

**ADVISORY COMMITTEE ON EQUAL OPPORTUNITIES
FOR WOMEN AND MEN**

OPINION ON GENDER EQUALITY IN THE COHESION POLICY 2014-2020¹

I. INTRODUCTION

The Structural Funds (cohesion policy) 2014-2020 will be the main investment instruments for supporting the key priorities of the Union as enshrined in the Europe 2020 Strategy. They will also constitute the most important financial support available for the implementation of gender equality policy in the EU.

The objective of promoting equality between women and men is a fundamental value of the EU, as enshrined in Article 3 of the TEU and Article 8 of the TFEU. It obliges the EU to mainstream gender equality in all of its activities. Action to promote gender equality remains crucial in a context of persistent gender inequalities in areas such as employment and access to economic resources. EU policy on gender equality is currently articulated in the Commission's Strategy for Equality between Women and Men 2010-2015² and the Council's European Pact for Gender Equality (2011-2020). The EU has reiterated the importance of close linkage between the European Pact for Gender Equality, the Strategy for Equality between Women and Men 2010- 2015 and Europe 2020: the European Union's Strategy for Jobs and Smart, Sustainable and Inclusive Growth.

The Advisory Committee on Equal Opportunities between Women and Men agreed to prepare an opinion on gender equality in the cohesion policy which is intended to advise the European Commission as to how the cohesion policy can be used effectively to achieve the EU's commitments on gender equality over the period to 2020.

This opinion addresses the following points:

- How to ensure that the dual approach of gender mainstreaming and specific actions is improved in the implementation of cohesion policy funds for 2014-2020?
- What are the specific suggestions on how to reinforce the gender dimension in the thematic objectives defined in line with the Europe 2020 objectives?
- How could the Commission better cooperate with the authorities in Member States, other European institutions and civil society organisations to ensure that gender equality considerations form an integral part of all the investment priorities and are properly implemented?

¹ The Opinion of the Advisory Committee does not necessarily reflect the positions of the Member States and does not bind the Member States.

² COM(2010)492

In a context of tight resources and serious economic challenges, this opinion focuses on issues of policy implementation and cohesion. It suggests ways in which the EU can gain added value from available resources so as to enable it to advance the important goal of gender equality even in a difficult economic environment.

II. CONTEXT

Inequalities persist between women and men across most of the policy areas encompassed by the cohesion policy. Despite their high levels of education in most, if not all, EU Member States, women continue to have lower participation rates in employment, with lower rates of pay, greater incidence of atypical or part-time employment, poorer pension entitlements, career segregation and poorer levels of progression. They continue to experience a gender pay gap which impacts on their economic independence, particularly later in life in the form of the gender pension gap. Men experience higher rates of early school leaving and are less likely to access education and training than women.

While the economic downturn has led to a significant increase in male unemployment, particularly among younger and older men, the public sector cuts have had a particularly pronounced impact on women who make up the majority of public sector workers and who, more than men, rely on social benefits and services. The gendered nature of caring continues to constitute a barrier to women's access to the labour market and their career prospects, compromising their economic independence and access to decision-making positions, in particular taking into account the impact of the economic downturn on publicly funded care services. Women continue to have poorer access to economic resources such as land and investment.

The EU's blueprint for recovery is focused on promoting innovation, supporting job creation, increasing employment rates among men and women and supporting the development of a higher skilled labour market across the EU. Applying a gender lens to the blueprint for recovery is crucial to ensure a fair and successful process of recovery, and to address the gendered impacts of the crisis.

The Commission adopted common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework on 6 October 2011.³

These include a number of references to the promotion of gender equality. Article 7, in particular, foresees the promotion of equality between men and women and non-discrimination.⁴ It is stated that Member States should pursue the objective of equality between women and men as set out in Article 8 of the Treaty on the Function of the European Union (TFEU) and ensure that gender equality is mainstreamed in the preparation, implementation, monitoring and evaluation of actions under *all* CSF Funds.

