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STUDY ON THE TRANSLATION OF ARTICLE 16 OF
REGULATION (EC) N°1083/2006 ON THE
PROMOTION OF GENDER EQUALITY, NON-
DISCRIMINATION AND ACCESSIBILITY FOR
DISABLED PERSONS, INTO COHESION POLICY
PROGRAMMES 2007-2013 CO-FINANCED BY THE
ERDF AND THE COHESION FUND

FINAL REPORT

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Abbreviations

MA – Managing Authority

CCI number – Operational Programme reference number in the Commission’s data base

CF – Cohesion Fund

EC – European Commission

ERDF – European Regional Development Fund

ESF – European Social Fund

EU 10+2 (EU12) – The new EU Member States which acceded in 2004 (10) and 2007 (2)

EU15 – The 15 EU Member States prior to May 2004

MA – Managing Authority

MS – Member State

No. – number

OMC – Open Method of Co-ordination

OP – Operational Programme

SF – Structural Fund

EXECUTIVE SUMMARY

The **overall aim** of the study was to establish **to what extent** Article 16 of the General Regulation (EC) N°1083/2006 is reflected in cohesion policy programmes 2007-2013 and to present examples of **good practices**. The article calls for the integration of the principles of gender equality, non-discrimination and accessibility for the disabled during all stages of implementation of Structural Funds.

This study is divided into **4 chapters**. The first chapter describes the aim and the scope of the study. The second chapter presents the research design and methodology. The third chapter provides a literature review of documents and sources that deal with the implementation of the themes of gender equality, non-discrimination and accessibility in the context of Structural Funds. The last chapter presents the empirical findings of the study.

Various methods were used during the course of the study. Firstly, a **literature review** was carried out, based on the analysis of various secondary sources and documents. The next step was a **review of 50 Operational Programmes** (OPs) co-financed by the European Regional Development Fund (ERDF) and the Cohesion Fund. Out of a total of 316 OPs officially approved by the beginning of 2009, the sample was formed so as to ensure an adequate distribution of programmes across (a) different objectives of Structural Funds, (b) EU15/ EU12 Member States, (c) regional, national and cross-border programmes, and (d) the variety of welfare state regimes. The review was conducted by screening the texts of the OPs according to a standardized checklist which dealt with the various possible practices used to integrate the three themes of Article 16 at the different stages of OP implementation. Furthermore, all the Managing Authorities of the 50 OPs were asked to fill out a short **e-mail based questionnaire** in order to find out how Article 16 had been implemented since the adoption of the Operational Programme. Thirty one Managing Authorities took part in this survey.

The assessment of the results of the review of OPs led to the selection of 15 OPs for analysis in **case studies** that aimed to identify and discuss potential good practices. The selection was made with an aim to have all the three themes covered as well the various stages of implementation. The process of conducting the case studies included desk research (consulting legal and policy documents as well as statistical data relevant for the implementation of a particular OP) and interviewing people involved in this process (representatives of the Managing Authority, intermediate bodies, social partners and project beneficiaries).

Based on the literature review, the main concepts of the study **were defined** as follows:

- Gender equality was defined as the equal visibility, empowerment and full participation of women and men in all spheres of public and private life¹.
- Non-discrimination was understood as the avoidance of direct and indirect discrimination. Direct discrimination occurs when one person is treated less favourably than another is, has been or would be treated in a comparable situation because of his/her gender, age, race, ethnicity, religion, disability or sexual orientation. Indirect discrimination occurs when an apparently neutral provision, criterion or practice would put persons in the protected categories at a particular disadvantage compared with other persons².
- Accessibility for disabled persons was understood as technical requirements that need to be fulfilled so that the disabled have equal access to the physical environment, transportation, information and communications and to other facilities and services open or provided to the public, both in urban and in rural areas³.

Furthermore, the concepts of the 'stages of implementation' and 'good practice' were of key importance to this study:

- The various stages of implementation of the Funds analysed in this study were: programme design (including situation analysis, SWOT analysis, definition of objectives and priority axes, indicators and targets), project selection, programme management, reporting and monitoring, evaluation, communication and publicity, and partnership.
- Good practice was defined as any action, tool or method which was intended to integrate the provisions of Article 16 (implicitly or explicitly) into the Operational Programme and/ or any stage of its implementation.

The study demonstrated a **good level of awareness** concerning the principles of gender equality, non-discrimination and accessibility for the disabled among the cohesion policy programmes financed from the ERDF and the Cohesion Fund. A total of 64% percent of the reviewed 50 OPs made an explicit reference to Article 16. Moreover, some of the programmes integrated one or more of the three principles even without making such a reference (among these programmes, five were selected for a good practice analysis in the case studies).

The majority of the reviewed OPs (70%) undertook a **partial mainstreaming** approach toward the integration of the three themes of Article 16. This means that they recognised gender equality and/ or non-discrimination and/ or accessibility as their horizontal priorities. Usually this statement appeared in the section devoted to strategy, in a separate chapter or in a separate annex. One or more of the three themes were also reflected in the analysis section. However, there were few relevant practices for integrating

¹ Council of Europe (1998), *Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices. Final report of Activities of the Group of Specialists on Mainstreaming* (EG-S-MS). Strasbourg, May 1998.

² See Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

³ European Commission (2007), *Information Note on the Consequences of Article 16 Regulation (EC) No. 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999*.

these themes into the actual priorities, programme implementation, monitoring and other stages. Also, many of the programmes concentrated on one particular equality issue (for example, gender equality or immigrant population) and gave limited consideration to other aspects (especially accessibility).

A few of the reviewed programmes (8%) demonstrated **comprehensive integration** (OP 'Stockholm', OP 'West Wales and the Valleys' (UK), OP 'North West England' (UK), OP 'United Kingdom – Ireland'). These programmes formulated relevant practices for all stages of programme implementation from programme design to monitoring and evaluation. The practices were linked and complementary: the analysis provided a basis for a well thought out strategy while an adequate institutional structure was present to implement this strategy. Meanwhile, 22% of the reviewed programmes were cases of **declarative integration**. They scarcely mentioned the three themes of Article 16 at all, or did this in a declarative way, e.g. having described the overall challenges or strategy they claimed that 'in addition' the horizontal principles such as equal opportunities will be taken into consideration, without providing any further detail.

It is recommended

to Member States

(1) Review the integration of Article 16 into the process of implementation of cohesion policy programmes co-financed by the ERDF and the Cohesion Fund, using the Self-Assessment Guide (Annex C of this study). Identify the gaps (both in terms of the three themes and stages of implementation) and measures to deal with these gaps.

Among the **three themes** of gender equality, non-discrimination and accessibility, the first is the most developed and is mentioned in the texts of all 50 of the reviewed OPs (e.g., either in the context analysis, description of strategy and priority axis, or in an annex on cross-cutting issues). This is understandable, since (a) the gender dimension has the longest tradition in the EU legal framework and (b) Article 16 uses very strong and active terms when referring to **gender equality**, i.e.: "equality between men and women" is to be promoted as well as the "integration of the gender perspective". The case studies showed that this theme is especially well reflected in the context analysis and indicators (the disaggregation of data by gender is requested by Article 66(2) of the General Regulation). In management and monitoring, a frequent practice is the request of an observation of gender balance in the Programme Monitoring Committee (8 cases out of 15), and inclusion of representatives of gender organisations into this Committee (9 cases). There were cases of special calls devoted to encourage women entrepreneurship and to increase the participation of women in the labour market (OP 'Stockholm', OP 'North Rhine-Westphalia' (Germany), and OP 'Promotion of Cohesion' (Lithuania)).

The theme of **non-discrimination** was reflected in the texts of more than half (60%) of the reviewed programmes. The meaning of this term is context-specific, as discriminated-against groups vary in different in Member States. In Central East European countries the

non-discrimination measures target primarily the Roma population. Meanwhile, in Western Europe such measures focus on those with an immigrant background.

Article 16 undertakes a rights-based (or negative-action) approach with regard to non-discrimination, as the article asks for the *prevention* of discrimination rather than the *promotion* of the principle of non-discrimination. Therefore, in order to fulfil this principle, it is enough to ensure that some groups are not treated unfavourably during programme management, reporting and monitoring, evaluation, partnership, and other stages of implementation. The case studies where the rights-based approach on non-discrimination was the most visible were the studies of OP 'Sweden-Norway', OP 'Southern Finland', OP 'Border, Midland and Western (BMW) (Ireland)', OP 'Champagne-Ardenne' (France), and OP 'Cantabria' (Spain). Moreover, 10 out of the 15 case studies identified some pro-active measures devoted to groups such as immigrants, Roma people, older persons or the disabled (e.g., the inclusion of representatives of these groups into the process of programme preparation, management and monitoring; preparation of special guidelines, evaluation or information measures).

Few among the reviewed OPs covered the theme of **accessibility for the disabled** (e.g., 38% of programmes mentioned this aspect in their strategy section). Three reasons may explain this. *Firstly*, the accessibility requirement was introduced only in the current programming period, and thus there was a lack of guidance and experience on how this requirement may be included. *Secondly*, from a regulatory perspective, accessibility is a requirement often dealt with in national law (e.g. the regulation of building construction and development of infrastructure). Therefore, to the extent the Member States have defined accessibility requirements in their national law, all EU-supported projects will have to take accessibility for the disabled into account even if the OP does not explicitly refer to the term itself. *Thirdly*, accessibility is understood in this study as a technical requirement. Meanwhile, the disadvantages that the disabled people face due to their condition or societal prejudices is covered by the principle of non-discrimination and thus the practices used to improve the access to funds for various discriminated-against groups are also applicable to the disabled.

It is recommended

to Member States

(2) Require accessibility to all venues, infrastructures, transport, technology and services. Make accessibility an explicit compliance requirement of project selection and check the compliance during on-the-spot checks of projects. Produce guidelines on accessibility for helping project beneficiaries to take accessibility requirements in consideration.

The case studies revealed a variety of practices used to integrate the three themes of Article 16 **into different stages** of cohesion policy programmes. The analysis demonstrated both good practices as well as difficulties that were encountered during the implementation stage. Some of the good practices appear in many

case studies. In **programme design**, the most frequently used indicator was a result-level indicator for the number of jobs created or safeguarded, disaggregated by gender (12 cases out of 15; 9 of these cases have targets). In **project selection** many programmes (10 cases) give some advantage to projects that integrate the aspects of gender equality or non-discrimination well (however, the equality-related criteria do not have a decisive influence). Many practices were identified in **programme management** (guidance, institutional solutions, control measures, and the exchange of experience). However the most frequent practice was to provide guidelines and training on horizontal issues to programme authorities (8 cases). A total of 9 case studies indicated that equality-related recommendations of the **ex-ante evaluation** contributed to the development of the OP or led to relevant actions during programme implementation.

Partner organisations promoting gender equality or non-discrimination were consulted during the preparation process of all the OPs analysed in the case studies. Also in all these cases, such partner organisations were included in the Programme Monitoring Committee. Sometimes the partner organisations were involved in the processes of project selection (4 cases) and programme management (e.g. providing relevant advice or guidelines, or facilitating exchange of experience, 7 cases). Overall, partnership is **the most developed stage** of programme implementation from the perspective of Article 16.

The case studies also demonstrated that when a partner consistently takes part in various stages of programme implementation, it makes a visible contribution to the integration of the principles of gender equality or non-discrimination. This is because continuous participation allows the partner organisation to develop expertise, administrative capacity, and reputation. The examples of such continued participation are provided in the OP 'North Rhine-Westphalia' (Germany) ('Zentrum Frau in Beruf und Technik' (ZFBT - 'Centre for Women in Occupation and Technology'), OP 'Health' (Slovakia) (The Office of the Government's Plenipotentiary for Roma Communities), and OP 'Cantabria' (Spain) (Department for Gender Equality of the government of Cantabria - Dirección General de la Mujer del Gobierno de Cantabria).

It is recommended

to Member States

(3) Identify the organisations (public agencies and NGOs) which have substantial competence and authority in addressing any of the three themes of Article 16. Encourage them to take a facilitating role in the integration of the three themes during the implementation of the Operational Programme (for example, the moderation of meetings, joint initiatives with various institutions and NGOs). Encourage public and non-governmental bodies to consult these organisations in pursuing their daily functions related to implementation of the OP. Use the Technical Assistance budget or special projects to provide the necessary financial resources.

The case studies revealed that the Member States usually undertake a mixed approach of **mainstreaming and targeting** in the implementation of principles of Article 16. For example, in the case of OP 'North West England' (UK) the equality themes are integrated (mainstreamed) into all stages of implementation, however at the same time there are targeted measures to support the entrepreneurship of women, racial and ethnic minorities, and the disabled. The programme also plans to develop guidance documents, targeting projects working with minority entrepreneurs and to conduct a special evaluation on equality and diversity. The examples of programmes relying more on the mainstreaming strategy are OP 'Sweden-Norway', OP 'Border, Midland and Western (BMW)' (Ireland), and OP 'Southern Finland'. They emphasise the necessity of integrating the cross-cutting issues into all stages of programme implementation, and have few practices devoted to some particular groups or equality-related problems. On the other hand, in some programmes the targeting approach is very visible: OP 'North Rhine-Westphalia' (Germany) targets the issue of women's entrepreneurship; OP 'South Great Plain' (Hungary) puts a strong emphasis on integrating the Roma population.

The Member States use various kinds of interventions in order to improve the situation of women and the discriminated-against groups. The analysis demonstrated that the most frequently funded **types of interventions** are:

- Direct or indirect support for business development and entrepreneurship (this concerns businesses owned or managed by women or other groups, such as immigrants).
- Support for infrastructure that addresses structural difficulties encountered by some groups in the labour market (e.g. public transport and child-care facilities aimed at helping women to reconcile their work and family life).
- Improvement of access to services and infrastructure for discriminated-against groups (e.g. education and health-care for Roma people; social and health services for older persons).

However **the actual effects** of the approaches and practices identified in this study remain to be seen. In mid-2009 (when the study was carried out) all the programmes were in the early phase of implementation. Among the 15 OPs analysed in the case studies, the implementation of projects had started in 11 programmes while in the other 4 cases the projects had not been contracted yet. This means that no assessment can be made on the actual success of implementation of the relevant practices concerning management, monitoring, reporting, and evaluation.

While the study was designed to identify the good practices, some **difficulties of implementation** or even practices that do not have a positive effect from the perspective of Article 16 were discovered. For example two case studies demonstrated that despite a formal commitment to ensure gender balance in the Monitoring Committee, this rule had not been followed (OP 'Sicily' (Italy), OP 'Lower Silesia' (Poland)). Data on some of the monitoring indicators may be difficult to collect due to national requirements on privacy protection (OP 'Stockholm' (Sweden), OP 'South Great Plain' (Hungary)). Important groups are disregarded in programme strategy and partnership (immigrants in OP 'Digital Convergence' (Greece)). While accessibility is a formal requirement, it is not fully

ensured due to various reasons (OP 'South Great Plain' (Hungary), OP 'Health' (Slovakia)). Guidelines for integration of horizontal principles may be available but project promoters state that they did not use them (OP 'Sweden-Norway').

It is recommended

to the Commission

(4) Ask the Member States to comment on the practices used to integrate Article 16 and their achievements in **Annual Programme Implementation Reports**. Initiate **an evaluation** of translation of Article 16 to check how the relevant practices actually work and what their effects are.

Among the novelties of the 2007-2013 programming period was a **cross-financing** option (allowing the inclusion of some ESF-type expenses into projects co-financed by the ERDF). The case studies showed that 5 programmes took advantage of this rule (or intend to do so) (OP 'North Rhine-Westphalia' (Germany), OP 'Health' (Slovakia), OP 'Digital Convergence' (Greece), OP Lower Silesia (Poland), and OP 'South Great Plain' (Hungary)). However, at present, it is not possible to say to what extent this option will be used to address equality issues.

Compared to the provisions on horizontal principles during the previous programming periods, Article 16 stands out due to its broad scope, a call for mainstreaming in all stages of programme implementation and the introduction of the accessibility requirement. Therefore there is good potential for **learning and experience exchange**. The study showed that some programmes initiated an exchange of experience and networking events (OP 'Stockholm' and OP 'North Rhine-Westphalia' (Germany)) and made an attempt to exploit synergies with ESF-funded projects (OP 'Stockholm'). Furthermore, it is important not only to share current experiences, but also to take advantage of the lessons learned during the previous programming period. Several case studies showed that such lessons had been taken into consideration (OP 'Stockholm', OP 'Southern Finland', OP 'Sicily' (Italy)). However there is a case where important practices on equal opportunities were generated during the previous programming period, yet some of them will be discontinued in 2007-2013 due to the decreased scope of the programme (OP 'Border, Midland and Western (BMW)' (Ireland)).

