly, as well as several events addressed to NGOs active in the field of social economy, local authorities and ministry representatives. The message of the campaign reached the wider audience through numerous media appearances.

Some of the people were employed during the insertion workshop, where they dismantled or repaired and revalued computers, sports and paramedical equipment, which were then either sold for recycling or donated. Thus the project contributed to the development of the social economy and at the same time promoted waste reduction and environmental protection.

Additionally, throughout the insertion process, new employees took part in professional training courses according to their previous work experience. When this wasn't possible, specialization courses were suggested matching jobs currently in demand on the labour market.

To meet the entire series of problems that prevent homeless adults from obtaining a job, social workers focused on the following courses of action:

- ▶ Obtaining identification papers and civil status documents;
- ▶ Creating employment files for the adults (recovering study diplomas and employment record books);
- ▶ Actively seeking jobs in the media and online and mediating the relationship between people in the target group and potential employers;
- ▶ Helping the people with their housing problems (e.g. Temporary shelters, social motels, rental housing, family reintegration) etc.

During the first months of the project, an insertion workshop for the recycling of IT equipment was opened. In the workshop dismembered IT equipment and the components were then sold to recycling companies or donated to kindergartens, schools and foundations which support education and integration projects for disadvantaged children. During the project a smaller tailoring workshop was introduced, where women would make cloth bags.

During the insertion workshop participants continued on their route to reintegration and self-esteem restoration. Aside from the social and psychological counselling that was offered throughout the entire employment in the workshop, new employees developed their ICT skills. The professional training included courses for heating system technician, plumbing and gas engineer, electrician.

During employment and after graduating the (re)qualification courses, project social workers supported the participants in identifying an adequate job. In addition, they benefited from extra-professional, socio-cultural activities meant to create group cohesion and relationships different from that at the workplace. Activities included project partner events, NGO fairs, expositions as well as ample actions like the renovation of a kindergarten, renovation of a school camp and building a playground. These complex activities were developed alongside people from the target group that were still in the preliminary stage of employment in the workshop, in order to test their work adaptability, motivation and ability to work in a team.

III. Effects – The difference that counted

All project indicators were met, most notably the number of social and medical interventions accomplished and the number of jobs obtained in the real economy:

Key project indicators

20 social economy specialists were trained through 495 hours of training	1.751 homeless adults received information and professional counselling	31 participants were employed during the insertion workshop and received professional qualifications
17.036 social interventions and 7.820 medical interventions to improve the lives of homeless people	501 homeless adults received evaluation and psychological counselling for professional reinsertion	64 jobs obtained in the real economy

Even more important than these quantitative aspects is the fact that the project offered a second chance to a great number of homeless adults, where this group is so vulnerable generally compared to society mentalities and particularly compared to the job market, as well as difficult though the nature of its own degradation. Thus, people who have been living for years on the streets with thought for nothing more than survival have begun to regain their self-esteem, to anchor themselves into the future and to reintegrate into society through work.

Success stories of participants from the socio-professional insertion workshop

Doru, aged 60, has been in the Samusocial records since January of 2009. After 38 years living in Boston, USA he was repatriated following divorce. He came to the association's office asking for support in obtaining identity papers, shelter and a job, in a precarious physical and emotional state. After following all the steps he was hired into the insertion workshop. A short while after finalizing the project contract (May of 2010) he obtained a job at an ecological car wash. He presently lives in a social motel and works at the same car wash.

Radu, aged 56, has been in the Samusocial records since November of 2010. In 2000 he and his wife were evacuated from the apartment where they lived due to accumulating large tenant debts. When he presented himself at the Samusocial centre he was in a depressive mood, without hope of finding a job after repeatedly being refused in interviews due to his age and vulnerable physical state. Radu adapted very well to the workshop conditions, becoming a key member of the team. With the money he earned, he rented a one room apartment along with his wife. He presently works legally as a plumber.