³ http://ec.europa.eu/regional_policy/what/future/proposals_2014_2020_en.cfm

⁴ "The Member States and the Commission shall ensure that equality between men and women and the integration of gender perspective is promoted in the preparation and implementation of programmes. 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."

However, the level of targeted EU financial support for promoting equality between women and men is decreasing⁵, being at the moment less than 0.8% of the Cohesion Policy budget. This support is distributed unevenly between the different funds and Member States. At the moment specific action is mainly supported by the European Social Fund. A small minority of Member States do not allocate any specific funding for specific gender focused action although problems like the gender pay gap and other gender inequalities in the labour market and at home are pertinent across the EU.

While some funding has been directed to gender mainstreaming, evaluations show serious gaps in existing gender mainstreaming practices. There is no shared understanding of procedure for gender-mainstreaming. While a gender equality perspective is present during the early stages of planning, it is far less evident in later phases of implementation and evaluation. Furthermore, a gender equality perspective is rarely integrated into issues that are not seen as immediately related to women and gender equality, such as research, ICT, transport, and enhancing the capacity of SMEs.

Nonetheless, Cohesion Policy 2014-2020 can also contribute to achieving de facto equality between women and men by addressing the question of care in a holistic manner. Long-term investment in adequate, affordable, and high-quality public care services for children and other dependents and efforts to strengthen the now under-valued care sector is a way for the EU and Member States to reach employment and growth targets and respond to demographic challenges. However, Member States are currently reducing rather than increasing publicly funded care services for children and other dependents due to the crisis. The consequence is that care responsibilities are increasingly falling on women's shoulders, limiting their labour market participation and thus compromising their economic independence. In the current period the ERDF invests only EUR 550 million (0.16% of whole cohesion policy budget) in improving childcare infrastructure – these investments must be increased and extended to care services to all dependents.

III. RECOMMENDATIONS

In the 2014-2020 funding period, the role of Cohesion Policy in promoting equality between women and men must be strengthened. This is necessary in order to reach the Europe 2020 targets and to redress the negative gendered impact of the economic crisis and of the ensuing austerity measures across Europe.

The Advisory Committee has been mandated to answer the following questions:

How to ensure that the dual approach of gender mainstreaming and specific actions is improved in the *implementation* of cohesion policy funds for 2014-2020?

Evaluations have confirmed that it is very important that the strategy on gender equality encompass a dual strategy of both gender mainstreaming - taking the gender aspect into account in all dimensions of programmes – and positive action, defined in this context as “specific actions” to address areas of gender inequality. Specific actions involve the direction of resources, policies and programmes at women and men experiencing inequality to further their equality objectives.

For the Common Provisions, the Advisory Committee recommends the following:

⁵ In 2007-2013 financial period 2,670 billion of the total Cohesion Policy budget of 347 billion euro will be invested in promoting women's labour market participation and reconciliation. In 2000-2006 the European Social Fund alone distributed 4.5 billion euro of EU funding for gender equality related measures (women specific actions, reconciliation, and gender mainstreaming).

- Article 7 should be strengthened by explicitly stating that “*Member States and the Commission shall ensure that equality between men and women and the integration of gender perspective is promoted in all the stages of implementation of the Funds*” and that the words “shall ensure” are replaced by “shall be committed to promote” in order to strengthen this commitment.
- There should be a clear distinction between the principle of equality between men and women and the principle of non discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Advisory Committee proposes dividing Article 7 into two parts - two separate articles 7 and 8;
- Article 7 should also be strengthened to include an explicit reference to promoting equality between men and women through mainstreaming AND through specific targeted actions on the same model as the proposed ESF regulation;
- The provision of a financial earmarking within each of the Cohesion funds for specific actions to promote equality between women and men should be considered;
- To reinforce performance, new conditionality provisions are envisaged to ensure that that EU funding creates strong incentives for Member States to deliver on Europe 2020 objectives and targets. The proposal to include a general ex-ante conditionality on gender equality⁶ in the Common Provisions is critical. A general ex-ante conditionality on gender allows for the identification of clear gender objectives and gender targets at the critical design stage across all of the structural funds. However, a gender equality perspective must be built into *all* proposed ex-ante conditionalities;
- The Advisory Committee recommends the inclusion of a new thematic objective (12) if appropriate, named “*promotion of effective equality between men and women.*” Linked to this new objective there should also be a new thematic ex ante conditionality requiring the existence of a national gender mainstreaming strategy;
- The financial allocations of Cohesion Policy funds will be guided by the **European Semester process** (NRPs and country-specific recommendations). The Commission and the Member States must enhance their efforts to integrate gender dimension in this process. Gender blind NRPs and CSRs will lead to gender blind use of Cohesion Policy funding. The National Reform Programmes (NRPs) have been identified as the monitoring process foreseen in the General Regulation for ensuring the contribution of Structural Funds on the Europe 2020 targets. The NRPs should be required to report on progress in relation to gender equality and where appropriate, should henceforth include specific gender targets. In addition the subsequent country-specific recommendations issued should also include specific recommendations, where appropriate on gender equality;