The practices concerning project selection, management, monitoring and the other stages of programme implementation that were identified in this study could also be a useful learning tool. For example, the case study of OP 'North West England' (UK) showed that a very effective practice is to have a person in charge of equal opportunities in the intermediate body (Equality and Diversity Manager). She proved instrumental in supporting actions of various institutions, initiating relevant competence-building events and sensitising stakeholders to equality issues. The Self-Assessment Guide (to be used by programme authorities to review their performance as regards Article 16) was developed taking these practices into consideration (see Annex C).

It is recommended

to the Commission

(5) Undertake measures for facilitating the exchange of good practices among the Member States. Initiate relevant studies, networking events, and dissemination of good practices. Discuss the issues (and practices) of the implementation of Article 16 at pan-European conferences.

to Member States

(6) Engage in good practice exchange with other Member States, across the three thematic areas of Article 16. Publish some of the thematic evaluations (on cross-cutting issues) in English so that other Member States could become acquainted with them.

INTRODUCTION

This Final Report was produced for the 'Study on the Translation of Article 16 of Regulation EC1083/2006, on the promotion of gender equality, non-discrimination and accessibility for disabled persons into Cohesion policy programmes 2007-2013 co-financed by the ERDF and the Cohesion Fund'. The overall aim of the study is:

To establish to what extent Article 16 of the General Regulation (EC) №1083/2006 is reflected in cohesion policy programmes 2007-2013 and to present some good practice examples.

Four Tasks were carried out:

- a) Task 1: a literature review;
- b) Task 2: a review of the translation of Article 16 into Cohesion policy programmes;
- c) Task 3: case studies providing good practice examples;
- d) Task 4: conclusions and recommendations (including a Self-Assessment Guide, which can be used by programme authorities interested in reviewing their performance as regards Article 16).

This Final Report consists of the following sections:

- 1) Brief description of the object and the rationale of the study;
- 2) Overview of the methodological approach;
- 3) Literature review;
- 4) Analysis of the findings based on research, a review of the 50 Operational Programmes and the case study results (Task 4.1);
- 5) Conclusions and Recommendations – this section provides conclusions on the extent to which the provisions of Article 16 have had an impact on cohesion policy interventions. They are drawn as regards gender equality, non-discrimination and accessibility for disabled persons. Recommendations suggest appropriate steps for Member States and the European Commission that could be taken in order to ensure that Article 16 is translated into interventions co-financed by the cohesion policy at the different stages of implementation (Task 4.2);
- 6) Good Practice Examples: Annex B provides 15 case studies of good practice examples concerning the practical implementation of gender equality, non-discrimination and disability aspects in cohesion policy programmes 2007-2013 (Task 4.3);
- 7) Self-Assessment Guide: based on the case study questions, Annex C provides a template for self-assessment which can be used by programme authorities to review their performance as regards Article 16 (Task 4.4).

1. THE AIM AND CONCEPTS OF THE STUDY

The study concerns implementation of Article 16 in cohesion policy programmes (or Operational Programmes, OPs) co-financed by the **European Regional Development Fund (ERDF) and the Cohesion Fund**. The **overall aim** of the study was to establish to what extent Article 16 of the General Regulation (EC) N°1083/2006 is reflected in cohesion policy programmes 2007-2013, and to provide some good practice examples. Article 16 states:

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.

Article 16 refers to a number of **concepts** which may be understood and analysed differently:

- gender equality and, specifically, promotion of equality;
- non-discrimination and, specifically, prevention of discrimination;
- accessibility for the disabled;
- various stages of implementation of the Funds.

Based on the literature review, the study used these concepts in the following way.

Gender equality was defined as equal visibility, empowerment and full participation of women and men in all spheres of public and private life⁴. It is a long-standing objective of EU policy and an embedded principle of EU legislation. The way this principle is formulated in Article 16 puts a strong emphasis on “promotion of equality” and “integration of the gender perspective”. This means that the Article does not only aim to prevent discrimination against women when the rules, standards, etc. are being set. It also encourages proactive measures (special initiatives, targets, institutional arrangements, projects and policies) to facilitate the

⁴ Council of Europe (1998), *Gender Mainstreaming: Conceptual Framework, Methodology and Presentation of Good Practices. Final report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)*. Strasbourg, May 1998.

inclusion of one gender into the spheres traditionally dominated by the other.

Non-discrimination was understood as the avoidance of 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 is, has been or would be treated in a comparable situation. Indirect discrimination occurs when an apparently neutral provision, criterion or practice would put persons in the protected categories at a particular disadvantage compared with other persons⁵.

Article 16 puts an emphasis on the **prevention** of discrimination during **various stages of implementation** of the Funds. This means that, at the very least, any legal provisions, rules etc. should avoid clauses which may have a discriminatory effect on a specific group under protection. However, sometimes discrimination may be caused not by specific rules but by the fact that some groups, due to their difficult situation may fail to take advantage of the apparently neutral rules. Then, special measures may become necessary (e.g. special publicity measures to the discriminated-against groups and advice aimed to support their applications for funding).

Accessibility for disabled persons was defined as access on an equal basis with others to the physical environment, transportation, information and communications and to other facilities and services open or provided to the public, both in urban and in rural areas. In this study accessibility was understood narrowly as **technical requirements** that need to be fulfilled so that the special needs of disabled people are taken into account such as when infrastructure is being developed, and services are being created⁶. The Community strategic guidelines on cohesion refer explicitly to two types of infrastructure where accessibility should be taken into account: transport and information society⁷. When disability becomes a (potential) ground for unequal treatment (e.g. in giving support to start business), this could be approached from the perspective of **preventing discrimination**.

The Article refers to the **various stages of implementation of the Funds**. This means that acknowledging the importance of gender, non-discrimination and accessibility somewhere in the text of OP or some implementation documents is not sufficient. Instead, a more complex approach has to be adopted, which recognises the problem and puts forward mechanisms to ensure proper implementation, monitoring and evaluation. The following stages of implementation were analysed in this study:

- programme design (including situation analysis, SWOT analysis, definition of objectives and priority axis, targets and indicators);

⁵ See Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁶ European Commission, (2007), *Information Note on the Consequences of Article 16 Regulation (EC) No. 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No. 1260/1999*.

⁷ Council Decision of 6 October 2006 on Community Strategic Guidelines on Cohesion (2006/702/EC).

- project selection;
- programme management.
- reporting and monitoring;
- evaluation;
- communication and publicity;
- partnership.

2. THE METHODOLOGICAL APPROACH

2.1. The methods

The study used a variety of methods in order to answer the research questions. *Firstly*, a **literature review** focusing on the application of the principles of gender equality, non-discrimination and accessibility for the disabled in the EU law and policies of the MSs was carried out. The reviewed official documents included EU legal acts, Commission communications, Structural funds' and Cohesion fund' programming documents, relevant laws and regulations of the Member States. The study also used academic research reports and other publications (including those contracted and/or issued by the Commission) as well as **statistical data** on the situation of various discriminated-against groups in Europe.

The methods that were applied to generate empirical data about the actual incorporation of Article 16 into the Operational Programmes co-financed by the ERDF were a **review of Operational Programmes (OPs)** and **case studies**. The review of OPs was conducted in March–April 2009. It was based on a representative sample of 50 OPs (out of a total of 316 OPs approved for 2007–2013 period). The OP review was used for an overview and analysis of trends in implementing the provisions of Article 16. It also led to the identification of 15 OPs for more detailed case studies and an analysis of good practices. The case studies were carried out in June–September 2009.

2.2. Review of 50 Operational Programmes

2.2.1. Selection of OPs for review

Four selection criteria were developed in order to construct a representative sample of cohesion policy programmes (See Table 1).

Table 1. The selection criteria for 50 OPs

The Selection Criteria			
1	2	3	4
Balance of objectives	Balance between national/ sectoral and regional OPs	Balance between EU15 and EU12 MSs	Contextual balance, based on welfare regimes
<i>All the OPs fall under one of these categories</i> <ul style="list-style-type: none"> • Convergence • Competitiveness • Convergence and Competitiveness 	<i>All the OPs fall under one of these categories</i> <ul style="list-style-type: none"> • National/ sectoral • Regional • Transnational (cross-border) 	<i>All the OPs fall under one of these categories</i> <ul style="list-style-type: none"> • EU15 • EU12 (the MS which joined the EU in 2004 and 2007) 	<i>All the OPs fall under one of these categories</i> <ul style="list-style-type: none"> • Nordic model • Atlantic (Anglo-Saxon) model • Central European

<ul style="list-style-type: none"> • Territorial Co-operation 			<ul style="list-style-type: none"> • (Continental) model • Southern European model • Eastern European model • Baltic model • South-East European model
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Source: PPMI

The final choice of programmes ensured an appropriate balance between the **MS contexts** (EU15 vs. EU12 MS, and the types of welfare states) and policy-related criteria (such as cohesion policy objectives, regional vs. national programmes). Criteria may often correlate (e.g. most of the OPs from EU12 will be financed under the convergence objective). However, all of the criteria emphasise some distinct aspects which may influence how gender equality, non-discrimination, and accessibility for disabled persons are integrated into the OPs.

The final sample of OPs selected for review was comprised 40 Convergence or Regional Competitiveness and Employment Objective programmes and 10 cross-border/ transnational programmes (territorial co-operation objective). Among the 40 OPs implemented within a single Member State (see also Table 2) there were:

- 25 OPs from EU15 and 15 OPs from EU12;
- 20 OPs implemented under the convergence objective, 19 under the competitiveness objective and 1 under both the convergence and the competitiveness objective;
- 3 OPs from countries pursuing Nordic model of the welfare state, 3 from countries with Anglo-Saxon model, 10 from countries with Central European model, 10 from countries with Southern European model, 9 from countries following Eastern European model, 3 from countries following Baltic model and 2 from countries with South-East European model⁸.

⁸ Different types of welfare regimes characteristically suggest certain public policy choices, for example, the choice of a means-tested or needs-tested approach to state benefits. The type of welfare state may influence the extent to which national governments are concerned about gender, non-discrimination, and accessibility for persons with disabilities in the first place. This also may have an impact on what measures are usually undertaken. Typically welfare regimes are divided into three categories: the Nordic model, the Anglo-Saxon model, and the Continental model (see e.g.: Gøsta Esping-Andersen (1990), *The Three Worlds of Welfare Capitalism*, Cambridge: Polity Press). The authors of this study used Bent Greve's typology (see Bent Greve (2007), "What Characterise the Nordic Welfare State Model." *Journal of Social Sciences*, 3(2): 43-51) with some modification: Romania and Bulgaria, which were absent in the Geeve's typology were placed into a separate South-East European Group.

Table 2. The distribution of reviewed OPs in terms of objective, welfare model, national-regional and the EU15 - EU12 criteria

	Welfare models	Convergence objective		Competitiveness objective		Convergence and Competitiveness		Total (row percent)
		National / sectoral	Regional	National / sectoral	Regional	National/ sectoral	Regional	
EU15	Nordic model	0	0	1	2	0	0	3
	Atlantic (Anglo-Saxon) model	0	1	0	2	0	0	3
	Central European (continental) model	0	3	0	7	0	0	10
	Southern European model*	1	3	0	5	1	0	10
EU12*	Eastern European model	3	4	0	2	0	0	9
	Baltic model	3	0	0	0	0	0	3
	South-East European model	2	0	0	0	0	0	2
Total (column percent)		9	11	1	18	1	0	40

Source: PPMI

* Two EU12 MSs belong to the Southern European model: Cyprus and Malta.

2.2.2. The process of OP review

The Tender Specifications set the following requirement for the review of the programmes:

[...] the purpose of the review is to examine the extent to which Article 16 is reflected in the programmes and the management and implementation systems which have been put in place since programme approval.

The 50 programmes were reviewed in March-April 2009. The review was carried out using a standardized checklist. It addressed all stages of policy implementation, from programme design to the plans of Member States concerning evaluation and monitoring although most focus was on programming and planning since little implementation had taken place at the time of the review. The checklist was pilot-tested and fine-tuned by reviewing two programmes. A memo for all the experts involved in the review process was prepared, aiming to ensure a more coherent interpretation of texts of various OPs.

For each of the checklist questions the experts undertaking the review were asked to provide an assessment on the scale from 1 to 3 as to how a specific principle (gender equality, non-discrimination, accessibility) was reflected in the OP under review according to a number of criteria. A score of 1 was given when the OP obviously satisfied a review criterion (e.g. are there any quantified targets set in relation of gender equality, and/ or non-discrimination and/or accessibility)? A score of 2 was given when the OP somewhat satisfied the criterion (explicitly or implicitly). A score of 3 indicated that the particular criterion was not addressed at all, or no information was provided in the OP.

The review was supplemented by a short questionnaire sent by e-mail to the representatives of Managing Authorities of the 50 OPs. The aim of this survey was to find out how Article 16 had been implemented **since the adoption** of the Operational Programme. Thirty one Managing Authorities took part in the survey. Their replies provided additional information which was used to make the final selection of cases for 15 good practice studies.

2.3. Conducting the case studies

2.3.1. Selection of case studies for good practice analysis

Based on the results of the review of 50 OPs, a sample of 15 cases was selected for further examination in order to identify and describe the good practices in greater detail. The decision to choose a certain programme for case study research was based on:

- Data acquired through the **filled-in checklists** - the programmes that received the highest scores of 1 or 2 were chosen;
- Reply of the MA of the respective OP to the **e-mail questionnaire** where they were asked about the actual implementation measures for Article 16.

A maximum of one OP from a single country was selected. A **qualitative assessment** of the data gathered was also used and adjustments made in order to ensure that the final sample had the following characteristics:

A. Reflection of the three themes (gender equality, non-discrimination, accessibility for the disabled). Some programmes reflected the three themes well (OP 'North West England', OP 'Stockholm'). Yet in most cases the OPs gave a stronger emphasis to one or two themes. The gender equality aspect was mentioned in all 50 of the reviewed OPs (though to a different extent). The aspect of non-discrimination was analysed in 60% of the 50 reviewed programmes. Therefore a decision was made to include OPs which have a clear focus on some groups that are discriminated against into the sample (e.g. OP 'South Great Plain' (Hungary) and OP 'Health' (Slovakia) aim to improve the situation of the Roma minority). Three OPs were selected to give a deeper reflection to the aspect of accessibility for the disabled in various contexts: information society infrastructure (OP 'Digital Convergence' (Greece)), education, training and social services infrastructure (OP 'Promotion of Cohesion' (Lithuania), transport and tourism infrastructure, access to buildings (OP 'Lower Silesia' (Poland)).

B. Coverage of the various stages of implementation. The review of 50 OPs showed that some OPs describe relevant practices at all stages of implementation (OP 'North West England', OP 'Stockholm'). Almost all of the reviewed OPs provided relevant information in the analysis and strategy parts but many of them did not mention anything on equal opportunities with regard to programme implementation. This does not necessarily mean that these programmes do not consider equal opportunities at all. As the Member States had to provide only the most important information in the OP texts, many important provisions and practices (e.g., selection criteria or composition of the Management Committee) were clarified later. To the extent the OPs did mention some specific practices⁹, several were selected as they made a reference to tools and mechanisms which could be of potential interest to other OPs:

- **Project selection** – the French OP 'Champagne-Ardenne' intends a higher rate of subsidy for equal opportunities projects;
- **Management** – the gender equality dimension within the German OP 'North Rhine-Westphalia' is strengthened by the specialised trainings on equal opportunities for men and women, while the Spanish OP 'Cantabria' mentions a special guide for evaluating strategic themes of equal opportunities between women and men;
- **Reporting and Monitoring** – the Italian OP 'Sicily' Programme Monitoring Committee will be periodically (at least once a year) informed on the progress in equal opportunities;
- **Partnership** – the Irish OP 'Border, Midland and Western (BMW)' relies on an elaborate mechanism of consultation with stakeholders on programme design and implementation.

C. Consideration of the cross-border dimension. OPs which aim to promote Cross-border co-operation (CBC) have some specific features that are relevant for the integration of equal opportunities. For instance, they tend to allocate a bigger share of expenditure to 'soft' measures (such as training and awareness raising) which are traditionally seen as tools for promoting equality and non-discrimination. Therefore two CBC programmes which made more references to equal opportunities were selected for case study analysis: OP 'Belgium - France' and OP 'Sweden - Norway'.

