



Hungary-Romania
Cross-Border Co-operation
Programme 2007-2013



MINISTRY OF REGIONAL DEVELOPMENT
AND PUBLIC ADMINISTRATION



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European Regional Development Fund

Gender equality and non-discrimination

in the implementation of the Programmes funded by the
Structural Funds in the 2014-2020 period

Training for the potential beneficiaries of the
Interreg V-A RO-HU Programme



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PART I

GENDER EQUALITY AND NON DISCRIMINATION, DEFINITIONS AND LEGAL FRAMEWORK



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Why this training?

- A project funded by EU Structural Funds has to respect a complex system of legal provisions, at EU and national level;
- Within this system there are very important rules referring to the following 3 principles:
 - Gender equality;
 - Non-discrimination;
 - Accessibility for disabled persons.

Some definitions:

- **Gender equality (GE):**
 - “Equal visibility, empowerment and full participation of women and men in all spheres of public and private life” (Council of Europe);
- Equality does not mean that women and men should become the same but that women’s and men’s rights, responsibilities and opportunities should not depend on whether they are born male or female.

Some definitions:

- **Non-discrimination (ND):**

- the avoidance of either direct and indirect discrimination, i.e. less favourable treatment of some groups or individuals compared to others because of their characteristics such as sex, age, race, ethnicity, religion, disability or sexual orientation.

- **Direct discrimination** occurs when one person is treated less favourably than another would be, because of one of these characteristics.

- **Indirect discrimination** occurs when an apparently neutral provision, criterion or practice would put a person belonging to a certain group at a particular disadvantage compared with other persons. (EC Directive 2000/78)

Some definitions:

- **Accessibility for disabled persons (ADP):**
 - Access on equal basis with others to the physical environment, transportation, information and communications and to other facilities and services open or provided to the public (European Commission, DG REGIO 2009).

The legal Framework:

The legal framework about our 3 principles is the following:

- **International Law;**
- **General EU Law;**
- **EU Regulations on Structural Funds:**
 - Reg. 1303/2013, Art. 7;
 - Other more specific provisions, including in Reg. 1299/2013 on European Territorial Cooperation.
- **National legislation:**
 - Law no. 202/2002 on equal opportunities between women and men;
 - GO 137/2000 on preventing and sanctioning all forms of discrimination;
 - Law no. 448/2006 concerning the protection and promotion of the rights of persons with disabilities

Art.7 of Reg. 1303/2013

*“Member States and the Commission shall ensure that equality between men and women and the integration of gender perspective **are taken into account and promoted** throughout the preparation and implementation of programmes, including in relation to monitoring, reporting and evaluation.*

*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 preparation and implementation of programmes.*

*In particular, **accessibility for persons with disabilities** shall be taken into account throughout the preparation and implementation of programmes”*

Why is article 7 important?

- It obliges Managing Authorities to guarantee that:
 - No discrimination is applied in the implementation of the programme, and, consequently, in the implementation of all the projects;
 - Gender equality is guaranteed and promoted in the implementation of the programme, and consequently, at project level;
 - Accessibility for disabled persons is taken into account in the implementation of the programme, and consequently at project level.

The national legislation

- To respect Art.7, the managing authorities will pay particular attention to the respect of the existent national legislation for the 3 principles:
 - For GE: Law no. 202/2002 on equality between women and men;
 - For ND: GO no 137/2000 on preventing and sanctioning all forms of discrimination;
 - For AD: Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities



Proactive approach

- Art.7 does not only ask MAs to guarantee the absence of any form of discrimination;
- It also requires, in the implementation of the programme, a “positive” or “proactive” approach to GE (especially) and ND;
- This means that MAs are requested to go beyond the strict respect of the law and to promote, while financing the projects, GE and ND

Consequences for the beneficiaries

- As a consequence beneficiaries should expect from MAs:
 - A tougher attention to the respect of the national laws on GE, ND and AD in the project proposals and during the implementation; the respect of these laws will be a necessary contractual condition for the financing;
 - To promote the development of project applications that, because of their objectives, activities or modalities of implementation, demonstrate an increased attention towards GE, ND and AD that goes beyond the legal requirements



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PART II

SUGGESTIONS AND RECOMMENDATIONS



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Common recommendations Application phase

- Even if your project does not appear to be connected with the principles of gender equality and non-discrimination, always check if, for the subject approached in the project which will be implemented, special rules on equality and non-discrimination exist and, if so, ensure that they are taken adequately into account;

Common recommendations

Application phase

- always ensure, in particular, the accessibility for persons with disabilities in all project phases and for all project activities related results; this is valid not only for construction and infrastructure, but also for projects establishing communication and information platforms about public services, like:
 - The creation of a website;
 - The publishing of a brochure, or a manual;
 - The creation of a tourist guide.