IV. Replicability - A lesson for the future

The key factors of success of this project were:

- ▶ **Innovation:** the insertion workshop was a unique project in Romania that offered a real chance to homeless people. The project came with a viable solution for cleaning the city streets, as a complementary alternative to the traditional social assistance. The project team adapted well to the new needs coming from matching the labour market demands with the already existent abilities and skills in the case of some of the employees in the workshop.
- ▶ **Monitoring:** as part of its daily activities, Samusocial Association monitored the evolution of the project participants, their professional and medical path. Social workers communicated periodically with the people supported by the association in their process of socio-professional reintegration, and sometimes with their employers.
- ▶ **Sustainability:** all the project activities continued after its conclusion. As the revenues obtained from recycling the materials in the workshop are small, the associations Samusocial and Workshops without Frontiers are financed by private companies to develop continuously new projects, very similar to this one and to support in this way thousands of people belonging to vulnerable groups.

The insertion workshop is based on the concept of social economy, used as a tool for the social and professional reintegration of people going through difficult life situations. Although in this project the insertion workshops had as target group homeless adults, this concept can be easily replicated in the case of other vulnerable groups (e.g. Roma people with disabilities), with small modifications so to address the specific technological and professional training needs of the beneficiaries. Actually, the insertion workshops of Workshops without Frontiers have as employees people from various social environments and groups, promoting in this way equal opportunity in society and on the labour market.

V. Conclusions

Making its debut in Romania and based on the experience of Workshops without Frontiers France, the project consisted in hiring homeless adults in socio-professional insertion workshops with the purpose of offering them an incentive in the recovery of social life, by regaining confidence and self-esteem.

The insertion workshop integrated three areas:

- ▶ **The social** – offering jobs and ensuring a shelter;
- ▶ **The economic** – job security and certainty of a monthly salary, and
- ▶ **The ecological** – recycling used computers and protecting the environment. The project is an example of human solidarity and sustainable development.

Annex 9: Glossary of areas/topics relevant for equal opportunities

Glossary related to areas and topics relevant for discrimination based on gender (Table 3):

Areas / Topics	References from EU relevant documents and relevant provisions
Education and Training	
Gender gap in learning of basic skills	<p>Flagship Initiative "An agenda for new skills and jobs": Modernization of labour markets and empowerment of people by developing their skills throughout the lifecycle with a view to increase labour participation and better matching between labour supply and demand, including through labour mobility.</p>
	<p>Strategy for Equality 2010-2015: Promotion of gender equality in education and training related initiatives particularly through initiatives aimed at tackling early school leaving, promotion of women adult learning and scientific career choices and reduction of the 'digital divide'.</p>
Participation of women in vocational education and training	<p>Flagship Initiative "An agenda for new skills and jobs": Employers should be encouraged to co-invest and participate in the activities of education and training institutions, particularly in higher education and vocational education and training; these partnerships can develop and update skills profiles, multidisciplinary curricula and qualifications, and facilitate the provision of work-based learning, from apprenticeships to industrial PhDs.</p>
Participation of women in lifelong learning	<p>Flagship Initiative "An agenda for new skills and jobs": Improving access to lifelong learning, supporting people move to high-value added sectors and expanding occupations such as those emerging from 'sustainable growth' policies, equal opportunities policy and legislation, and 'white' jobs. More flexible learning pathways can facilitate transitions between the phases of work and learning, including through modularisation of learning programmes. These pathways should also allow for the validation of non-formal and informal learning and be based on learning outcomes, as well as the integration of learning and career guidance systems.</p>
Gender gaps in graduate in science and technology (S&T)	<p>Flagship Initiative "An agenda for new skills and jobs": Improving access to lifelong learning: more investment should be undertaken to increase the number of graduates in science, technology (S&T) engineering and maths (STEM) so as to create the right conditions to deploy key enabling technologies, essential in the R&D and innovation strategies of industry and services.</p>
Gender gaps in tertiary education	<p>EU 2020 Strategy: Increase the share of the population aged 30-34 having completed tertiary education from 31% to at least 40%.</p>
Economic independence	
Gender gap in employment participation	<p>EU 2020 Strategy: The employment rate of the population aged 20-64 should increase from the current 69% to at least 75%, including through the greater involvement of women, older workers and the better integration of migrants in the work force.</p>
	<p>Strategy for Equality 2010-2015: 75% labour participation target for women and men</p>