The final selection of OPs for case studies is provided in Table 3. The OPs are grouped according to the rationale for their selection, following the criteria as listed above.

Table 3. OPs selected for the case study analysis

OP CCI No. and name	Remarks
Comprehensive approach to integration of principles of Article 16	
2007SE162PO005 Operational Programme 'Stockholm'	A case of comprehensive integration
2007UK162PO008 Operational Programme 'North West England'	A case of comprehensive integration

⁹ The answers of MAs to the e-mail based survey were also considered.

The three themes	
2007HU161PO004 Operational Programme 'South Great Plain'	Emphasis on non-discrimination (including Roma)
2007SK161PO005 Operational Programme 'Health'	Emphasis on non-discrimination (including Roma)
2007FI162PO004 Operational Programme 'Southern Finland'	Emphasis on non-discrimination (ageing society)
2007GR161PO002 Operational Programme 'Digital Convergence'	Emphasis of accessibility for the disabled to information society infrastructure
2007LT161PO001 Operational Programme 'Promotion of Cohesion'	Emphasis of accessibility for the disabled to education, training and social services infrastructure
2007PL161PO005 Operational Programme 'Lower Silesia'	Emphasis of accessibility for the disabled to transport, tourism infrastructure, access to buildings
Stages of implementation	
2007FR162PO008 Operational Programme 'Champagne Ardenne'	Project selection
2007DE162PO007 Operational Programme 'North Rhine-Westphalia'	Programme management
2007ES162PO001 Operational Programme 'Cantabria'	Programme management
2007IT161PO011 Operational Programme 'Sicily'	Monitoring and reporting
2007IE162PO001 Operational Programme 'Border, Midland and Western (BMW)'	Partnership
Cross-border dimension	
2007CB163PO063 Operational Programme 'Belgium - France'	CBC programme
2007CB163PO016 Operational Programme 'Sweden - Norway'	CBC programme

The selection of case studies was driven by the aim to research the interesting practice(s) which others could learn from. The context criteria of EU15/EU12, welfare models, and national-regional objectives that were decisive for generating the sample of 50 OPs were considered secondary in the selection of case studies. However, it is useful to look at the distribution of the case studies in terms of these context criteria. Table 4 shows that such distribution is adequate as most of the contexts are covered.

Table 4. The distribution of OPs selected for case studies according to objectives, EU12/ EU15 criteria and other criteria

Criteria		No. of cases
Balance of objectives	Convergence	6
	Competitiveness	7
	Territorial Co-operation	2
Balance between national/ sectoral and regional OPs	National/ sectoral	3
	Regional	10
	Transnational (cross-border)	2
Balance between EU15 and EU12 MS	EU15	9 (+2 cross-border)
	EU12	4

Contextual balance, based on welfare regimes	Nordic model	2 (+1 cross-border)
	Atlantic (Anglo-Saxon) model	2
	Central European (Continental) model	2 (+1 cross-border)
	Southern European model	4
	Eastern European model	3
	Baltic model	1
	South-East European model	0

2.3.2. The process of carrying out the case studies

The Tender Specification set the following aim for the case studies:

Understanding more deeply the influence of Article 16 requirements on the various stages of implementation.

Case study research took into consideration many primary and secondary sources of information and studied each of the selected OP as *a case*, and not just isolated practices within it. The whole process of case study research was structured into several stages:

- A **case study template** was developed along with an **expert memo** explaining all the requirements regarding the sources of information and the writing-up process. It was provided to all the experts involved in carrying out the case studies. It was used to ensure a sound methodological basis of the case study research and to make the cases comparable.
- A **pilot case study** (of the OP 'North West England') was carried out and sent to all the experts.
- Other 14 case studies were prepared based on **desk-research** and **interviews of the stakeholders**.

The documents studied included the OP text with relevant annexes, Description of the Management and Control System, Programme Manual or Guide to Beneficiaries, project selection criteria, evaluation and annual implementation reports, special guides (e.g. for the implementation of the cross-cutting themes) and other documents. For each case study the information was used which was available and relevant in its context.

In total 94 interviews were organized, which were conducted face-to-face, by phone/Skype or by e-mail (if an interviewee was not available through other means). The interviewees included representatives from the Managing Authorities, the intermediate bodies, important public agencies and NGOs having a stake in the implementation of Article 16 (organizations promoting gender equality, human rights, advocating for the ethnic minorities or the disabled etc.) and the beneficiaries, especially those implementing projects aimed to promote equal opportunities (Table 5).

Table 5. No. of interviews

	Managing Authorities	Implementing Bodies	Other public partners, NGOs, project beneficiaries	Total
Total interviews	19	17	58	94
Face-to-face	8	6	39	53
Telephone	9	8	11	27
E-mail/Skype	2	3	9	14

In each case, an attempt was made to contact the key stakeholders. This process was the most straightforward when the OP had a clear institutional structure for equality mainstreaming, such as a special officer coordinating the implementation of the respective horizontal priority. However, in many cases this structure was more dispersed. When the person in charge was not available for an interview, another representative from the same or another institution was sought or alternative sources of information were used.

2.4. Comparative analysis of findings and Self-Assessment Guide

This Final Report presents the findings of the literature review, review of 50 OPs and analysis of 15 case studies. The **literature review** (Chapter 3) provides discussion on how the principles of gender equality, non-discrimination and accessibility for the disabled were followed in implementation of EU cohesion policy and other policies. Then the **empirical findings** are presented (Chapter 4). The findings of the review of 50 OPs and of the 15 case studies are combined as they complement each other. The analysis of 50 OPs give an overall picture of the level of awareness with regard to the three principles, while the case studies provide information on how these three principles are implemented in practice, and what the most frequent and good practices are.

Based on the questions used for OP review and case study analysis, a self-assessment guide was prepared (Annex C). It is a comprehensive checklist which could be used by programme authorities for:

- assessing the extent to which the provisions of Article 16 are reflected in the design and implementation arrangements of their own OPs;
- getting to know better the practices used in other OPs for integrating the provisions of Article 16;
- applying some of these practices during the various stages of implementation of their OPs in order to pursue better the principles of gender equality, non-discrimination and accessibility for the disabled.

3. LITERATURE REVIEW

The literature review consists of three sections and addresses a number of questions, derived from the Tender Specifications:

1. The background of the ERDF and the Cohesion Fund: what effects do the interventions supported by these funds may have on gender equality, non-discrimination and accessibility for the disabled? (Section 3.1)
2. A comparison between the current (2007-2013) and previous (1994-1999, 2000-2006) programming periods regarding the promotion of gender equality, non-discrimination and accessibility for disabled persons. What is new and important in the way these three themes are addressed in the current programming period? (Section 3.2)
3. A broader conceptual discussion with regard to gender equality, non-discrimination and accessibility for the disabled: what approaches could be taken to integrate these themes into public policy and what approaches have been taken? (Section 3.3)

3.1. European Regional Development Fund, Cohesion Fund and their types of intervention

Article 16 is applicable to European Social Fund (ESF), European Regional Development Fund (ERDF) (the two structural funds) and the Cohesion Fund (CF). The Regulation EC1083/2006 states that ESF, ERDF and the CF are to contribute to three objectives: (1) Convergence, (2) Regional Competitiveness and Employment and (3) European Territorial Cooperation. The ERDF covers all of these objectives, the ESF addresses two of them (the first and second), while the Cohesion Fund only provides support to the Convergence objective.

The ERDF and Cohesion fund support different **types of intervention** (see Tables 6 and 7). In essence, the ERDF supports direct investments (aid) to enterprises (particularly, SMEs), services to enterprises (i.e., development of endogenous potential or indirect support) and various types of infrastructure investments. The Cohesion fund supports specifically investments into transport (trans-European networks) and the environment (priorities assigned to the Community environmental protection policy).

The ERDF and Cohesion fund finance investments that usually do not directly target the themes of gender equality, non-discrimination and accessibility for disabled persons. Among the structural funds, the ESF is more engaged in projects which aim explicitly to make an impact on social cohesion and equal opportunities. Predictably, the programmes financed from the ESF have more experience in taking into account the themes of Article 16 as compared to programmes financed by other funds. One study found that the obligation to integrate equal opportunities into programmes for infrastructure and economic development (usually

supported by the ERDF and Cohesion fund) was perceived as a burden by programme managers¹⁰.

Table 6. The main features of Structural Funds and the Cohesion fund

Fund	ERDF	Cohesion Fund
Aim	To strengthen economic and social cohesion in the European Union by correcting imbalances between its regions.	To reduce the economic and social shortfall of Member States whose Gross National Income (GNI) per inhabitant is less than 90% of the Community average, and to stabilise their economy.
Objectives	<ul style="list-style-type: none"> • Convergence; • Regional Competitiveness and Employment; • European Territorial Cooperation. 	<ul style="list-style-type: none"> • Convergence
Types of intervention	<ul style="list-style-type: none"> • Productive investment (primarily – direct aid to SMEs’ investments) • Development of endogenous potential (services to enterprises, development of financing instruments, networking and co-operations) • Investment in infrastructure • Technical assistance 	<ul style="list-style-type: none"> • Infrastructure investments in trans-European transport networks; • Investments in environmental infrastructure

Sources: Regulation on the European Regional Development Fund¹¹, Regulation on the Cohesion Fund¹²

Table 7. ERDF priorities for support (examples)

Type of intervention	Support priority
Productive investment (primarily – direct aid to SMEs’ investments)	<p><u>R&D</u></p> <ul style="list-style-type: none"> • Aid to R&TD, in SMEs and for technology transfer <p><u>ICT</u></p> <ul style="list-style-type: none"> • Aid to SMEs to adopt and effectively use information and communication technologies (ICTs) or to exploit new ideas <p><u>New product development</u></p> <ul style="list-style-type: none"> • Introduction of new or improved products, processes and services onto the market by SMEs <p><u>Sustainable development</u></p> <ul style="list-style-type: none"> • Aid to promote sustainable production patterns <p><u>Tourism and cultural services</u></p> <ul style="list-style-type: none"> • Aid to improve the supply of tourism services and cultural services
Development of endogenous potential (services to enterprises, development of financing instruments, networking and co-operations)	<p><u>Networking</u></p> <ul style="list-style-type: none"> • Improvement of links between SMEs, tertiary education institutions, research institutions and research and technology centres; • Development of business networks; public-private partnerships and clusters <p><u>Services to businesses</u></p> <ul style="list-style-type: none"> • Support for the provision of business and technology services; • Services to adopt and effectively use information and communication technologies (ICTs) or to exploit new ideas; <p><u>Development of funding sources</u></p> <ul style="list-style-type: none"> • Development of financial engineering instruments

¹⁰ Rona Fitzgerald and Patricia Noble (1998), *Integrating equal opportunities into Objective 2 programmes*. Glasgow: University of Strathclyde, European Policies Research Centre, p. 26.

¹¹ Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999.

¹² Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund and repealing Regulation (EC) No 1164/94.

	<p><u>Cross-border cooperation</u></p> <ul style="list-style-type: none"> • Legal and administrative cooperation; • Integration of cross-border labour markets; • Local employment initiatives; • Training and social inclusion; • Sharing of human resources and facilities for R&TD; • Exchanges of experience concerning the identification, transfer and dissemination of best practice; • Studies, data collection, and the observation and analysis of development trends in the Community.
Investment in infrastructure	<p><u>Information society infrastructure</u></p> <ul style="list-style-type: none"> • Electronic communications infrastructure, local content, services and applications; • Improvement of secure access to and development of on-line public services; • Access to networks by SMEs, the establishment of public Internet access points <p><u>Environment infrastructure</u></p> <ul style="list-style-type: none"> • Water supply, and waste-water treatment; • Air quality and waste management; • Integrated pollution prevention and control; • Rehabilitation of the physical environment, promotion of biodiversity and nature protection. <p><u>Tourism and cultural infrastructure</u></p> <ul style="list-style-type: none"> • Promotion of natural assets • Protection and enhancement of natural heritage; • Protection, promotion and preservation of cultural heritage; • Development of cultural infrastructure <p><u>Transport infrastructure</u></p> <ul style="list-style-type: none"> • Improvement of trans-European networks and links to the TEN-T network; • Promoting clean and sustainable public transport; • Regional railway, hubs, airports and ports or multimodal platforms <p><u>Energy investments</u></p> <ul style="list-style-type: none"> • Improvements to trans-European networks to energy efficiency and renewable energy • Production and the development of efficient energy management systems <p><u>Education investments</u></p> <ul style="list-style-type: none"> • Vocational training and other infrastructure <p><u>Investments in health and social infrastructure</u></p> <p><u>Joint use of infrastructures</u></p> <ul style="list-style-type: none"> • In sectors such as health, culture, tourism and education

Sources: Regulation on the European Regional Development Fund, Regulation on the Cohesion Fund

The interventions of both the ERDF and CF can have a far reaching impact on various groups suffering discrimination. The effects of the funds' investment may be both direct and indirect for all types of intervention. **Direct aid for businesses** run by certain groups (for instance, women) may improve their situation directly. Supporting the **business environment** (e.g. services to businesses run by entrepreneurs with an immigrant background) may prove instrumental in ensuring employment opportunities for this group of people and their integration into society. If the requirements of accessibility are taken into account in **building infrastructure**, this may help disabled persons to get access to services which were previously unavailable to them.

Indirect effects are apparent when the funds' interventions have side effects in addition to those intended directly. Such effects are most apparent in **infrastructure development** projects. For example, women tend to use public transport more than men. Thus,

the expansion of the public transport may improve their opportunities in areas which were previously inaccessible. Usually discriminated-against groups live in poorer districts; therefore, urban rehabilitation programmes may have a positive impact on their living conditions (even if these programmes were not targeted at these groups directly). Meanwhile, infrastructure development without the proper consideration of the interests of discriminated-against groups may increase their exclusion.

3.2. The principles of gender equality, non-discrimination, and accessibility for the disabled: what is new in the 2007-2013 programming period

In the previous programming period (2000-2006) equality between men and women was mentioned in several paragraphs of the preamble of the General Regulation¹³ and in several core provisions¹⁴. Article 1 of this Regulation stated that “[...] the Community shall contribute to [...] the elimination of inequalities, and the promotion of equality between men and women”. The provisions for non-discrimination appeared in the preamble¹⁵, while the main text emphasised that a new initiative (EQUAL) is to be created to combat “all forms of discrimination and inequalities”. Meanwhile, disability did not figure in the previous programming period either as grounds for discrimination or as an imperative to improve accessibility. There was no mention of sexual orientation as a ground for discrimination.

While in the previous programming periods there were some important references to non-discrimination and gender equality, Article 16 has brought these various aspects together for the 2007-2013 period. In the area of gender equality it provides for what is often referred to as a “general call for gender mainstreaming”, and a “holistic” or “integrative”¹⁶ approach. To some extent such approach was already visible in the 2000-2006 period (gender equality was mentioned in various articles of the General Regulation that regulated different aspects of implementation). However, Article 16 is very explicit and specific and states that “integration of the gender perspective is promoted during the various stages of implementation of the Funds”. This implies that targeted measures to improve the situation concerning gender equality are not enough and the gender dimension has to be considered throughout the programme cycle.

The Community initiatives URBAN and INTERREG were discontinued in the 2007-2013 programming period. The INTERREG programme was incorporated into the European territorial cooperation objective, while the objectives of URBAN (for urban development) are pursued through the objectives of Convergence and Competitiveness. During the previous programming periods these Community initiatives

¹³ Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, whereas 27 and 54.

¹⁴ Articles 1, 2, 8, 12, 29, 41, 46 of the Council Regulation (EC) No 1260/1999.

¹⁵ Whereas 5 Council Regulation (EC) No. 1260/ 1999

¹⁶ *Gender mainstreaming in the Use of Structural Funding*, p. 52.

developed many interesting practices and good practice examples, which among other areas concern equal opportunities. It is expected that in programming and implementing their Operational Programmes (OPs) for 2007-2013 the Member States would take advantage of the experiences generated through these Community initiatives.

The possibility of ERDF-ESF cross-financing is an innovation for the 2007-2013 programming period¹⁷. Among other possibilities, it offers an opportunity to include some "soft" actions (e.g. training, communication) in infrastructure projects, which would enable the needs of groups which tend to be under-represented or discriminated against to be taken into account.