This is compulsory!



Common recommendations

Application phase

Have you adequately considered the impact that your project, or some of its activities may have on women or categories of persons at risk of discrimination? Examples of negative impact:

- GE: a project supporting/training women of the programme area to take care of their babies at home;
- ND: a project with social purposes paying an allowance or other facilities to poor families selected through the local parishes (of a certain confession);
- AD: a highway replacing an existing national road, and consequently eliminating the sidewalks.



Common recommendations Application phase

- On the other hand, have you considered if your project may have a **positive impact** in relation to gender equality or persons belonging to groups at risk of discrimination, possibly with little modifications to your initial idea?

Proactive approach!



Common recommendations

Application phase

- In writing the application form, approach whatever content is related to persons in a balanced and non-discriminatory way, without using stereotypes and prejudices. For example, don't give for granted the gender of the target group members/users (use "he/she") and don't express general subjective judgement on categories of people.

Common recommendations

Implementation phase – **Project team**

- Pay attention to **the selection** of project team members on the basis of objective criteria, which do not include direct or indirect discriminatory conditioning.
- Negative examples:
 - Including a selection criteria related to the age of the applicants (only young people or only old people);

This is compulsory!



Common recommendations Implementation phase – **Project team**

- Ensure **non-discriminatory working conditions** for all the members of the project team in terms of salaries, tasks, workload distribution, distribution of responsibilities, work schedule.
- Negative examples:
 - Different salaries between a man and a woman having the same experience and tasks;

Common recommendations

Implementation phase – **Project team**

- Anyway, ensure that project dedicated staff know, understand and comply with **legal obligations on equality and non-discrimination**;
- For this purpose, you may prepare an information note for your staff, organize an internal information session, or a training.

This is compulsory!

The brochure: common recommendations Implementation phase – **Project team**

- Try to keep a balanced **gender approach** in building the project team;
- Whenever possible, consider the inclusion in the project team of **persons belonging to vulnerable groups** (eg., persons with disabilities etc.).

Proactive approach!

Common recommendations

Implementation phase – **Acquisitions**

- Avoid the risk of direct discrimination by, for example, explicitly introducing in the tender specifications a phrase like: *Participation in this tender procedure is open on equal terms to all natural and legal persons, irrespective of their nationality, gender, age, religion, ethnic origin and sexual orientation.*
- Criteria should always be expressed with the specification “or equivalent” in order to avoid the negative effects of differences among bidders.

Common recommendations

Implementation phase – **Acquisitions**

- Consider to include in the documentation for the public procurement procedures, of some conditions related to the implementation of awarded contracts based on minimum standards in order to comply with the principles of gender equality and non-discrimination, in relation to its own staff policies. For example :
 - involvement in developing the contract activities of categories of persons at risk of discrimination;

Proactive approach!

Common recommendations Implementation phase – **Acquisitions**

- If the objective of the contract concerns or is related to aspects of social nature, consider the option to include in the documentation of the public procurement procedures, the possibility for the bidder to receive additional points for the introduction of elements which promote equality and non-discrimination, like for example:
 - involvement in the contract implementation team of a number of women higher than the minimum required;
 - proposal of a number of solutions to increase accessibility for people with disabilities higher than the minimum required through the terms of references.



Common recommendations

Implementation phase – **Information and publications**

- When you create information and publicity materials (brochures, promotional videos, web sites etc.), make materials which are easily read.
- Make sure the locations chosen for all the activities for the public (launching conference, seminars, public meetings, etc.) are equipped with the necessary facilities in order to ensure the accessibility of persons with disabilities (ramps, lifts, toilets etc.)

This is compulsory!



Common recommendations

Implementation phase – **Information and publications**

- Depending on the nature / scope of the project, consider the possibility to include initiatives / information activities dedicated to various categories of vulnerable groups.