<p>Gender pay gap</p>	<p>Flagship Initiative "An agenda for new skills and jobs": In 2012, the Commission will review the effectiveness of EU legislation in the area of information and consultation of workers, as well as EU directives on parttime work and fixed-term contracts and their impact on female participation in employment and the equal pay.</p> <p>Strategy for Equality 2010-2015: The Commission will:</p> <ul style="list-style-type: none"> ▶ explore possible ways to improve the transparency of pay as well as the impact on equal pay of arrangements such as part-time work and fixed-term contracts. ▶ support equal pay initiatives at the workplace such as equality labels, ‘charters’, and awards, as well as the development of tools for employers to correct unjustified gender pay gaps. ▶ Institute a European Equal Pay Day to be held each year to increase awareness on how much longer women need to work than men to earn the same.
<p>Occupational segregation (both vertical /horizontal)</p>	<p>Strategy for Equality 2010-2015: Encourage women to enter non-traditional professions and combat the ‘glass ceiling’</p>
<p>Self employment and entrepreneurship</p>	<p>Flagship Initiative "An agenda for new skills and jobs": Policies to exploit key sources of job creation and to promote entrepreneurship and self-employment are also essential to increase employment rates. Entrepreneurship should become a more widespread means of creating jobs, as well as fighting social exclusion. Member States should develop entrepreneurship in school curricula to create a critical mass of entrepreneurship teachers, and to promote cross-border universities and research centres’ collaborations in the area of innovation and entrepreneurship.</p> <p>Strategy for Equality 2010-2015: The implementation of the revised directive on self-employed women should remove a major barrier to female entrepreneurship. Young women should also benefit from the growing emphasis on entrepreneurship as one of the basic skills that schools should teach all pupils, as foreseen in the Youth on the Move flagship initiative</p>
<p>Reconciliation work and family life (quality care for children, elderly and dependents, parental leave, etc)</p>	<p>Flagship Initiative: "An Agenda for new skills and jobs": At national level Member States will need to implement their national pathways for flexicurity, as agreed by the European Council, to reduce labour market segmentation and facilitate transitions as well as facilitating the reconciliation of work and family life.</p> <p>Strategy for Equality 2010-2015: Report on MS performance on family care, assess the gaps in family-related leave, define further measures</p>
<p>Health, well being, environment</p>	
<p>Access to health and care services</p>	<p>Flagship Initiative "European Platform against Poverty": At national level, Member States will need to fully deploy their social security and pension systems to ensure adequate income support and access to health care.</p>
<p>Access by specific groups (migrant women, elderly women, minorities, etc.)</p>	<p>Flagship Initiative "European platform against poverty": Ensuring social and territorial cohesion such that the benefits of growth and jobs are widely shared and people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society.</p>

	<p>EU 2020 Strategy: Reduction of health inequalities: A major effort will be needed to combat poverty and social exclusion and reduce health inequalities to ensure that everybody can benefit from growth. Equally important will be our ability to meet the challenge of promoting a healthy and active ageing population to allow for social cohesion and higher productivity.</p> <p>Strategy for Equality 2010-2015: There is a strong need to provide early support to migrant women and monitor the effect of such assistance. Making them more aware of their rights and facilitating their integration and access to education and health care is crucial.</p>
Specific health issues of women groups (elderly women, abused women, etc.)	<p>Flagship Initiative "An Agenda for new skills and jobs": At national level, Member States will need to promote new forms of work-life balance and active ageing policies and to increase gender equality.</p> <p>Strategy for Equality 2010-2015: Monitor gender issues in the field of health</p>
Public transport	Public transportation options should take into account travel patterns of women, physical barriers, personal security barriers and affordability.
Transport and social infrastructures in rural areas	<p>Cohesion policy 2007-2013: Convergence priority: investments in health and social infrastructure which contribute to regional and local development and increasing the quality of life.</p>
Social infrastructures and security in urban areas	
Women's double burden (reconciliation, unpaid work)	Support good quality, available and affordable child and elderly care facilities; a variety of paid leave options that should be taken by both parents; recognition of the role of fathers with regard to childrearing; flexible working time arrangements and reduce or extend one's working time and sound investments on services of public interest.
'Green jobs'	<p>Strategy for Equality 2010-2015: Encourage women to enter in green and innovative sector</p>