⁶ Not for the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund

- The Commission and the Member States must ensure that country specific recommendations issued on gender equality and care services in 2012 will be followed up in Partnership Contracts and operational programmes;
- Monitoring systems and data collection are also essential to provide a clear picture of how programmes are meeting gender equality objectives. Good gender equality monitoring systems will support the identification of the need for specific action. In this respect, the Advisory Committee recommends that all actions, especially under the ESF and those pertaining to economic growth, be screened for their potential impact on gender equality. A general screening requirement will reduce the risk that programmes with a negative gender impact are wrongly determined to be gender neutral;
- There is an ESF Regulation that foresees that indicators are gender-disaggregated. This should also be the case within the Common Provisions. A new category of indicators, the gender indicators, should be included and all the data should be disaggregated by sex, as possible, so a modification of the articles 24.3, 29 b), 57.4 a) i), and 114.2 and of the general ex-ante conditionality referring to statistical systems and results indicators, is needed.
- Article 24 on the Content of Programmes should also include provisions as to how gender equality is being monitored and evaluated;
- It is essential that all planned evaluation pertaining to the CSF Funds take into consideration gender equality not only in the context of specific thematic evaluations but also in the phases of the evaluation process. In this regard, the Advisory Committee welcomes the text of Article 48 which states that ex ante evaluations shall appraise the adequacy of planned measures to promote equal opportunities between men and women and to prevent discrimination. The gender perspective should also be included in the continuing evaluation and in the evaluation ex post. This can be combined usefully with the Commission's proposal that Managing Authorities, in conjunction with the monitoring committees, should undertake either general self-assessment exercises, specific evaluation studies or a structured reflection focusing on the application of the gender mainstreaming principle;
- It is critical that gender experts/equality bodies, social partners and civil society representatives are included in the process of preparing Partnership Contracts and in the subsequent implementation and monitoring of programmes. Article 42 on the composition of the Monitoring Committee should be amended to include representation from gender equality NGOs and/or gender equality bodies and its composition should be gender balanced (or comprising of a critical mass of both men and women)
- Technical assistance funding should be available in all Member States to set up an adequately funded **permanent structure on equality between women and men** that would provide the expertise needed for integrating a gender perspective in all stages of planning and implementation of all funds. The Commission working document on the Common Strategic Framework recommends establishing permanent structures;

- Article 87.3 requires that Member States shall submit an opinion by the National Equality Bodies on actions to promote equality between men and women and the achievement of the measures on gender equality (article 87.3). This requirement should be extended to each of the funds.
- Article 114 on the Functions of the Managing Authority should include a requirement that gender mainstreaming guides are also produced at Member State level for beneficiaries;

For the Specific Funds, the Advisory Committee recommends the following;