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Recommendations regarding Priority Axis 1 – Joint protection and efficient use of common values and resources (Cooperation on common values and resources)

Specific Recommendations for Priority Axis 1

Investment priority 6/b Investing in the water sector to meet the requirements of the Union's environmental acquis and to address the needs identified by the Member States, for investment that goes beyond those requirements (only for projects related to water supply systems):

- When elaborating the project :
 - Consider the possibility to mainly focus the project on areas where the presence of groups at risk of discrimination is higher;
- When implementing the project :
 - Water installations for final users (local population) should take into account accessibility for disabled and elderly people (eg. in terms of location and size of water meters)

Proactive approach!

This is compulsory!

Specific Recommendations for Priority Axis 1

- *Investment priority 6/c Conserving, protecting, promoting and developing natural and cultural heritage):*
- When elaborating the project :
 - For all projects: consider the possibility of addressing the project, even partially, to tourists belonging to groups at risk of discrimination, such as elderly, persons with disabilities;

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Specific Recommendations for Priority Axis 1

- *Investment priority 6/c Conserving, protecting, promoting and developing natural and cultural heritage):*
- When implementing the project (1/2):
 - In the case of infrastructure projects that improve accessibility for tourists to cultural/natural heritage: respect the requirements on accessibility for persons with disabilities to public structures;
 - consider the possibility to include in the project, besides these legal requirements, measures to increase accessibility, such as :
 - specific structures for the accessibility of persons with visual impairments;
 - specific rest areas for elderly and persons with disabilities, near tourists attractions.

This is compulsory!

Proactive approach!

Specific Recommendations for Priority Axis 1

- *Investment priority 6/c (Conserving, protecting, promoting and developing natural and cultural heritage):*
- When implementing the project (2/2):
 - For projects that do not concern infrastructure (guides, networks, websites, promotional activities, trainings, awareness-raising measures): all activities / deliverables should address tourists/ users without any discrimination, as follows :
 - printed and online materials should be developed in a manner that makes them easy to use
 - travel guides should include information on the accessibility to tourist attractions;
 - all the materials should have a comprehensive linguistic approach;



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Recommendations regarding Priority Axis 2 - Improve sustainable cross-border mobility and remove bottlenecks (Cooperation on accessibility)

Specific Recommendations for Priority Axis 2

- *Investment priority 7/b Enhancing regional mobility by connecting secondary and tertiary nodes to TEN-T infrastructure, including multimodal nodes:*
- When implementing the project:
 - Guarantee the compliance with the construction standards for transport infrastructure accessible to persons with disabilities (crosswalks, sidewalks, ramps, etc.);

This is compulsory!

- Take into consideration the use of supplementary technical solutions for the accessibility of people with disabilities to infrastructure (ie. properly equipped rest areas, dedicated parking lots, pedestrian crossings equipped with sensory guidance commands);

Proactive approach!

Specific Recommendations for Priority Axis 2

- *Investment priority 7/c Developing and improving environment-friendly (including low-noise) and low-carbon transport systems including inland waterways and maritime transport, ports, multimodal links and airport infrastructure, in order to promote sustainable regional and local mobility :*
- When elaborating the project :
 - Consider the possibility of including support activities to ensure the safety of all persons, including the ones belonging to disadvantaged groups, in the use of public transport facilities (video monitoring systems, remote alarms, SOS messaging, etc.)

Proactive approach!

Specific Recommendations for Priority Axis 2

- *Investment priority 7/c Developing and improving environment-friendly (including low-noise), and low-carbon transport systems including inland waterways and maritime transport, ports, multimodal links and airport infrastructure, in order to promote sustainable regional and local mobility:*

- When elaborating the project :

- Guarantee the compliance with accessibility standards of public transport and / or transport infrastructure for disabled persons (crosswalks, sidewalks, ramps, etc.);

This is compulsory!

- Take into consideration the use of additional specific technical solutions for the access of people with disabilities to public transportation;

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Recommendations regarding Priority Axis 3 – Improve employment and promote cross-border labor mobility (Cooperation on employment)

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Specific Recommendations for Priority Axis 3

- *Investment priority 8/b Supporting efficient employment growth through the development of endogenous potential as part of the territorial strategy for specific areas, including the conversion of declining industrial regions, enhancement of accessibility and development of specific natural and cultural resources:*
- When elaborating the project:
 - Consider connecting the local development strategy proposed for funding with specific local needs of women and groups at risk of discrimination, such as minorities, youngsters and elderly, by allocating sections / chapters to this specific purpose.
 - Consider the possibility to focus at least a part of the strategy actions towards the development of social entrepreneurship and supporting employment / entrepreneurship among women and specific target groups at risk of discrimination.