Glossary related to areas and topics relevant for discrimination based on grounds other than gender (Table 5):

AREAS / TOPICS	References from EU relevant documents and relevant provisions
Education and Training	
Learning of basic skills	<p>Flagship Initiative "An agenda for new skills and jobs": To modernise labour markets and empower people by developing their skills throughout the lifecycle with a view to increase labour participation and better match labour supply and demand, including through labour mobility.</p>
Participation in vocational education and training	<p>Flagship Initiative "An Agenda for new skills and jobs": At EU level, the Commission will work to give a strong impetus to the strategic framework for cooperation in education and training involving all stakeholders. This should notably result in the implementation of life-long learning principles (in cooperation with Member States, social partners, experts) including through flexible learning pathways between different education and training sectors and levels and by reinforcing the attractiveness of vocational education and training.</p>
Participation in lifelong learning	
Reduce early school leaving	<p>EU 2020 Strategy: Reduce the share of early school leavers to 10% from the current 15%</p>
Adaptation and equipment to facilitate access	<p>Flagship Initiative "European Platform against Poverty": At EU level, the Commission will work to design and implement programmes to promote social innovation for the most vulnerable, in particular by providing innovative education, training, and employment opportunities for deprived communities, to fight discrimination</p>

Modernising education	(e.g. disabled), and to develop a new agenda for migrants' integration to enable them to take full advantage of their potential.
Encourage mobility	Flagship initiative "Youth on the move": The aim is to enhance the performance and international attractiveness of Europe's higher education institutions and raise the overall quality of all levels of education and training in the EU, combining both excellence and equity, by promoting student mobility and trainees' mobility, and improve the employment situation of young people.
Attain tertiary education level	EU 2020 Strategy: Increase the share of the population aged 30-34 having completed tertiary education from 31% to at least 40%.
Employment	
Enhance labour market participation	Modernise labour markets and empower people by developing their skills throughout the lifecycle with a view to increase labour participation and better match labour supply and demand, including through labour mobility. Enable many more people with disabilities to earn their living on the open labour market.
Productivity and quality of work	EU 2020 Strategy: Faced with intense pressure on export markets and for a growing range of inputs we must improve our competitiveness vis- à-vis our main trading partners through higher productivity.
Avoid discrimination in labour market (accessing and progressing)	Flagship Initiative "European Platform against Poverty": At EU level, the Commission will work to design and implement programmes to promote social innovation for the most vulnerable, in particular by providing innovative education, training, and employment opportunities for deprived communities, to fight discrimination (e.g. disabled), and to develop a new agenda for migrants' integration to enable them to take full advantage of their potential.
Promote diversity management	Recognizing in employment the value of diversity and include in business women and men of different ages, abilities, ethnic origin, religion or sexual orientation
Promote self employment and entrepreneurship	Flagship Initiative "An agenda for new skills and jobs": Policies to exploit key sources of job creation and to promote entrepreneurship and self-employment are also essential to increase employment rates. Entrepreneurship should become a more widespread means of creating jobs, as well as fighting social exclusion. Member States should develop entrepreneurship in school curricula to create a critical mass of entrepreneurship teachers, and to promote cross-border universities and research centres' collaborations in the area of innovation and entrepreneurship.
Adaptation and equipment to facilitate access	Flagship Initiative "An agenda for new skills and jobs": Adopting targeted approaches for the more vulnerable workers, particularly the low skilled, unemployed, younger and older workers, disabled people, people with mental disorders, or minority groups such as migrants and the Roma: Public Employment Services (PES) should provide career guidance and well-targeted and adapted training and work-experience programmes. Specific priority should also be given to i) the skills upgrading of older workers who are particularly vulnerable to economic restructuring, ii) re-skilling of parents returning to work after a period taking care of family dependants and iii) re-skilling of blue collar workers with a view to a transition towards green-collar jobs.
Job creations in specific sector (social economy)	Support social enterprises Combining social and societal purpose with an entrepreneurial spirit of the private sector. Social enterprises devote their activities and reinvest their surpluses to achieving a wider social or community objective either in their members' or a wider interest.
Support to school – work transition	Ease the way into employment through, for example, personal advice, additional training, and work placements.
Health, well being, social inclusion	