3.3. Gender equality, non-discrimination and accessibility: possible approaches and the integration of these principles into EU policies

3.3.1. Gender equality as a concept and as a policy practice

3.3.1.1. Policy approaches on integrating gender equality

The concept of equality between men and women has been influenced by the interplay between three historical "waves" of approaches to equality:

- a) the equal treatment perspective, which focuses on equal rights;
- b) the women's (and men's) perspective which stresses empowerment of the discriminated-against group;
- c) the mainstreaming perspective, which sees the relationship between the genders as structurally embedded and promotes integration of gender perspective into all policy areas¹⁸.

Consequently, two types of approaches to eliminating gender inequality have been identified: (a) the *liberal approach*, which emphasises civil rights and recognition and (b) the *social approach* which emphasises social rights, integration and redistribution of power¹⁹. In fact, these approaches are the roots for the **so-called "negative" (or rights-based)** and **"positive" (transformative)** policy actions. In the *first case* any provisions and practices, which may have a discriminatory effect are to be avoided. In the *second*, pro-active actions are to be undertaken to address gender imbalances.

The third approach is often referred to as **"holistic", "integrative" or, simply, "mainstreaming"**²⁰. This approach promotes the

¹⁷ *Toolkit for Managing Bodies and Beneficiaries of EU Structural Funds and Cohesion Fund. Ensuring non-discrimination of people with disabilities and accessibility of programmes and projects.* Draft version of October 2008, p. 8.

¹⁸ Horelli, Booth, Gilroy (1998/2000), cited in Evalsed, *Perspectives on Equality*. <http://ec.europa.eu/regional_policy/sources/docgener/evaluation/evalsed/sourcebooks/themes_policy/boxes/perspectives_on_equality_en.htm> [cited in 3.2.2009].

¹⁹ *Ibid*, p. 101.

²⁰ *Gender mainstreaming in the use of structural funding*, p. 10.

integration of the gender perspective in the mainstream policy-making process and in various policy areas. It is defined as “not restricting efforts to promote equality to the implementation of specific measures, but mobilising all general policies and measures specifically for the purpose of achieving equality”²¹. In this study integration of gender perspective in all policy areas will be called the holistic approach. Meanwhile, consideration of gender in all policy stages (including policy design, resource allocation, the selection of initiatives, management and the monitoring of achievements) will be referred to as mainstreaming.

Some authors welcomed the holistic and mainstreaming approach for incorporating gender issues in strategic decisions. For instance, Mark A. Pollack and Emilie Hafner-Burton emphasised the importance of taking “women’s issues out of a narrow policy community” and inserting “the concerns of women across the entire spectrum of EU public policies”²². Yet some other authors do not share this enthusiasm. For example, Emanuela Lombardo argues that if the gender perspective is merely integrated into existing policies, its role is reduced and diluted²³. Yet other authors point out that such a strict separation between the holistic (or mainstreaming) approach and targeted actions is not accurate. The former approach still requires the continuation of special gender equality policy, “if only to make sure that gender equality issues do not disappear and that equality policies do not get over-fragmented”²⁴.

3.3.1.2. Gender equality in the EU legal framework and cohesion policy: what approaches have been taken?

EU legal framework on gender equality

The principle of gender equality has appeared in the EU very early: in 1957 the EEC Treaty made unequal pay for men and women discriminatory. The EC Treaty indicates that “the Community shall have as its task [...] to promote throughout the Community [...] equality between men and women” (Article 2) and “the Community shall aim to eliminate inequalities and to promote equality, between men and women” (Article 3).

In total, 13 directives concerning gender equality have been adopted up to 2009. The EU approach towards equality between men and women first developed in relation to employment matters, including the directives on equal pay²⁵, access to employment and

²¹ Communication from the Commission of 21 February 1996 “Incorporating Equal Opportunities for Women and Men into All Community Policies and Activities” (COM(96) 67 final). The concept appeared in the Resolution of the UN Commission on the Status of Women in 1986 and was first used in EU legislation in 1991 (in the Third Action Programme on Equal Opportunities).

²² Mark A. Pollack and Emilie Hafner-Burton (2000), *Mainstreaming Gender in the European Union*. A paper for the 12th Biennial Conference of Europeanists, Chicago, p.3.

²³ Emanuela Lombardo (2005), “Integrating or Setting the Agenda? Gender Mainstreaming in the European Constitution-Making Process.” *Social Politics: International Studies in Gender, State & Society*, 12(3): 412-432.

²⁴ Council of Europe (1998). Gender mainstreaming: *Conceptual framework, methodology and presentation of good practices. Final report of Activities of the Group of Specialists on Mainstreaming* (EG-S-MS), Strasbourg.

²⁵ 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.

equal treatment in social security²⁶. Gradually other spheres were taken into account. Starting from the 1990s, a **more holistic approach** has been pursued. A number of legal acts were adopted regarding the reconciliation of family and professional life²⁷ and the prevention of sexual harassment at work²⁸. Some other policy documents were also adopted that promote relevant principles but are not legally binding. Realising that inequality is largely a result of existing attitudes and stereotypes, the European Parliament and the Council adopted a resolution against gender stereotyping²⁹. A decision was also taken to coordinate actions in combating violence against women³⁰. Since the mid-1995 a wide array of guidance documents for the better inclusion of women in decision-making have been adopted, for example, the incorporation of equal opportunities in Community activities and policies³¹ and the balanced participation of women and men in the decision-making process³².

In the evolution of Community policies on gender equality *one may observe all the approaches* referred to in previous section. *Initially* the **equal treatment perspective** was undertaken (or the so-called "negative" approach) with an emphasis on the avoidance of actions which may have had a discriminatory effect. *Later* the Council recognised the importance of **positive action** for the elimination of existing inequalities³³. *Finally*, the **holistic/mainstreaming approach** started to be emphasised. In 2000 the Commission proposed a new framework strategy (for the period of 2001-2005) for eliminating gender inequality, now based on the integration of the gender perspective in all Community policies and activities, complemented with specific actions. A general Roadmap

²⁶ 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, Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes, 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, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood, Framework-directive 89/391/EEC on the measures to protect women workers who are pregnant, have recently given birth or are breastfeeding, and a more recent Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

²⁷ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC.

²⁸ Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

²⁹ European Parliament Resolution of 14 October 1987 on the depiction and position of women in the media and Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 5 October 1995 on the image of women and men portrayed in advertising and the media.

³⁰ Decision No. 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme).

³¹ Communication from the Commission of 21 February 1996 "Incorporating equal opportunities for women and men into all Community policies and activities" (COM(96) 67 final), which introduced gender equality as a priority, Action programme for equal opportunities 1996-2000, Strategy for eliminating gender inequality in 2000.

³² Council Resolution of 27 March 1995 on the balanced participation of men and women in decision-making and the Council Recommendation of 2 December 1996 on the balanced participation of women and men in the decision-making process.

³³ Council recommendation of 13 December 1984 on the promotion of positive action for women (84/635/EEC).

for equality between men and women³⁴ set six priorities for the 2006-2010 period: equal economic independence, reconciliation of work and private life, equal representation in decision-making, eradication of violence against women and trafficking, eliminating gender stereotypes and promoting gender equality in external and development policies³⁵.

Gender equality in the EU Cohesion policy

The requirement of gender equality was first introduced into the EU Cohesion policy in the 1994-1999 programming period: Policy measures financed by the Structural Funds had to conform with the principle of equal opportunities between men and women³⁶. In this programming period the main focus of the policy of gender equality was on the implementation of measures specific to women. Later programming periods saw development of a more holistic approach.

In 1996, the Council issued a Resolution on mainstreaming equal opportunities for men and women into Structural Funds. This Resolution encouraged supporting actions which "will make a positive contribution to the promotion of equal opportunities" in various areas, ranging from social infrastructure to access to employment. In addition, the Resolution asked for the inclusion of the gender perspective into monitoring, collecting statistics and decision-making³⁷. This was reflected in the General Regulation for the period 2000-2006³⁸ (e.g. it states that "statistics shall be broken down by sex") and even more so in Article 16 of the General Regulation for 2007-2013 (this Article speaks not only about promoting equality between men and women but also about "the integration of the gender perspective" into "various stages of implementation").

In addition to specific projects targeting gender equality a number of **useful practices** were developed in 2000-2006 and earlier programming periods in using EU funds (including the ERDF and Cohesion fund) to promote gender equality. Examples of positive initiatives at the programming stage include a SWOT analysis using the gender perspective, indicators of horizontal segregation between genders in the context analysis³⁹, gender-sensitive selection criteria (Sweden)⁴⁰ and preference for projects promoting gender equality (in Belgium, Objective 2 regions)⁴¹. Useful practices have been observed in other stages of policy implementation such

³⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the Regions - A Roadmap for equality between women and men 2006-2010 {SEC(2006) 275} (COM(2006) 92 final).

³⁵ European Commission, DG Regional Policy (2007), "Gender mainstreaming and regional development." *Inforegio Panorama*, 22, p. 8.

³⁶ Council Regulation (EEC) No. 2081/93 of 20 July 1993 amending Regulation (EEC) No. 2052/88 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments.

³⁷ Council Resolution of 2 December 1996 on mainstreaming equal opportunities for men and women into the European Structural Funds.

³⁸ Council Regulation (EC) No. 1260/99 of 21 June 1999 laying down general provisions on the Structural Funds.

³⁹ Gender Mainstreaming in the Use of Structural Funding, p. 17.

⁴⁰ *Ibid*, p. 22.

⁴¹ *Ibid*, p. 23.

as monitoring⁴². Important examples could be given concerning projects, co-funded by the ERDF (the Cohesion fund was less visible in this respect)⁴³.

3.3.2. Non-discrimination as a concept and as a policy practice

3.3.2.1. Policy approaches towards non-discrimination

Discrimination usually transcends sectors and creates a vicious cycle where discrimination in employment for example is related to poor education, substandard housing and health care⁴⁴. The notion of non-discrimination encompasses many categories of discrimination (sex, age, ethnicity, disability), which often correlate with each other. Yet importantly, the inclusion of various categories of non-discrimination into the same policy framework aiming to address this issue enriches policy approaches and assists the undertaking of systematic measures to address the problem, which takes different forms but follows similar patterns.

In its minimal version non-discrimination policy undertakes the so-called **rights-based** approach⁴⁵ which implies **negative measures**: i.e. no action may be undertaken if it discriminates the potential beneficiaries on the grounds of sex, disability, age, religion, ethnicity, etc. Yet in certain cases not all differences in treatment may be considered unlawful. For example, certain age-related requirements for employment are permitted⁴⁶, while racial or gender discrimination is absolutely forbidden. In other cases **positive discrimination** (or **affirmative action**) might even be undertaken, i.e. certain groups are given a deliberate advantage in order to improve what is considered their unequal or unfair situation in the society⁴⁷.

⁴² In Germany's Objective 1 regions gender mainstreaming boards sent a representative to the monitoring committee. In the UK's Objective 2 region, equality advice groups were included as a sub-group of the structural funds strategy group. In Italy's Objective 1 regions, the Department of Equal Opportunities provided technical assistance to all regions, and gender task forces were formed. Ibid, p. 23, 25, 47.

⁴³ These projects ranged from information and training activities to infrastructure development. *Examples of projects providing advice and support for women entrepreneurs*: in Italy's Objective 1 regions the promotion of competence centres and initiatives for women entrepreneurs in the field of environmental protection were supported (Communication on the Implementation of gender mainstreaming in the Structural Funds programming documents 2000-2006, p. 7), while in the UK grants covering initial investment for women establishing their own enterprises were provided within the framework of an ERDF-funded project ("Gender mainstreaming and regional development", p. 23). *Projects targeting unemployment of women*: an URBAN II project in Berlin prioritised the re-integration of long-term unemployed women and young people (as well as improving living conditions and traffic options for cyclists and pedestrians who are statistically more likely to be women); the Pamplona project (Spain) promoted small restaurant and bed & breakfast businesses to engage unemployed women; a project in Komotini region (Greece) helped to upgrade of skills of the active population in order to encourage competitiveness and combat unemployment that was especially high among women and young people (Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions „The programming of the Structural Funds 2000-2006: an initial assessment of the Urban Initiative“ (COM(2002) 308 final), p. 20.)

⁴⁴ European Union Agency for Fundamental Rights (2007), *Report on Racism and Xenophobia in the Member States of the EU*, see also European Monitoring Centre on Racism and Xenophobia (2006), *Muslims in the European Union: Discrimination and Islamophobia*.

⁴⁵ E.g. in UN Universal Declaration of Human Rights (1948).

⁴⁶ European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit D.3 (2005), *Age discrimination and European Law*, p. 30.

⁴⁷ See e.g. Karon Monaghan (2006), "Anti-discrimination legislation: How does the EU compare, could we be doing better." <http://ec.europa.eu/employment_social/eyeq/news/fileadmin/Content/pdf/EP_Conference/Karon_monaghan_Barrister-at_Matrix_Chambers.pdf>.

Without going as far as positive discrimination, **positive action** has been applied **to prevent discrimination**, or more precisely, **to help** the discriminated-against groups⁴⁸. In many cases discriminated-against groups may fail to take advantage of opportunities presented by public policy due to such reasons as a lack of skills (e.g. of filling-in documents), or poor access to information. Here one can speak about indirect discrimination where apparently neutral rules lead to discriminative effects. Therefore some special measures may be applied to correct structural disadvantages, e.g.:

- Ex-ante:
 - inclusion of representative partners in the policy planning process;
 - ex-ante assessments of impacts of public initiatives on the discriminated-against groups;
- Ongoing:
 - inclusion of representatives of discriminated-against groups in various management arrangements;
 - targeted efforts to provide information to the discriminated groups;
 - targeted efforts and guidelines to assist projects implemented by the discriminated groups;
 - thematic events and seminars for the discriminated groups on opportunities provided by public policies;
- Ex-post (special audits, evaluations, studies, notifications from "whistle-blowers")⁴⁹.

In a more far-reaching form, **positive action** may lead to policy investments devoted to discriminated-against groups (e.g. special business initiatives for people with immigrant background). As presented in the discussion on gender equality principle, a more inclusive and **holistic approach** has also been gaining ground. It suggests integrating non-discrimination reasoning in various strands of public policy rather than approaching it as an independent policy area. In its more encompassing version the holistic approach is often called **mainstreaming**⁵⁰. This term indicates that non-discrimination aspects have to be taken into consideration in every stage of the policy cycle (programming, implementation, and evaluation) across various policy strands, based on an analysis of the situation of discriminated groups.

A next important question is the **inclusion** of disadvantaged groups into the policy process. While some ethnic or religious minorities may be considerably represented in and consulted by various official bodies, migrants or people with severe disabilities lack opportunities for self-advocacy. Some disadvantaged groups, such as the Roma minority, transcend the borders of Member States, are marginalised in most of them and lack representation⁵¹. Including disadvantaged

⁴⁸ European Parliament, Directorate-General for Research (1997), *European Union Anti-Discrimination Policy: from equal opportunities between women and men to combating racism*. Working document <http://www.europarl.europa.eu/workingpapers/libe/102/default_en.htm>.

⁴⁹ Some good practices available from European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit D.3 (2006), *Putting equality into practice Community Action Programme to combat discrimination*.

⁵⁰ E.g., *European Union Anti-Discrimination Policy: from equal opportunities between women and men to combating racism*.

⁵¹ Andrzej Mirga (2005), *Making the EU's anti-discrimination policy instruments work for Romani communities in the enlarged European Union*. A paper based on a presentation at the European

groups in the policy process is often referred to as **partnership** and constitutes an important part of the holistic and mainstreaming approach.

3.3.2.2. Non-discrimination in the EU legislative framework and cohesion policy: what approaches have been taken?

Non-discrimination in the EU legal framework

Non-discrimination was initially included in EU legislation as a part of the Community's effort to promote human rights. The current shape of anti-discrimination policy developed rather recently, after the EU's legal framework in anti-discrimination field was extended by Article 13 of the Treaty of Amsterdam (1997), stating that "[...] the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation".

Ensuring **access to employment** has traditionally been the most consistent strategy of the EU in combating non-discrimination. This became one of the important pillars of the Lisbon agenda. The Lisbon strategy set employment targets **for women and older workers** (correspondingly, 60% and 50% by 2010) which are being pursued by all MSs and coordinated on the basis of the Open Method of Co-ordination (OMC).