- **ERDF, Cohesion Fund, EAFRD and EMFF regulations** must specifically mention gender equality and the specific contribution that each fund in question can make to reach the goal of equality between women and men;
- **The Commission proposes that ESF regulations** include a clear obligation for Member States to promote equality between women and men both through specific action AND through gender mainstreaming. The Advisory Committee welcomes this proposal as the dual-approach is critical to the promotion of gender equality. The Commission notes that positive actions for gender equality should be programmed only under gender-dedicated investment priority. This provision raises questions in terms of thematic concentration mechanism and programming flexibility. Positive actions for gender equality and antidiscrimination should be also able to implement under various investment priorities;
- Gender-equality specific actions should primarily be directed to broader gender-equality dimensions (such as tackling gender stereotypes; vertical and horizontal work segregation; gender pay gap, gender pension gap, women’s empowerment in public life that are not explicitly addressed by other initiatives and cannot be easily dealt with by gender mainstreaming practices).⁷ They must allow for funding for a broad range of activities that go beyond promoting women’s employment (science and research, ICT, gender stereotypes in education and training). Positive actions for gender equality and antidiscrimination should also be implemented under various investment priorities and not solely under gender-dedicated investment priorities;
- **ERDF regulations** must be amended so as to strengthen the role of ERDF in supporting care and social service infrastructure in all EU Member States. For example, the proposed indicator ‘childcare and education infrastructure’ must be complemented with an indicator for elderly care and long-term care infrastructure. Gender should also be integrated into other areas such as science and technology, ICT and entrepreneurship;
- The ERDF indicators should be gender disaggregated and include a new category of gender indicators;
- The introduction of a new article 4 similar to the one in the ESF is proposed, with the following text: *“to promote female participation in science, research and technology, to ensure the gender balance (or comprising of a critical mass of*

⁷ Pg.15, Evaluation of the European Social, Fund’s support to Gender Equality, European Commission, Directorate-General Employment, Social Affairs and Equal Opportunities 2011

both men and women) at the decision making positions, and combat gender stereotypes and to reduce gender pay gaps in line with ERDF priorities”.

What are the specific suggestions on how to reinforce the gender dimension in the thematic objectives defined in line with the Europe 2020 objectives?

The Commission’s Staff Working Party document highlights gender considerations in relation to a number of the **thematic objectives** defined in the Common Provisions for the 5 Funds⁸. While this is welcome, this should be strengthened in some areas, for example:

- Within Europe 2020 there are requirements in relation to two aspects of women’s engagement in STEM – their integration in increasing numbers in education and in management in these fields. This should be reflected under thematic objective (1);
- Under thematic objective (7) the needs of rural women in accessing employment and employment supportive social services-such as childcare should be considered when developing rural transport services;
- Under thematic objective (8) active measures to support the reintegration of women into the labour market and access to affordable childcare particularly for those who cannot afford to pay market costs but who are in employment, or education and/or training preparatory to entry into the labour market should be considered.

There has been no gender analysis undertaken in many of the other thematic objectives. These thematic priorities encompass areas in which there are persisting and serious gender inequalities. Levels of female entrepreneurship in the SME sector remain low. Female participation in the agriculture, fisheries and aquaculture sectors remain very low. Women remain at higher risk of poverty while men, particularly older men, remain at higher risk of social exclusion. Men have poorer rates of participation in education while women have low rates of participation in lifelong learning.

As each of these thematic objectives represent areas that are very important to future growth or constitute barriers to growth, it is important that a comprehensive gender analysis be undertaken of each thematic objective in the Common Strategic Framework. It is also important that the gender analysis be integrated into designing the programmes stemming from each thematic objective. There is a risk that the focus on thematic strands may dilute a specific gender equality focus.

The Advisory Committee recommends:

- A Gender Impact Assessment should be carried out across all thematic objectives;
- A new thematic objective (12) named “*promotion of effective equality between men and women*) should be introduced (if appropriate). This will produce two main effects: a major obligation on gender equality and the existence of linked thematic ex-ante conditionality;

⁸ COM(2011) 615 final on the Common provisions for the ERDF, ESF, CF, EAFRD and EMFF

- Consideration needs to be given to effective ways of supporting Member States to undertake gender mainstreaming of programmes. Member States might be required to implement a gender mainstreaming strategy across programmes;
- There should be a more integrated approach between the ESF and the ERDF on the subject of childcare, drawing on ERDF for infrastructure and ESF for the training of staff and enabling the development of innovative services to better target particular needs. Integrated interventions are a valuable asset for gender equality.⁹

How could the Commission better cooperate with the authorities in Member States, other European institutions and civil society organisations to ensure that gender equality considerations form an integral part of all the investment priorities and are properly implemented?