Proactive approach!

Specific Recommendations for Priority Axis 3

- *Investment priority 8/b Supporting efficient employment growth through the development of endogenous potential as part of the territorial strategy for specific areas, including the conversion of declining industrial regions, enhancement of accessibility and development of specific natural and cultural resources:*
- When implementing the project (1/2):
 - **For infrastructure projects:** strictly respect the building rules regarding the accessibility of disabled persons in buildings.
 - **For training initiatives:** make sure that the selection of participants is made based on transparent and non-discriminatory criteria.

This is
compulsory!

This is
compulsory!



Specific Recommendations for Priority Axis 3

- *Investment priority 8/b Supporting efficient employment growth through the development of endogenous potential as part of the territorial strategy for specific areas, including the conversion of declining industrial regions, enhancement of accessibility and development of specific natural and cultural resources:*
- When implementing the project (2/2):
 - **For training initiatives:** consider the inclusion of a course module/ brief training sessions regarding the implementation of the principles of gender equality and non-discrimination at the workplace;
 - **For initiatives addressed to business environment:** consider the inclusion of a specific channel to access common services for businesses run by people who need special assistance / companion.

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Recommendations regarding Priority Axis 4 – Improving health-care services (Cooperation on health-care and disease prevention)

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Specific Recommendations for Priority Axis 4

- *Investment priority 9/a Investing in health and social infrastructure which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting social inclusion through improved access to social, cultural and recreational services and transition from institutional to community-based services:*

- **When elaborating the project :**

- Consider the inclusion in the project idea of the specific needs of groups at risk of discrimination ("disadvantaged groups");

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- **When implementing the project (1/2):**

- For projects aiming at developing / equipping health infrastructure: strictly follow the construction requirements on accessibility to health services infrastructure and equipment;

This is compulsory!

Specific Recommendations for Priority Axis 4

Investment priority 9/a

- **When implementing the project (2/2):**

- Consider the possibility of including in the project measures to increase accessibility, beyond the minimum legal requirements;

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- **For initiatives of changing and strengthening capacities:** make sure that the selection of participants is conducted in accordance with transparent and non-discriminatory criteria.

This is compulsory!

- **For e-health projects:** ensure the full adoption of international standards for accessibility to the web interface, if that should be accessible to the public.

This is compulsory!



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Recommendations regarding Priority Axis 5 - Improve risk-prevention and disaster management (Cooperation on risk prevention and disaster management)

Specific Recommendations for Priority Axis 5

- *Investment priority 5/b Promoting investments to address specific risks, ensuring intervention in case of disasters and developing a disaster management system*
- **When implementing the project:**
 - **In the case of projects referring to the adoption of common rules and plans for risk management:** adequately consider the needs and circumstances of youngsters, the elderly and persons with disabilities;
 - **In implementing the awareness-raising measures:** consider giving priority to measures targeting disadvantaged groups.

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Recommendations regarding Priority Axis 6 – Promoting cross-border cooperation between institutions and citizens (Cooperation of institutions and communities)

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Specific Recommendations for Priority Axis 6

- *Investment priority 11/b Enhancing institutional capacity of public authorities and stakeholders and an efficient public administration by promoting legal and administrative cooperation and cooperation between citizens and institutions:*
- **When elaborating the projects:**
 - Regardless what is the public administration area envisaged by the project, consider paying due attention to the specific needs of groups at risk of discrimination in relation to the respective field.

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Specific Recommendations for Priority Axis 6

- *Investment priority 11/b Enhancing institutional capacity of public authorities and stakeholders and an efficient public administration by promoting legal and administrative cooperation and cooperation between citizens and institutions:*
- **When implementing the project :**
 - **For training and capacity building initiatives:** make sure that the selection of participants is based on transparent and non-discriminatory criteria.
 - **When implementing rising awareness measures:** consider giving priority to measures targeting disadvantaged groups.

This is compulsory!

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Thank you for your attention!

Irina Ciocîrlan – irina.ciocirlan@aczconsulting.ro

Cristina Cojoacă – cristina.cojoaca@aczconsulting.ro