There are two directives in the area of non-discrimination, both adopted in 2000. The Racial Equality Directive⁵² prohibits discrimination on the **grounds of race and ethnic origin** in employment and beyond (in such areas as training, education, social protection, social advantages and access to goods and services, including healthcare and housing). Those who believe they have been discriminated against are given the right to make a complaint and those who discriminate can face penalties. The Employment Equality Directive⁵³ prohibits discrimination **on the grounds of religion or belief, disability, age or sexual orientation in the workplace**.

The framework of protection provided by the two directives is often considered limited because it is confined to the sphere of employment, occupation and vocational training (except for the grounds of race and ethnicity when the protection is more extensive)⁵⁴. Moreover, the actual implementation of the principle of non-discrimination has not been without complications: 2007 some of the Member States had not yet enacted implementing legislation for the Racial Equality Directive⁵⁵.

Parliament's Public Seminar "Promoting EU Fundamental Rights Policy: From words to deeds or How to make rights a reality?" April 2005.

⁵² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

⁵³ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁵⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 1 June 2005 "Non-discrimination and equal opportunities for all - A framework strategy" (COM(2005) 224 final).

⁵⁵ European Union Agency for Fundamental Rights (2007), *Report on racism and xenophobia in the Member States of the EU*. p. 20.

An immigrant background, disability, age and sexual orientation remain the most frequently quoted grounds for discrimination⁵⁶. Nevertheless, research reveals that progress has been achieved within the past decade: e.g. since 1995 in the UK the number of people reporting that they did not get a promotion because of being too old has halved⁵⁷. There were some improvements in providing legal protection against discrimination on grounds of sexual orientation in the spheres of employment, access to public goods and services, housing and social benefits⁵⁸. A large majority of European SMEs (79%) that took part in a recent survey suggested that they recognise the potential benefits of promoting diversity in the workplace⁵⁹. Average Europeans are also comfortable with diversity, however, the stereotypes against the **Roma community** remain very resilient⁶⁰, particularly in Central and Eastern European countries⁶¹.

Some new and important developments in addressing the issue of non-discrimination concern the emphasis **on impact assessment** and **partnership**. Within the framework of the "Better Regulation Initiative", an impact assessment system was introduced in 2003⁶², which suggested assessing "social impacts" relevant from the perspective of non-discrimination⁶³. The Framework strategy for Non-discrimination and Equal Opportunities (adopted in 2005) identified, among other priorities, the importance of networking and the exchange of experience⁶⁴. Also there are indications of a shift towards a more **holistic approach** in putting a stronger emphasis on non-discrimination in various policy stages and/ or policy areas. For example, the Framework strategy indicates that "combating the various forms of discrimination are a part of the EU's accession, neighbourhood and foreign policy"⁶⁵.

⁵⁶ Special Eurobarometer 296 / Wave 69.1 "Discrimination in the European Union: Perceptions, Experiences and Attitudes" (2008); Special Eurobarometer 263 / Wave 65.4 "Discrimination in the European Union: Perceptions, Experiences and Attitudes" (2007).

⁵⁷ Chartered Institute of Personnel and Development (2005), *Tackling age discrimination in the workplace. Creating a new age for all*. <<http://www.cipd.co.uk/NR/rdonlyres/9011EE0F-3DD0-4090-BE6C-65181FFDECBF/0/agedisc1005.pdf>> [Accessed 6/3/2009], p. 5

⁵⁸ European Union Agency for Fundamental rights (2008), *Homophobia and Discrimination on Grounds of Sexual Orientation in the EU Member States Part I – Legal Analysis* <http://fra.europa.eu/fraWebsite/material/pub/comparativestudy/FRA_hdgso_part1_en.pdf> [Accessed 6/3/2009], p. 148..

⁵⁹ European Commission (2008), *Continuing the Diversity Journey: Business practices, perspectives and benefits*. <http://ec.europa.eu/employment_social/fundamental_rights/pdf/pubst/stud/busicase08_en.pdf> [Accessed 6/3/2009], p. 24.

⁶⁰ Special Eurobarometer 296 / Wave 69.1 "Discrimination in the European Union: Perceptions, Experiences and Attitudes" (2008).

⁶¹ High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation in the Labour Market (2007) report *Ethnic Minorities in the Labour Market: An Urgent Call for Better Social Inclusion*. Brussels, <http://www.soros.org/initiatives/brussels/focus/integration/articles_publications/publications/ethnic_20071201/report_20071201.pdf> [Accessed 6/3/2009], p. 36-37

⁶² The Communication on Impact Assessment of 5 June 2002 (COM(2002) 276 final) sets out the procedure to be applied to "all major initiatives".

⁶³ In the section on "analysing the impact", it is stated that the main task of impact assessment "will be to identify all relevant (positive and negative) impacts": economic, social and environmental. Among the social impacts, "impact on fundamental/human rights, compatibility with Charter of Fundamental Rights of the European Union, changes in employment levels or job quality, changes affecting gender equality, social exclusion and poverty" are given as examples of possible social impact (The Communication on Impact Assessment of 5 June 2002 (COM(2002) 276 final)). Also see Centre for Strategy and Evaluation Services for the European Commission (2007), *Non-discrimination Mainstreaming – instruments, case studies and way forwards*, p. 6.

⁶⁴ Communication "Non-discrimination and equal opportunities for all - A framework strategy".

⁶⁵ Ibid.

The principle of non-discrimination in EU cohesion policy

The above-mentioned trends are reflected in the cohesion policy of the EU. In line with the holistic approach, Article 16 concerns all the funds and not only the ESF. While employment policy is the realm of the ESF, the other funds provide support to a variety of areas, including the environment, health and transport. Thus, Article 16 in itself indicates an extension of the EU non-discrimination policy to the policy areas beyond employment. Furthermore, Article 16 calls not only for the prevention of discrimination; it also indicates that prevention has to be observed *in various stages of implementation*.

During the previous programming periods a number of **useful practices** were demonstrated in addressing the issue of non-discrimination. There were **programmes** that addressed the questions of equal opportunities comprehensively and during various stages of programme implementation. The Spanish multiregional OP 'Fight against discrimination' (Objectives 1 and 3) involved measures to boost equality in the sphere of employment and targeted the disadvantaged groups such as women or the Roma community. UK Merseyside Objective 1 programme combined measures to boost employment with those for social inclusion and lifelong learning and was recognised as a "comprehensive and integrated policy response"⁶⁶. The URBAN II programme for Gothenburg (Sweden) tackled such issues as crime and drug abuse in certain areas and prioritised projects which facilitate the integration of ethnic minorities through leisure and cultural activities⁶⁷. The URBAN II programme for Milan financed various measures to help disadvantaged groups access the labour market through entrepreneurial support⁶⁸. In Finland, in the town of Vantaa near Helsinki, URBAN II funds were used to set up a family centre for immigrants offering activities and support that help integration of the immigrant population into Finnish society⁶⁹.

3.3.3. Accessibility for disabled persons as a concept and as a policy practice

3.3.3.1. The concept of accessibility for disabled persons and its implications for public policy

The concept of disability (as applied in policy making) has developed from an **individualised (or "medical") understanding** to a **"social" model**, or the rights-based approach. The former conceptualises disability as "a traumatic physical and psychological effect on people resulting in their

⁶⁶ European Commission, DG Regional Policy Evaluation Unit – REGIO.C.2 (2004), *The Mid Term Evaluation in Objective 1 and 2 Regions. Growing Evaluation Capacity. Final Report*. <http://ec.europa.eu/regional_policy/sources/docgener/evaluation/pdf/tech_mte_en.pdf> [Accessed 9/3/2009], p. 50.

⁶⁷ Inforegio, "Urban II Gothenburg" <http://ec.europa.eu/regional_policy/country/prordn/details.cfm?gv_PAY=SE&gv_reg=ALL&gv_PGM=365&LAN=7&gv_PER=1&gv_defL=7> [Accessed 15/3/2009].

⁶⁸ European Urban Knowledge Network, "URBAN II "Milan" Programme: promoting an integrated approach to deprived neighbouring areas regeneration" <http://www.eukn.org/eukn/themes/Urban_Policy/Urban_environment/Urban_renewal/Brownfield_development/CIP-URBAN-II-MILANO_1084.html> [Accessed 15/3/2009].

⁶⁹ Inforegio, "Opening its doors to immigrants: integration is all about meeting others" <http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=FI&the=91&sto=1566&lan=7®ion=ALL&obj=ALL&per=2&defL=EN> [Accessed 15/3/2009].

difficulty to ensure themselves an adequate quality of life⁷⁰ and is based on compensations for the disabled⁷¹, whereas the latter emphasises that “disabled people encounter various economic and social barriers which prevent them from ensuring themselves adequate life quality by their own effort”⁷². As the result of this change in perception, the typical public policies (aid and welfare) dealing with the needs of the disabled were supplemented with inclusion-type policies with a strong emphasis on **accessibility** and inclusion of the disability perspective in all relevant policy areas⁷³.

Mansell, Knapp, Beadle-Brown and Beecham provide a classification of models for social inclusion of disabled persons. Typical **aid and welfare** type measures provide disability benefits. There are several models in Europe for distributing such benefits e.g. multi-functional individually tailored assistance, which provides disabled people with an individual plan of assistance (UK, Austria, and France). The **protection of rights** (or anti-discrimination) policies are based on anti-discrimination legislation and emphasise civil rights, equal opportunities and the *prevention of direct or indirect discrimination*. The **accessibility for the disabled** approach expands the protection of rights type policies in its emphasis on the removal of technical barriers which prevent disabled people from taking advantage of their rights on the same terms other people (e.g. the adaptation of work and the workplace)⁷⁴.

Accessibility, which has become the key concept in EU policies rather than aid and welfare for disabled persons, is defined “as equal access for disabled people to physical structures, electronic environments as e.g. Internet, information, services, whether they are provided by public or private bodies, and the ability to participate in all sorts of activities such as education, cultural life, travel etc.”⁷⁵.

3.3.3.2. Accessibility for disabled in the EU legislative framework and cohesion policy

Disability was first mentioned in the EC Treaty in 1997, when Article 13 was introduced, which indicated that the Community may take “appropriate action” to combat discrimination, *inter alia*, based on disability. The first EU initiatives devoted to disabled people were aimed at promoting *equal opportunities* in employment (the Resolution on equal employment opportunities for people with disabilities in 1999⁷⁶). The Guidelines for Employment Policies of Member States (2008) included a statement that “particular

⁷⁰ Teresa Zolkowska, Iwona Kasior-Szerszen and Irena Blaszkiewicz (2002), “A Summary of European Union Policies concerning People with Disabilities.” *Disability Studies Quarterly*, 22(4); reprinted in disabilityworld.org <http://www.disabilityworld.org/01-03_03/news/eupolicies.shtml> [Accessed 10/2/2009].

⁷¹ Geyer, p. 74.

⁷² Zolkowska, Kasior-Szerszen and Blaszkiewicz.

⁷³ Geyer, p. 74.

⁷⁴ Jim Mansell, Martin Knapp, Julie Beadle-Brown and Jeni Beecham (2007). *Deinstitutionalisation and Community Living – Outcomes and Costs: Report of a European Study*. Volume 2: Main Report. Canterbury: Tizard Centre, University of Kent, p. 102.

⁷⁵ European Disability Forum (2006), *Disabled people’s organisations and the European Structural Funds 2007-2013 (Toolkit for disability mainstreaming)*. Brussels, p. 21.

⁷⁶ Council Resolution of 17 June 1999 on equal employment opportunities for people with disabilities.

attention must also be paid to significantly reducing employment gaps for people at a disadvantage, including disabled people⁷⁷.

The **principle of accessibility for disabled persons** appeared on the EU policy agenda during the last decade. **Adaptation of the work place** is of particular importance in ensuring access to employment. The 2000 Council Directive establishing a general framework for equal treatment in employment and occupation⁷⁸ is "ground-breaking"⁷⁹. Both public and private employers were obliged to accommodate the needs of people with disabilities (for example, adapting premises and equipment). The Resolution on a new Community strategy on health and safety at work (2007-2012)⁸⁰ requires that "workplaces must be designed in such a way that the employability of workers is ensured throughout their working lives. Workplaces should be tailored to the individual needs of older and disabled workers". In comparison, the previous strategy required only to "enhance awareness among those concerned of the need to reintegrate disabled people into the employment market"⁸¹.

Accessibility to the work-place is only part of the measures necessary to ensure full participation for the disabled in the society. In the EU, several technical directives were adopted aimed at improving some practical aspects of life of disabled people, **in particular in the fields of transport, the tourism sector, and infrastructure building**⁸². The Resolution on e-Accessibility promotes full access for people with disabilities to information technologies and other aspects of a **knowledge-based society**⁸³. E-inclusion and e-accessibility are among the priorities for development of the Information Society in the EU⁸⁴. In addition, various actions were called for to ensure that disabled persons are provided with access to rights and benefits available to other citizens in **education, family life and culture**⁸⁵.

The use of Structural Funds to improve accessibility has been explicitly encouraged⁸⁶ and such a stance is well reflected in Article

⁷⁷ Council Decision (EC) No. 618/2008 of 15 July 2008 on guidelines for the employment policies of the Member States.

⁷⁸ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁷⁹ European Commission, DG for Employment, Social Affairs and Equal Opportunities (2005), *Disability mainstreaming in the European Employment Strategy*, p. 3.

⁸⁰ Council Resolution of 25 June 2007 on a new Community strategy on health and safety at work (2007-2012).

⁸¹ *Ibid.*

⁸² Council Directive 2001/85/EC of 13 February 2002 relating to special provision for vehicles used for carriage of passengers comprising more than eight seats in addition to the driver's seat; Council Recommendation 1998/376/EC of 4 June 1998 on a parking card for people with disabilities, Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility travelling by air.

⁸³ Council Resolution of 6 February 2003 on eAccessibility – improving the access of people with disabilities to the Knowledge Based Society.

⁸⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of the regions of 1 June 2005 "i2010 – A European Information Society for growth and employment" (COM(2005) 229 final).

⁸⁵ The Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union; Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities; Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training.

⁸⁶ The Resolution on the situation of persons with disabilities in the European Union (2008).

16. It is a relatively new principle and thus there are **not many practices** of integrating it into the programmes funded from Structural Funds. However, we found such examples in the Netherlands, Ireland and the UK. In the Dutch province of Flevoland, a new flexible public transport scheme was launched. It supplemented the traditional public transport with a taxi-style service (yet at much lower tariffs) that can be booked by a telephone call and is not confined by pre-set routes. This service significantly widened the opportunities available to the disabled⁸⁷. The Irish and Welsh education institutions launched a collaboration (*PACTS*) targeting people with learning difficulties: by developing training and information materials, conducting trainings and raising awareness about the issue, the project helped to overcome hindrances preventing them from entering tertiary education⁸⁸.

3.4. Summary and research questions

A variety of approaches has been used to integrate the principles of the equality of men and women, avoidance of discrimination and accessibility for the disabled in public policies of Member States. Initially the rights-based perspective was undertaken (i.e., any measures having a discriminatory effect have to be avoided). Later this perspective was supplemented by policies based on positive action (measures targeted at specific groups), as well as holistic and mainstreaming approaches.

Article 16 introduced the principles of promotion of gender equality, prevention of discrimination and accessibility for disabled persons into the cohesion policy programmes co-financed by structural funds in 2007-2013. While some aspects of these principles were already present in the previous programming period, Article 16 brought them together under a single article for the first time in the EU cohesion policy. Moreover, Article 16 introduced new features, which were not present (at least explicitly) in the previous programming periods (the call for integrating the three principles into various stages of the Funds, emphasis on the access to Funds, emphasis on the accessibility for the disabled).

This leads to a number of questions:

- *Firstly*, it is important to answer the overall question of this study: to what extent Article 16 of the General Regulation (EC) N°1083/2006 is reflected in cohesion policy programmes 2007-2013. Is the mainstreaming approach visible (as advocated in Article 16) or, alternatively, are the three themes integrated only in few stages.
- *Secondly*, a related question is in what way are each of the three themes (gender equality, non-discrimination, accessibility to the disabled) are reflected in cohesion policy programmes:

⁸⁷ Inforegio, "A la carte' public transport: we're on the way!" <http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=NL&the=82&sto=1505&lan=7®ion=ALL&obj=ALL&per=2&defL=EN> [Accessed 16/3/2009].