Access to health services and by specific groups	Reduction of health inequalities and improved healthcare access for all, including high need groups and areas. ☒ Measures to develop innovative, efficient and sustainable health systems, including fostering structural change – shift from the hospital-centred model to community-based care in social and health care, i.e. de-institutionalisation.
Specific health issues	
Access and supply of goods and services	Ensure accessibility to goods, services including public services and assistive devices for people with disabilities.
Communication (in alternative ways)	Ensure compliance of public websites with web accessibility standards and television broadcasts providing few subtitled and audio-described programmes
Active ageing	Flagship Initiative "An Agenda for new skills and jobs": At national level, Member States will need to promote new forms of work-life balance and active ageing policies and to increase gender equality
Access to and use of ICT technology	EU 2020 Strategy: Given the transversal role of digital competences across the economy, the Digital Agenda for Europe is an essential catalyst that can help provide the right digital competences for workers and job-seekers, with targeted efforts to promote basic digital literacy for those with least competences such as the elderly, less-educated persons or SMEs employees but also to promote specialised and advanced ICT competences for those holding specific job profiles such as ICT practitioners.
Housing	Flagship Initiative "European Platform against Poverty": Homelessness and housing deprivation are perhaps the most extreme examples of poverty and social exclusion in society today. Although access to affordable accommodation is a fundamental need and right, guaranteeing this right still represents a significant challenge in a several Member States. Developing appropriate and integrated responses, both to prevent and tackle homelessness, shall remain an important element of the EU's social inclusion strategy. Close the gap between the share of Roma with access to housing and to public utilities (such as water, electricity and gas) and that of the rest of the population
Access to social protection system	Over the last ten years, Member States have worked together and shared experiences on the functioning and the reform of their social protection systems. They have defined common objectives and agreed on indicators along which to orient their policies for social inclusion, for the reform of pension systems and in the field of healthcare and long-term care. The Social OMC has supported mutual learning, promoted stakeholders' involvement, deepened the understanding of old and new social risks, and has brought to the fore the challenges that call for new approaches and solutions. Europe 2020 will give new impetus and relevance to this work and help developing tailored policies and actions to fight poverty and social exclusion.
Participation in social life/ empowerment	Achieve full participation of people with disabilities in society by enabling them to enjoy all the benefits of EU citizenship; removing administrative and attitudinal barriers to full and equal participation; providing quality community-based services, including access to personal assistance
Fundamental Rights	
Discrimination- based violence and human trafficking	Strategy for Equality 2010-2015: The EU guidelines on violence against women and girls and combating all forms of discrimination against them provide guidance for conducting political dialogue and for taking action, where appropriate, in individual cases of women's rights violation. The EU will continue to use its development policies to promote gender equality and women's empowerment.
Representation in decision making positions	Cohesion policy 2007-2013: In the context of its effort in favour of economic and social cohesion, the Community, at all stages of implementation of the Funds, has as its goals to eliminate inequalities and to promote equality between men and women as enshrined in Articles 2 and 3 of the Treaty, as well as combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Annex 10: Inventory of targeted projects

Extract and inventory in electronic format.