The Commission should have the primary role in ensuring Member State compliance with gender equality requirements in the cohesion policy. The Commission's role should take the form of:

- Ensuring that Member States incorporate both gender mainstreaming and positive actions as central elements of the Structural Funds;
- Advising and supporting Member States on integrating gender equality issues into the design and development of programmes under the thematic objectives and on developing positive action programmes;
- Advising and supporting Member States on integrating gender equality issues into the evaluation processes;
- Ensuring proper reporting on gender equality as a horizontal principle;
- Facilitating exchange of good practice between Member States on gender mainstreaming in the Structural Funds. This might take the form of a guide¹⁰ for Managing Authorities for use in drafting the Partnership Contracts and Operational Programmes or arranging high level meetings bringing together international experts, key stakeholders, including the managing authorities of CSF funds. Transnational and inter-regional co-operation on gender equality should be supported to promote the transfer of learning on gender equality across Member States;
- The Commission should train its officials working on country desks on equality between women and men and gender mainstreaming and provide them with guidance in particular on integrating a gender perspective in the 'difficult' thematic objectives;

⁹ Evaluation of the European Social, Fund's support to Gender Equality, European Commission, Directorate-General Employment, Social Affairs and Equal Opportunities 2011, pg 9

¹⁰ Similar to those produced by the European Commission, DG Employment, Social Affairs and Equal Opportunities in 2007, *Manual for gender mainstreaming of employment policies, Manual for gender mainstreaming social inclusion and social protection policies.*

- The European Commission should engage with Eurostat to identify a strategy for collecting gender disaggregated data more comprehensively across the thematic objectives of the cohesion policy. Data remains vitally important to identify progress on gender equality and areas of persistent problems.

Managing Authorities are vital in ensuring that gender equality principles are observed in programmes funded through the cohesion policy. In order to ensure that they are enabled to perform this important function, the following is necessary:

- Managing Authorities should establish adequate reporting mechanisms among project beneficiaries on gender equality as a horizontal principle. Article 44 of the CPR foresees that they will report on the implementation of Article 7 in 2017 and 2019. This obligation should be extended to all the Annual Implementation Reports. Article 101.3 requires that Annual Implementation Reports shall set out information on the specific actions taken to promote equality between women and men and to prevent discrimination;
- Article 5 on Partnership and multi-level governance foresees that a Member State shall organise a partnership with a number of partners including bodies representing civil society, including (environmental partners, non-governmental organisations, and bodies responsible for promoting equality and non-discrimination.) This mechanism should be utilised to advise on ways of implementing gender mainstreaming and positive action strategies and to highlight potential areas needing further action;
- Technical assistance funding should be made available for building the capacity of civil society organisations, notably in the fields of women's rights and gender equality, in all regions in order to fully support the partnership principle (Article 6 of General Regulation) and to ensure that civil society organisations will have the means to participate to the implementation process;
- Social partners should be formally included in designing and monitoring programmes;
- Targeted selection criteria could be used as a way to contribute to the improvement and quality of gender equality interventions with evaluation marks awarded specifically to measure the level of gender inclusion in project proposals;
- The relevant European agencies such as the European Institute for Gender Equality, the Fundamental Rights Agency and the European Foundation for the Improvement of Living and Working Conditions should be given a specific mandate to undertake research to support the achievement of the gender equality objectives in the cohesion policy;
- The European Parliament has the potential to act as a champion of gender equality in the cohesion policy. Consideration needs to be given to seeing how the relevant European Parliament committees can support the pursuit of gender equality objectives in the cohesion policy.