⁸⁸ The project "Opportunities for All: PACTS (Partners Collaborating in Training for Individuals with Specific Learning Disabilities)" was financed under the Ireland-Wales Interreg IIIA programme <http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=UK&the=82&sto=1514&lan=7®ion=ALL&obj=ALL&per=2&defL=EN> [Accessed 16/3/2009].

- How is the theme of gender equality approached? Do positive measures in some specific area (e.g. entrepreneurship) dominate or there is a trend towards a more holistic approach? Is the perspective of equality between men and women applied in all policy stages?
- How is the aspect of prevention of non-discrimination integrated? Does the rights-based approach predominate or is there a tendency towards preventive measures, positive measures or even holistic approach?
- To what extent has the principle of accessibility to disabled been mentioned and applied? Do the cohesion policy programmes demonstrate awareness of this principle (having in mind that it is very new in the context of Structural Funds)?
- *Thirdly*, How is Article 16 translated into the various stages of implementation of the Funds? What are the good practices across the Member States? At which stages of implementation do the equality themes receive most of the attention and at which stages (if any) they are not taken into consideration? To what extent did the Member States take advantage of the possibility for cross-financing between ERDF and ESF type expenditures?

4. ANALYSIS OF THE FINDINGS AND GOOD PRACTICE EXAMPLES

4.1. Introduction

This chapter presents the findings of the study in order to answer the questions raised in the Tender Specifications and developed further in the literature review:

- to what extent Article 16 of the General Regulation (EC) N°1083/2006 is reflected in cohesion policy programmes 2007-2013;
- how are each of the three themes reflected in these programmes;
- how Article 16 is translated into the various stages of implementation of the Funds and what are the good practices that have been developed in translating Article 16?

These questions are answered combining the findings of **review of operational programmes** and 15 **case studies**. As discussed in the methodology section (Section 2), 50 Operational Programmes (OPs) co-financed by the European Regional Development Fund (ERDF) and the Cohesion Fund were selected for review (out of a total of 316 OPs officially approved by the beginning of 2009). The sample was formed so as to ensure an adequate distribution of programmes across (a) different objectives of Structural Funds, (b) EU15/ EU12 Member States, (c) regional, national and cross-border programmes, and (d) the variety of welfare state regimes. The review was conducted by screening the texts of the OPs according to a standardized checklist which dealt with the various possible ways to integrate Article 16. The results of the review led to the selection of 15 OPs for analysis in the case studies. The selection was made with an aim to have all the three themes covered as well the various stages of implementation.

In the following sections, the results of OP review will be presented; they provide an overview of trends in integration of Article 16. The case studies were used to identify examples of good practices. These practices will be classified in terms of their type and described for each stage of policy implementation.

In the first half of 2009 (when the study was conducted) all the OPs were in the early stage of their implementation. This means that the programmes were approved and, in most of the cases, the project selection criteria were established, the first round (or rounds) of selection was carried out and contracts with a number of projects were signed (see Table 8). There were no completed projects. Many practices (relevant for Article 16) of management, monitoring, reporting, evaluation, partnership were just started (or are still planned). While at the moment it is too early to assess the actual implementation of these practices, it also means that it is a good time for identifying the good practices as they can be promoted and learned from by Managing Authorities.

Table 8. Stages of programme implementation of the case studies

Case study	Stages of implementation				
	Programme approved	Selection criteria approved	At least one round of selection carried out	Implementation of projects started	Implementation of some projects completed
OP 'North West England' (UK)					
OP 'Stockholm' (Sweden)					
OP 'Sweden-Norway'					
OP 'North Rhine-Westphalia' (Germany)					
OP 'Border, Midland and Western' (Ireland)					
OP 'Southern Finland'					
OP 'Health' (Slovakia)					
OP 'Promotion of Cohesion' (Lithuania)					
OP 'Digital Convergence' (Greece)					
OP 'Lower Silesia' (Poland)					
OP 'South Great Plain' (Hungary)					
OP 'Champagne-Ardenne' (France)					
OP 'Belgium-France'					
OP 'Cantabria' (Spain)					
OP 'Sicily' (Italy)					

Source: prepared by the authors.

Finally, it should be defined what is the meaning of the term of "good practice" as it is used in this study. A good practice is any action, tool or method which is intended to integrate the provisions of Article 16 (implicitly or explicitly) into OP and/ or any stage of its implementation. Such a definition was chosen due to the fact that integrating the principles of gender equality, non-discrimination and accessibility for the disabled into the cohesion policy programmes (financed from ERDF and the Cohesion fund) is a rather new approach (see Section 3.1 in the literature review). Thus, the very fact that these aspects are taken into consideration is significant. Ideally, such practice had already been applied and proved its effectiveness, however given the early stage of implementation, such cases were not frequent.

While the case studies were designed to identify the good practices, they also demonstrated that not all the programmes were equally comprehensive in integrating Article 16 (e.g., some cases had relevant practices only for some stages of implementation). In addition, all the cases showed that difficulties are often encountered during the implementation of provisions related to Article 16. For example, the commitments undertaken in the OP are not fully pursued or the process of data collection for monitoring purposes becomes more cumbersome due to national regulations of data protection (these difficulties are discussed in Section 4.2.2).

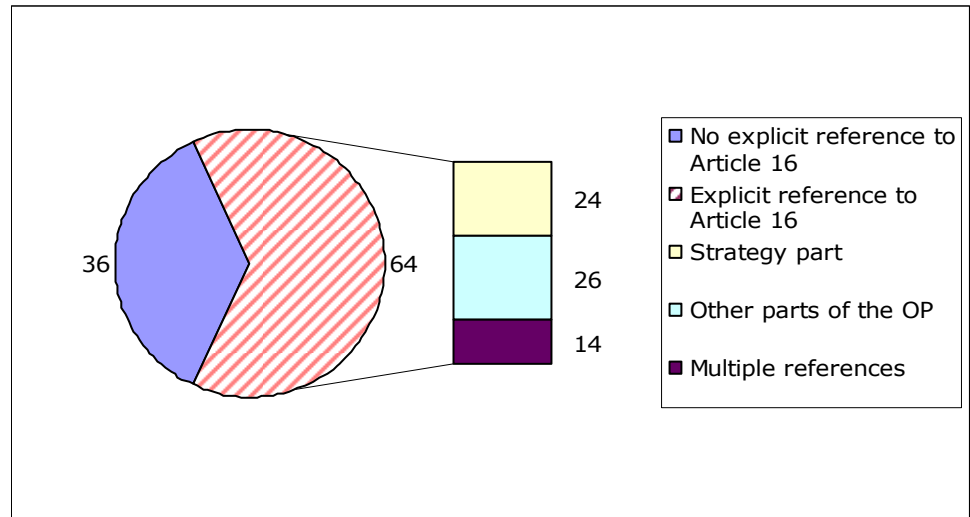
4.2. To what extent was Article 16 translated into cohesion policy programmes 2007-2013?

In this section the answer on the extent to which Article 16 was translated into cohesion policy programmes will be provided using the results of the review of 50 case studies (Section 4.2.1) and 15 case studies (Section 4.2.2). Section 4.2.1 will discuss the distribution of OPs in terms of the references they make to themes, relevant from the perspective of Article 16. Section 4.2.2 will provide a more qualitative overview of how Article 16 was reflected in the case studies.

4.2.1. Integration of Article 16 into the 50 reviewed OPs: from a comprehensive approach to 'add-on'

The review of 50 OPs demonstrated a good level of awareness about Article 16 and its requirements. Figure 1 shows that in the sample of 50 OPs, 32 OPs (64%) made an explicit reference to Article 16. The most common places for the reference were the strategy description and chapters (or annexes) on cross-cutting issues or co-ordination with Community policies. Seven OPs (14% of the total) referred to Article 16 in various parts (strategy, description of priority axis or other parts)⁸⁹. Box 1 provides examples as to how various OPs make references to Article 16.

Figure 1. Explicit references to Article 16 (percentage of the 50 OPs that were reviewed)



⁸⁹ These are the OPs 'Tuscany' (Italy), 'Sicily' (Italy), 'Increase of Economic Competitiveness' (Romania), 'Slovakia - Czech Republic', 'South Great Plain' (Hungary), 'Central Hungary', 'Infrastructure and Environment' (Poland).

Box 1. Examples of references to Article 16 in the texts of OPs

OP 'North West England' (UK)

Chapter 5. 'Cross-cutting themes'

"5.45. The Structural Funds regulations also provide a key context, with Article 16 of the Regulation 1083/2006, laying down general provisions for the funds, being particularly important with regard to the promotion of equality".

Chapter 9 'Implementing Provisions'

"The OP will promote the objectives of equal opportunities and non-discrimination on the basis of race, ethnic origin, religion or belief, disability age or sexual orientation, as required by Article 16".

OP 'North Rhine-Westphalia' (Germany)

Chapter D. Programme strategy

"Article 16 of the Structural Funds' General Regulation ("Equality between men and women and non-discrimination") stipulates <...>. Therefore, the Programme "Regional Competitiveness and Employment 2007-2013" (ERDF) is obligated to follow the principle of gender mainstreaming – like the Objective 2 programme of 2000-2006 was. Besides such above-named procedural provisions for the integration of cross-cutting goals (to which, among other things, belongs establishment of an advisory body for the matters of gender equality), additional initiatives will be undertaken in order to ensure more active application of the principle of equal opportunities during project preparation and implementation".

OP 'Stockholm'

Chapter 5. Implementation of the regional Structural Funds programme

"When putting this Structural Funds programme into effect, three dimensions of sustainable development – economic, social and environmental ones – will be taken into account in all the stages of implementation, in accordance with Articles 16-17 of Council Resolution (EC) No. 1083/2006. The focus will be on equality between women and men, on integration and diversity, and on better environment. It is expected that such a focus will stimulate growth- triggering factors. One aspect of achieving this is that all the projects will deal with the horizontal criteria".

18 OPs (36%) did not mention Article 16 in any context. However, this does not mean that they did not take equal opportunities and related issues into consideration. On the contrary, 5 of the 15 OPs selected for good practice analysis did not make an explicit reference to Article 16.

The review of the 50 OPs showed that most of the programmes do take the principles of Article 16 into consideration at least to some extent. Therefore, in order to determine an extent of translation of Article 16 a deeper analysis is necessary as there is a clear variation

in terms of comprehensiveness and consistency. Three different approaches may be identified for integration of Article 16 into the text of an individual programme:

- Comprehensive integration (mainstreaming);
- Intentional aspiration (partial mainstreaming);
- Add-on.

Comprehensive integration (or mainstreaming approach) means that a programme consistently discusses the equality-related cross-cutting themes. Elaborate context analysis is provided regarding the needs of various discriminated-against groups; it leads to a well thought-out strategy and description of the priorities. Various management arrangements are provided for: special guidelines and advice from equal opportunities officers, training and development of institutional capabilities. Equality impact assessment may be carried out or resources may be allocated specifically for the implementation of equal opportunities. Examples of the OPs demonstrating examples of comprehensive integration are presented in Box 2.

Box 2. Examples of cases of comprehensive integration

OP 'North West England' adopts a wide and complex approach to equality and diversity, giving a due consideration to all the three equality themes mentioned in Article 16. Equality and diversity cross-cutting theme is mainstreamed into all programme activities and there are also targeted measures to improve the situation of the groups and communities underperforming in the labour and skills market.

OP 'Stockholm' has a comprehensive multi-level strategy which integrates the cross-cutting issues, an ambitious system of targets and indicators. A thorough context analysis was carried out and disaggregated statistics by gender (and occasionally some other groups mentioned in Article 16) were used. Comprehensive conclusions were drawn from the lessons of the previous programming period, and multi-level cooperation between the ERDF and the ESF is ensured. Various practices to integrate the cross-cutting issues are applied during the stages of project selection, management, monitoring and evaluation.

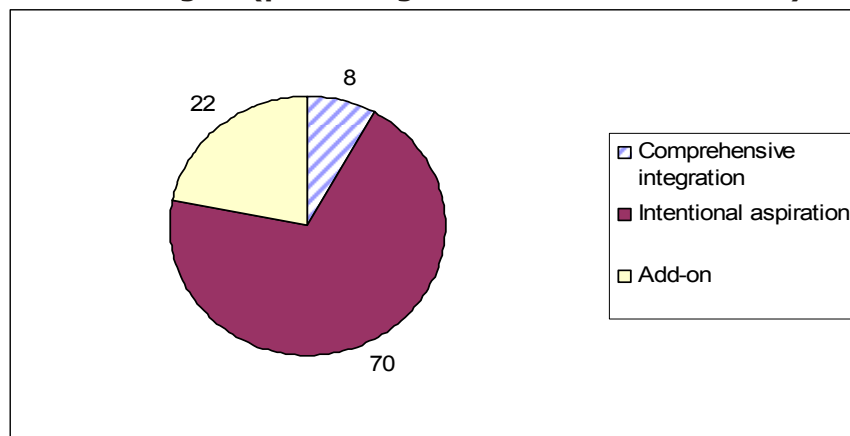
In most cases the way the themes of Article 16 are integrated in the programme can be called an **intentional aspiration** (or partial mainstreaming). Such programmes show awareness of the mainstreaming approach and recognise gender equality and/ or non-discrimination and/ or accessibility as horizontal priorities. These themes get most attention in a separate chapter devoted to cross-cutting issues and sometimes in the analysis chapter. However, the horizontal issues are usually not integrated in chapters describing strategy, priority axes or programme implementation (or vice versa). Sometimes there is a lack of consistency: e.g. the issues discussed in the analysis part are not mentioned in the description of strategy and priority axes or *vice versa*.

The cases when a programme's concern for equality issues appears rather declarative are classed as 'add-on'. For instance, having described the major challenges or the strategy, the programme mentions that 'in addition' the horizontal principles such as equal opportunities are important. No further detail is provided. No measures to substantiate such claims are identified either: no consultations with expert organizations, no relevant selection criteria, no suitable indicators, no serious obligations in terms of monitoring, evaluation and/or reporting.

Distributing all the 50 OPs across the three categories is possible by combining programme ratings with qualitative judgement⁹⁰. Overall, the summary ratings of the OPs range from 2.15 (the best) to 2.98. A working assumption is that the programmes with ratings of up to 2.30 are the most likely to present a case of *comprehensive integration*. Meanwhile, if the rating is more than 2.85, the case of formal integration is very probable.

A *qualitative assessment* is necessary for several reasons. *Firstly*, the programmes were reviewed by a number of experts from different countries and various backgrounds. *Secondly*, disparities between the ratings of OPs in many cases are too marginal to demonstrate a meaningful difference (e.g. 0.1-0.2). If a programme with a rating of 2.3 is said to be a case of comprehensive integration, then why is that not true for a programme rated at 2.4? This can only be determined by expert judgment. *Finally*, some OPs from the EU12 (Estonia and Lithuania) received quite high summary ratings. Yet a deeper examination shows that these MSs are stronger on the analysis/ design rather than on the implementation side. Therefore, these OPs are listed in the category of intentional aspiration. Figure 2 presents an overall distribution of OPs in terms of the three strategies of integrating Article 16. In Table 9 all the OPs are listed under one of the three approaches.

Figure 2. Distribution of the reviewed OPs according to the three strategies (percentage of the 50 OPs reviewed)



⁹⁰ As described in section 2.2, a checklist was used for review of each programme and reviewers were asked to provide quantitative grades for each of the review criteria. A grade of 1 was given if a criterion was obviously satisfied, a grade of 2 if it was somewhat satisfied, and 3 if it was not satisfied. A **summary rating** is calculated by adding all grades of all criteria and dividing them by the number of criteria. As a result, the summary ratings may mathematically range from 1 (the best) to 3 (the worst performance). However, the best summary ratings start at 2.15 as no OPs mentioned any Article 16-related practices under some of the review criteria.

Table 9. The approaches used by OPs for integrating the principles listed in Article 16

Comprehensive integration	Intentional aspiration		Add-on
'Stockholm'	'Upper Austria'	'Sicily' (Italy)	'Wallonia (Hainaut)' (Belgium)
'West Wales and the Valleys' (UK)	'Styria' (Austria)	'Tuscany' (Italy)	'West Netherlands'
'North West England' (UK)	'Regional Development' (Bulgaria)	'Promotion of Cohesion' (Lithuania)	'Thüringen' (Germany)
'United Kingdom - Ireland'	'Sustainable Development and Competitiveness' (Cyprus)	'Entrepreneurship and Innovation' (Latvia)	'Saxony' (Germany)
	'Prague' (the Czech Republic)	'Lower Silesia' (Poland)	'Lisbon' (Portugal)
	'Central Moravia' (the Czech Republic)	'Warminko-Mazurskie' (Poland)	'Algarve' (Portugal)
	'Innovation and Knowledge' (Denmark)	'Infrastructure and Environment' (Poland)	'Italy - Malta'
	'Development of Living Environment' (Estonia)	'Increase of Economic Competitiveness' (Romania)	'Slovakia - Czech Republic'
	'Southern Finland'	'Health' (Slovakia)	'Slovenia - Hungary'
	'Champagne Ardenne' (France)	'Strengthening Regional Development Potentials' (Slovenia)	'South East Europe (SEE)'
	'Loire' (France)	'Cantabria' (Spain)	'North West Europe (NWE)'
	'Rhone-Alpes' (France)	'Aragon' (Spain)	
	'North Rhine-Westphalia' (Germany)	'Central Hungary'	
	'Digital Convergence' (Greece)	'South Great Plain' (Hungary)	
	'Attica' (Greece)	'Poland - Germany'	
	'Border, Midland and Western (BMW)' (Ireland)	'Sweden - Norway'	
	'Trento' (Italy)	'Greece - Bulgaria'	
		'Belgium - France'	

4.2.2. Integration of Article 16 in practice: a comparative discussion of 15 case studies

4.2.2.1 The extent of integration of Article 16

The analysis carried out in the case studies showed that the **coherence and consistency** of integration of practices relevant from the perspective of Article 16 varied greatly. The most comprehensive and thought-over practices were found in the OPs labelled in the previous section as the cases of comprehensive integration (OP 'North West England', OP 'Stockholm'). Unsurprisingly, these practices appeared in countries that are already known for their national policy on equality and a strong legal non-discrimination/ equality mainstreaming base. Their case study reports showcase valuable institutional and process arrangements across the stages of implementation, though not all of them have already been implemented.

The case studies demonstrated that some OPs concentrate on one theme of Article 16 and/ or demonstrate relevant practices only at a few stages of implementation. OP 'North Rhine-Westphalia' (Germany) offers a good example of gender mainstreaming, whereas OPs 'Champagne-Ardenne' (France), 'Cantabria' (Spain) and 'Belgium-France' also concentrate on the gender aspect but have fewer relevant practices and not in all stages of programme implementation. Some programmes target specific discriminated-against groups. OPs 'Health' (Slovakia) and 'South Great Plain' (Hungary) aim to mainstream Roma issues (these issues are at least to some extent mentioned in most stages of programme implementation). The principle of accessibility for the disabled is stressed in the OPs 'Promotion of Cohesion' (Lithuania), 'Lower Silesia' (Poland), and 'Digital Convergence' (Greece). The Greek and Lithuanian programmes mainstream the disability aspect, while some other programmes mention it but are not systematic in its consideration (OPs 'Cantabria' (Spain), 'Lower Silesia', 'Border, Midland and Western' (Ireland)).

Likewise, some cases demonstrate interesting practices in a particular stage of implementation such as consulting the gender equality body in project selection (OP 'Champagne-Ardenne' (France)), announcing targeted calls for proposals to address the gender issues (OP 'North Rhine-Westphalia' (Germany)), publishing special guides on gender equality to facilitate programme and project management (OP 'Cantabria' (Spain)) and establishing a network of local coordinators to help generate projects in the disadvantaged communities (OP 'South Great Plain' (Hungary)).

The case studies also identified **difficulties** in the implementation of equality provisions. Difficulties arise, for instance, due to national laws concerning privacy that prohibit collection of data on person's ethnicity (OPs 'Stockholm', 'South Great Plain' (Hungary)). Accessibility for the disabled has not been comprehensively ensured in all projects financed by the OPs 'Health' (Slovakia), 'South Great Plain' (Hungary). Signs of a formal approach to Roma issues are visible in the OP 'Lower Silesia' (Poland). Important groups are disregarded in the text of programme strategy and not included in the process of partnership (immigrants in the OP 'Digital Convergence' (Greece)). Needless to say, the MAs of these OPs

could learn from the comprehensive good practice examples. However, it is important to remember that the case studies were carried out at an early stage of OP implementation, thus it is possible that some of the difficulties will be tackled in the future.

4.2.2.2. The approaches used to integrate Article 16

The study revealed a great variety of methods for integrating Article 16 in the use of Structural Funds. Based on literature review (see Chapter 3), two overarching approaches to promoting equality can be distinguished: **mainstreaming** and **targeting**. The mainstreaming or holistic approach is comprehensive; it requires to reflect on all potential discrimination grounds (equality strands) in all fields of activities, in various stages and to implement appropriate practices. Meanwhile, targeting or sectorial approach is selective; it identifies particular focus groups or the most urgent issues and concentrates on them.

The OPs analysed in the case studies follow a **mixed approach** producing various combinations of the elements of both approaches. In some cases equality mainstreaming is the main focus, whereas in other targeted measures prevail. OP 'North West England' mainstreams all equality strands through all implementation stages, but also includes measures for supporting entrepreneurship targeting the underperforming groups and disadvantaged communities. Similarly, OP 'Stockholm' is concerned with gender and non-discrimination mainstreaming; at the same time, some measures are targeted specifically at women and immigrants.

In some programmes the mainstreaming approach is less pronounced and **targeting is more visible**. Targeting can vary in terms of specificity. Awarding additional points for projects aiming to improve equality situation of some groups is an example of weak targeting (OPs 'Sweden-Norway', 'Border, Midland and Western (BMW)' (Ireland), 'Lower Silesia' (Poland), 'South Great Plain' (Hungary), 'Champagne-Ardenne' (France)). More specific targeting efforts are framed within particular priority axes, measures (action areas) or calls for proposals. Examples of such targeting could be supporting women in engineering technical fields (OP 'North Rhine-Westphalia' (Germany)), improving the health situation of the Roma population (OP 'Health' (Slovakia)), investing into the vocational rehabilitation centres for the disabled (OP 'Promotion of Cohesion' (Lithuania)).

Another dimension is the programme's disposition to either **pro-active measures** (positive actions) or a **rights-based approach** (negative actions). Most of the case studies do have some positive initiatives for promoting equality, while some only state an obligation to ensure non-discrimination. The latter cases are examples of the rights-based approach. In terms of preventing non-discrimination, negative actions may be enough to fulfil the obligation arising from Article 16, especially if this approach is grounded in a strong tradition of elaborate anti-discrimination legislation and high awareness in the society of the advantages of diversity (for example, OP 'Southern Finland', 'Border, Midland and Western (BMW)' (Ireland)).

However, if the commitment to non-discrimination is not supported with appropriate implementing measures, this signals a **formal approach**. For example, despite a commitment in the OP to observe the gender balance in the Programme Monitoring Committee, this principle was not upheld (OPs 'Sicily' (Italy), 'Lower Silesia' (Poland)). There may be many institutions that could provide advice on the integration of the equality principle, yet this possibility is not used by the beneficiaries (OP 'Promotion of Cohesion' (Lithuania)). The principle of partnership is declared but important groups are not involved (OP 'Digital Convergence' (Greece), OP 'Health' (Slovakia)). The OP states that applicants "must take steps towards implementing equal opportunities in their organisation", but no measures are undertaken to enforce this principle (OP 'South Great Plain' (Hungary)). Accessibility is a formal requirement, yet it is not fully ensured due to various reasons (OP 'South Great Plain' (Hungary), OP 'Health' (Slovakia)).

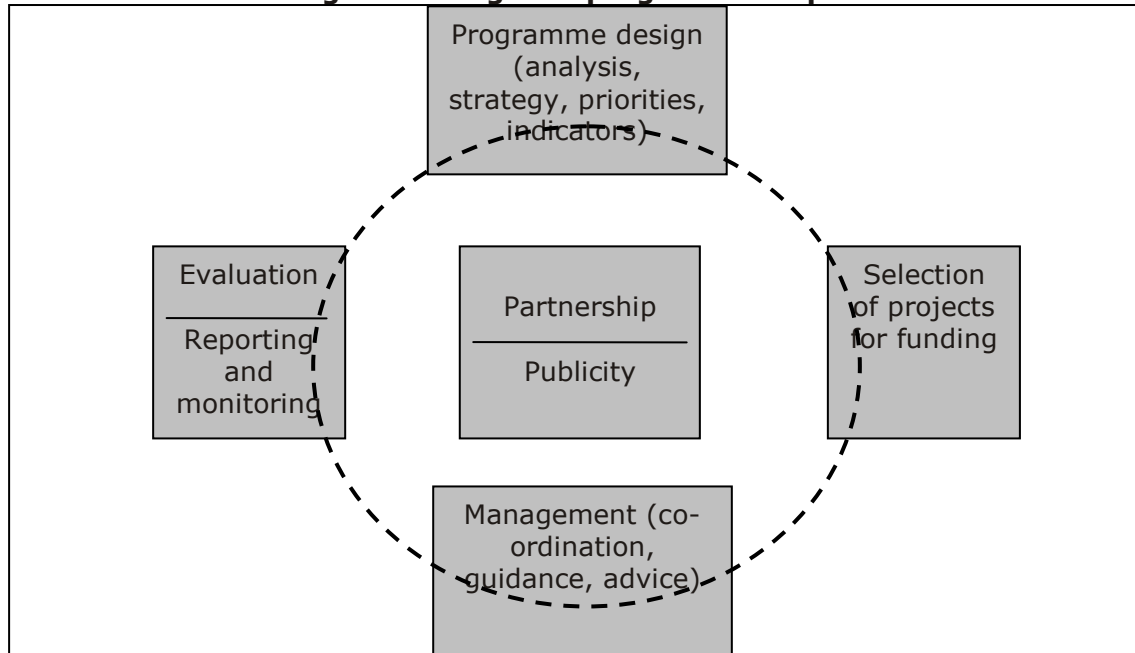
4.3. Integration of the themes of gender equality, non-discrimination and accessibility for the disabled into various stages of programme implementation

This section looks more deeply at both the texts of OPs and the practices of OP implementation. It combines the findings of review of 50 OPs (for establishing trends) and 15 case studies (for identifying practices). It discusses how the three themes of Article 16 were reflected during various stages of programme implementation. The section classifies the good practices and demonstrates what practices were the most common.

4.3.1 The stages of implementation of the Funds

Seven stages of programme implementation were analysed in the study. For *analytical purposes* these stages may be represented as a cycle starting with the programme design and ending with an evaluation (see Figure 3). In reality they are parallel and interlinked; for example, the stage of evaluation may be followed by programme modification. Some processes are by definition horizontal (partnership, publicity) and should be integrated in all the other stages.

Figure 3. Stages of programme implementation



4.3.2. Programme design

4.3.2.1. Analysis of situation

Three main aspects were assessed in this study:

- whether relevant statistical information was presented;
- whether the relevant challenges were identified and analysed;
- whether the SWOT analysis took equality issues into consideration.

Almost all of the 50 reviewed OPs (a total of 47, or 94%) used **gender perspective** in the analysis of situation (at least to a limited extent) and provided gender-disaggregated **statistical information**. In most cases it was a gender-based comparison of the unemployment, employment and economic activity rates, educational achievement, wage levels and participation in business start-ups. A total of 30 OPs (60%) provided statistical data on the situation of various **discriminated-against groups** (mostly immigrants, the elderly, the disabled, Roma people). Examples of comprehensive analysis were found in the OPs 'North West England', 'West Wales and the Valleys' (UK), 'Stockholm', 'Warminsko-Mazurskie' (Poland), 'Sweden-Norway', among others.

Challenges faced by **women** were analysed in 40 OPs (80%). Usually women's underemployment, relatively low participation in business start-ups, professional segregation, lack of childcare facilities etc. were cited. Difficulties experienced by various **discriminated-against** groups were referred to in 32 OPs (64%). Many of these programmes noted the difficulties encountered by people with an immigrant background in entering the labour market and/ or starting a business (e.g. OPs 'North West England', 'Stockholm', and 'Southern Finland'). Several programmes analysed Roma issues (OPs 'Health' (Slovakia), 'South Great Plain' (Hungary) and 'Lower Silesia' (Poland)). A few programmes discussed difficulties for the elderly and the disabled in accessing public

services (e.g. OPs 'Southern Finland', 'Warminsko-Mazurskie' (Poland), 'Health' (Slovakia), and 'Promotion of Cohesion' (Lithuania)).

A total of 35 (70%) of the reviewed OPs mentioned issues of **gender equality** and/ or **non-discrimination** explicitly in the **SWOT analysis**, which is an indication that these issues had been considered as significant. Among the notable examples is OP 'Aragon' (Spain) which provided a special SWOT table for 'Equal opportunities, conciliation and inclusion'. OP 'Stockholm' organized the whole analysis as an extended SWOT table. Only 5 OPs (10%) mentioned **accessibility-related challenges** in the SWOT analysis (e.g. OP 'Central Hungary' points out to an "absence of disabled access to public institutions and public areas")⁹¹.

Table 10 provides examples of how the three themes of Article 16 were mentioned in the SWOT analyses of 15 case-study OPs. This Table demonstrates that most of the OPs (10) considered the situation concerning the three themes of Article 16 as a weakness in their region. Only 3 OPs identified relevant strengths.

Table 10. Overview of representation of the three themes of Article 16 in SWOT analysis of OPs analysed in the case studies

Strengths	Weaknesses
<ul style="list-style-type: none"> - High levels of entrepreneurship among some ethnic minority groups (OP 'North West England'); - Large share of women among student in higher education and growing interest in gender equality (OP 'Sweden – Norway'); - Good level of cross-border mobility of the disabled persons (OP 'Belgium-France') 	<ul style="list-style-type: none"> - Underemployment of black and ethnic minority groups, the disabled and single parents (OP 'North West England'); - Discrimination and insufficient integration, as well as segregated labour market (OP 'Stockholm'); - Insufficient affordable and accessible childcare facilities (OP 'Border, Midland and Western (BMW)' (Ireland)); - Marginalized Roma Communities' (OP 'Health' (Slovakia)); - Ageing population (OP 'Southern Finland'); - Intolerant attitude towards immigrants (OP 'Southern Finland'); - Women leave the region (OP 'Sweden – Norway'); - Lack of childcare facilities (in effect, this excludes some women from the labour market) (OP 'Promotion of Cohesion' (Lithuania)); - Insufficient availability of education services for persons with special needs and those experiencing social exclusion (OP 'Promotion of Cohesion' (Lithuania)); - Lack of quality vocational rehabilitation services and infrastructure for the disabled (OP 'Promotion of Cohesion' (Lithuania)); - Fewer women use ICT than men (OP 'Digital Convergence' (Greece)); - The disabled encounter difficulties in the access to ICT (OP 'Digital Convergence' (Greece)); - Women suffer from higher than average unemployment (OP 'Lower Silesia' (Poland)); - There is a significant difference in employment of men and women in the R&D sector (OP 'Cantabria' (Spain))

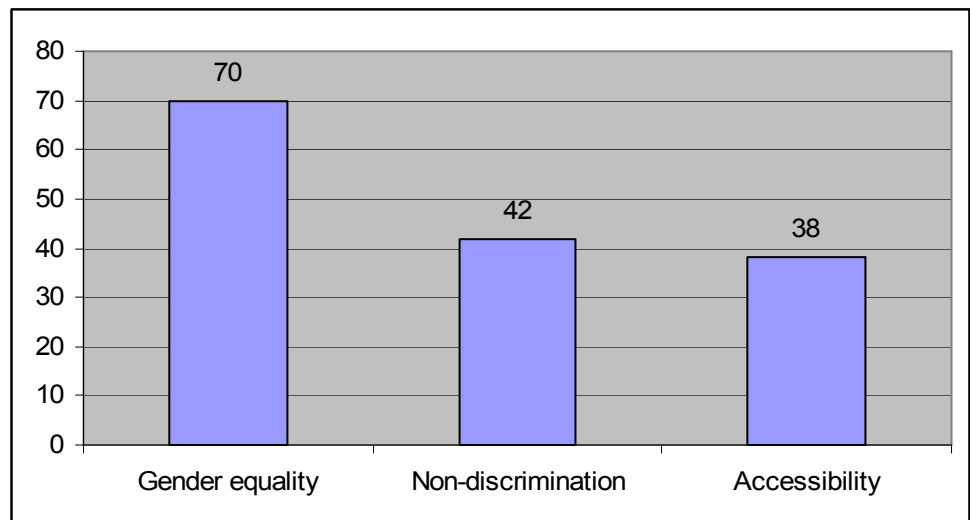
⁹¹ These 5 OPs are: 'Central Hungary', 'Digital Convergence' (Greece), 'Promotion of Cohesion' (Lithuania), 'Entrepreneurship and Innovation' (Latvia), 'Belgium - France'.

Opportunities	Threats
<ul style="list-style-type: none"> - Southern Finland is a 'multi-cultural' region (OP 'Southern Finland'); - Facilitate women's entrepreneurship and recruitment of women to leading positions (OP 'Sweden - Norway'). 	<ul style="list-style-type: none"> - Imbalances in the labour market (OP 'Sweden - Norway'); - Difficulties encountered by the public sector and in the provision of social services have a greater impact on women (OP 'Sweden - Norway').

4.3.2.2. OP Strategy and description of priority axes

Among the 50 OPs that were reviewed, most of the programmes (a total of 35 OPs or 70%) mentioned the principle of **gender equality** in their strategy section. Twenty one OP (42%) acknowledged the principle of **non-discrimination** and 19 programmes (38%) referred to the aspect of **accessibility for the disabled (Figure 4)**. Usually one or all of these principles were mentioned in the overall description of OP strategy and/ or in a chapter/ section devoted to horizontal/ cross-cutting issues. In some cases a separate annex which describes the OP's strategy with regard to horizontal or cross-cutting issues was prepared.

Figure 4. Relative emphasis of the three themes in the strategy part of OPs (percentage of the 50 reviewed OPs)*



* The three categories are not mutually exclusive. Some OPs take two or all of them into consideration

In this study two aspects were checked when reviewing the descriptions of the **priority axis** in the OPs:

- whether there is a reference to any of the themes of Article 16 in the actual description;
- whether there are concrete measures or interventions aimed to tackle these themes.

A total of 40 OPs (80%) acknowledged the principles of **gender equality, non-discrimination or accessibility** in describing at least one of the priority axes. Some elaborated on the relationship of priority axes to the three dimensions of Article 16 (e.g. OPs 'Sweden - Norway' and 'Stockholm') in detail. The principle of **accessibility** was more often present in the description of priority axes aimed at infrastructure development.

In the strategy and priority axis parts of OPs analysed in the case studies, the predominant gender-related theme was difficulties encountered by **women** in the labour market (due to family commitments, under-employment and discrimination). Two types of actions were most frequently used to address this issue: (a) direct and indirect support to businesses owned or managed by women and support to women entrepreneurs and (b) development of infrastructure, which has an added effect of helping to improve the position of women in the society and their employment opportunities (see Table 11).

Table 11. The main types of investment aimed to promote gender equality (from the 15 case studies)

Direct and indirect support to business own or managed by women, support to women entrepreneurs	Development of relevant infrastructure
<ul style="list-style-type: none"> - OP 'North West England' (UK) - OP 'Stockholm' (Sweden) - OP 'Sweden-Norway' - OP 'North Rhine-Westphalia' (Germany) - OP 'Border, Midland and Western (BMW)' (Ireland) - OP 'Southern Finland' - OP 'South Great Plain' (Hungary) - OP 'Champagne-Ardenne' (France) - OP 'Sicily' (Italy) 	<ul style="list-style-type: none"> - OP Sweden-Norway: public transport infrastructure (women are more likely to use public transport to commute to work) - OP Sweden-Norway and OP 'Promotion of Cohesion' (Lithuania): public and social services infrastructure (this helps to combine the family commitments with employment) - OP 'South Great Plain' (Hungary) (child welfare projects and development of daytime social services will create opportunities for women to return or to enter the labour market) - OP 'Champagne-Ardenne' (France) (development of childcare services in business centres) - OP 'Sicily' (Italy) (development of childcare facilities)

The case studies also showed that the most common strategies in the area of non-discrimination are, *firstly*, the integration of the discriminated-against groups into the society (through better access to employment and business support) and, *secondly*, the access of these groups to public services and infrastructure (see Table 12). For example, OP 'North West England' (UK) funds actions aimed "to increase self-employment and enterprise as a route out of worklessness and to improve access to opportunities for people from underperforming communities/groups". OP 'South Great Plain' (Hungary) indicates that it is to support "inclusive education of children with multiple disadvantages and special educational needs" (in this case referring to Roma children).

Table 12. The main types of investment aimed to improve the situation of the disadvantaged groups (from the 15 case studies)

Business and entrepreneurship development support to the population with immigrant background	Access to public services and infrastructure for the Roma people	Access to public services and infrastructure for the elderly
<ul style="list-style-type: none"> - OP 'North West England' (UK) - OP 'Stockholm' - OP 'Sweden-Norway' - OP 'Border, Midland and Western (BMW)' (Ireland) - OP 'North Rhine-Westphalia' - OP 'Southern Finland' 	<ul style="list-style-type: none"> - OP 'Health' (Slovakia) (access to health infrastructure) - OP 'South Great Plain' (Hungary) (access to education infrastructure) 	<ul style="list-style-type: none"> - OP 'Sweden-Norway' - OP 'Southern Finland', - OP 'Promotion of Cohesion' (Lithuania) - OP 'Digital Convergence' (Greece) - OP 'South Great Plain' (Hungary) (access to health infrastructure) - OP 'Belgium-France' (investments to provide public services across the border)

The case studies revealed that the authorities of some OPs considered using the **cross-financing** option (which allows the inclusion of some ESF-type expenses into projects co-financed by the ERDF). In a few cases it was decided to take advantage of this option. OP 'Health' (Slovakia) will use the cross-financing for publicity and training within the project aimed to acquire mobile mammography units. Cross-financing will also be used in the OPs 'North Rhine-Westphalia' (Germany), 'Digital Convergence' (Greece), Lower Silesia (Poland), 'South Great Plain' (Hungary). At present, it is not possible to say whether this option will be used to address the equality issues. There was a case where it was decided not to use the cross-financing as the authorities were reluctant to bring additional complexity into the project application and implementation process (OP 'Stockholm').

4.3.2.3. Indicators and targets

The most frequent approach to development of indicators in the OPs was **disaggregation of data by gender**: 28 among the reviewed 50 OPs (56%) had such indicators. The indicators disaggregated by **other groups** such as ethnic minorities, the elderly or the disabled (in the scope of non-discrimination) were found in 14 OPs (28%). Twenty OPs (40%) identified **quantified targets**: all of them made references to **gender equality** targets, while among them 8 OPs (16%) mentioned targets related to **other groups**. There were no targets on **accessibility**, however some programmes had indicators which were disaggregated by disability status and are thus relevant from the non-discrimination perspective (e.g. the number of consultation hours on business development to the disabled).

The more frequent reference to **gender equality** is related to Article 66(2) of the General Regulation which stipulates that "where the nature of the assistance permits, statistics shall be broken down by sex <...>".

There are several levels of indicators. **Output** indicators concern the number (or value) of projects supported; they can also measure activities of financed projects in terms of physical or monetary units (length of roads constructed, number of firms financially supported). **Result** indicators relate to the direct and immediate effect on direct beneficiaries brought about by a programme. **Impact** indicators refer to the consequences of the programme beyond the immediate effects (e.g. occurring after a certain period of time or affecting wider population). **Context** indicators provide general information on the socio-economic situation when an OP may have only an indirect and long-term effect⁹².

The case studies showed that Member States identified a wide variety of indicators to measure progress concerning equality. The most used output indicator was the number of projects that aim directly to increase equality, and promote equal opportunities, (type A indicator, 7 cases out of 15, see Table 13). Also, business support indicators (type E) were used more frequently than others (4 cases). At the result level, most of the programmes had indicators on the number of jobs created or safe-guarded (type J indicators, 12 cases). There were very few indicators concerning impact. Very few indicators were devoted to infrastructure development and the issue of accessibility (Table 13).

Table 13. Indicators and their targets (if available) identified in the case studies*

Name	Target value (if available)	OPs
Output		
A. Number of projects		
No. of projects which aim directly to increase gender equality and/or diversity and integration		OP 'Stockholm' (Sweden)
No. of projects which aim directly to increase gender equality and/or diversity and integration		OP 'Sweden – Norway'
No. of projects focused on the needs of the marginalized Roma communities	8 projects	OP 'Health' (Slovakia)
No. of projects which offer services, promoting equal opportunities and preventing social exclusion of national minorities and young people		OP 'Lower Silesia' (Poland)
No. of projects countering social exclusion of the youth and minorities		OP 'Champagne-Ardenne' (France)
No. of actions on equal opportunities	75	OP 'Belgium-France'
No. of projects that promote equal opportunities and social inclusion for minorities and young people	3	OP 'Cantabria' (Spain)
B. Share of projects		
Percent of projects aiming to promote gender equality	25%	OP 'Stockholm' (Sweden)
Percent of projects aiming to promote integration and diversity	25%	OP 'Stockholm' (Sweden)
C. Value of projects (monetary)		
Value of projects focused on the needs of the marginalized Roma communities	8 million EUR	OP 'Health' (Slovakia)

⁹² European Commission, Directorate-General Regional Policy (2006), *The New Programming Period 2007-2013. Indicative Guidelines on Evaluation Methods: Monitoring and Evaluation Indicators*. Working Document No. 2.

D. Value of projects (percentage of the total)		
Overall value of projects aimed to support gender equality	17.4% (of the total value of all projects)	OP 'Southern Finland'
E. Number of supported businesses (disaggregated)		
No. of supported businesses (owned or managed by men and women, various age groups, various ethnic backgrounds and disability status)		OP 'North West England' (UK)
No. of supported enterprises (owned or managed by men and women or people of foreign origin)	3150 in total. At least 40% of the enterprises will be owned by men, 40% - by women and 25% by the people of foreign origin	OP 'Stockholm' (Sweden)
No. of start-ups financed or consulted (owned or managed by men and women, women in technology and knowledge-intensive sectors, persons with immigrant background)		OP 'North Rhine-Westphalia' (Germany)
No. of micro-enterprises supported (male promoters and female promoters)	3,576 and 1,213 respectively (by 2013)	OP 'Border, Midland and Western (BMW)' (Ireland)
F. Number of recipients of training or consultation (disaggregated)		
No. of recipients of micro-enterprise training (men and women)	27,562 and 33,668 respectively (by 2013)	OP 'Border, Midland and Western (BMW)' (Ireland)
No. of consultation hours (on business start-ups) given to men and women, women in technology and knowledge intensive sectors, persons with immigration background)		OP 'North Rhine-Westphalia' (Germany)
G. Number of project participants		
No. of women participating in projects	1,573	OP 'Cantabria' (Spain)
H. Units of infrastructure build or renovated		
No. of newly build or reconstructed outlets, which provide non-stationary social care services and/ or services to the disabled	114	OP 'Promotion of Cohesion' (Lithuania)
No. number of objects/facilities adapted to the needs of disabled people		OP 'Lower Silesia' (Poland)
Results		
I. Gender balance among project participants		
Proportion of participants of each gender in project activities	At least 40% of participants in project activities should be women and at least 40% should be men	OP 'Sweden - Norway'
J. Number of jobs created or safe-guarded (disaggregated)		
No. of gross jobs created (men and women)	24,300 and 23,900 respectively (by 2015)	OP 'North West England' (UK)
No. of new jobs created (men and women, and people of foreign origin)	1300 in total. At least 40% of the new jobs for men, 40% - for women and 25% for the people of foreign origin	OP 'Stockholm' (Sweden)

No. of net jobs created (men and women)	29 and 29 respectively	OP 'Health' (Slovakia)
No. of new jobs created (men and women)	Within the range of 48,000-56,000 and 32,000-44,000 respectively	OP 'North Rhine-Westphalia' (Germany)
No. of jobs created in assisted micro-enterprises (men and women)	14850 and 8413 respectively (by 2013)	OP 'Border, Midland and Western (BMW)' (Ireland)
No. of jobs created for women in technology and knowledge-intensive sectors		OP 'North Rhine-Westphalia' (Germany)
No. of gross jobs safeguarded (men and women)	8,000 and 7,900 respectively (by 2015)	OP 'North West England'
No. jobs created (men and women)		OP 'Lower Silesia' (Poland)
Number of women employed full time in jobs created by the programme	435	OP 'South Great Plain' (Hungary)
No. of disadvantaged people employed full time in jobs created by the programme	150	OP 'South Great Plain' (Hungary)
No. of jobs created/ safeguarded for men/ women		OP 'Champagne-Ardenne' (France)
Employment created (for women)	505	OP 'Cantabria' (Spain)
K. Number of new businesses created as the result of the OP (disaggregated)		
No. of new enterprises created (owned or managed by men and women, and people of foreign origin)	300 in total. At least 40% of the enterprises will be owned by men, 40% - by women and 25% by the people of foreign origin	OP 'Stockholm' (Sweden)
L. Other		
No. of enterprises adopting or improving equality and diversity strategies and monitoring systems		OP 'West Wales and the Valleys' (UK)**
No. of the disabled, the socially excluded and persons facing social risk who benefited directly from investments in the non-stationary social care outlets and infrastructure providing services to the disabled	390,000	OP 'Promotion of Cohesion' (Lithuania)
No. of disabled students/people, benefiting from the infrastructure created		OP 'Lower Silesia' (Poland)
No. of disadvantaged students in schools which received support	5000	OP 'South Great Plain' (Hungary)
Impacts		
M. Participation in education and training		
Percentage of female graduates of science and technical specialisations in relation to the total no. of graduates		OP 'Infrastructure and Environment' (Poland)**
N. Participation in ICT and R&D sector		
Women employed in ICT and R&D sector / as a percentage of total employment in these sectors	48.09% (by 2013)	OP 'Cantabria' (Spain)
Context indicators		
O. Employment indicators		
Women's employment level (percent)	61.5% (by 2015)	OP 'Promotion of Cohesion' (Lithuania)
Employment level of older persons (aged 55-64) (percent)	52% (by 2015)	OP 'Promotion of Cohesion' (Lithuania)
Disabled people who have employment (percent)	30% (by 2015)	OP 'Promotion of Cohesion' (Lithuania)

P. Income gap		
Female earnings as a percentage of male earnings		OP 'West Wales and the Valleys' (UK)**
Remuneration gap between men and women (percent)	<10% (by 2015)	OP 'Promotion of Cohesion' (Lithuania)

* The indicators in this Table are grouped according to the level and indicator types (no. of projects, value of projects, share of projects, etc.). Furthermore, the indicators in different programmes are difficult to analyse and compare as they tend to assign similar indicators to different levels (e.g. the no. of supported businesses can be included as an output or a result indicator). Therefore the authors of this study assigned the indicators to a specific level following the definitions of inputs, outputs, results, etc. suggested by the European Commission⁹³

** This programme was not analysed in the case studies

4.3.3. Project selection

The review of 50 OPs showed that half of the programmes did take into consideration to some extent the themes of Article 16 during the project selection process. Twenty five of the reviewed OPs (50%) mentioned that all projects will have to comply with at least some **minimum standards** concerning either gender equality and/ or non-discrimination and/ or accessibility for the disabled. Twenty OPs (40%) indicated that during the selection process **some priority would be given** to projects addressing equal opportunities and related issues (e.g. the projects which make a meaningful contribution to equality or non-discrimination could achieve higher scores).

A more detailed analysis of the case studies showed that four approaches are possible concerning the integration of equality issues into the project selection process, starting from 'no adverse effects' to special calls to tackle these issues (see Table 14).

Table 14. Main approaches for integration of the three themes into the project selection process

Minimum requirements		Prioritization	
1.	2.	3.	4.
In order to be financed projects should not demonstrate obvious adverse (or discriminatory) effects	The projects have to comply with some standards, which are relevant from the perspective of Article 16	Projects targeting the themes of gender equality/ non-discrimination, and accessibility have some advantage (more points during the scoring process)	Special calls for proposals (or non-competitive selection procedure) devoted specifically to projects targeting one of the themes of Article 16.

The actual practices identified in the case studies are presented in Table 15. The table shows that at the very least all 15 OPs undertook the negative rights-based approach: i.e. – no adverse effects should be incurred on the groups that suffer discrimination or are at risk of being discriminated. When it comes to more proactive and targeted actions, the most frequent approach is to give the equality-related themes some consideration during the project selection process and some additional points (11 cases out of 15). However these points account for only up to 10% of the total in the scoring tables. This means that compliance with the cross-cutting issues is not a decisive selection criterion. Finally, there are

⁹³ Ibid.

examples of special calls, having direct impact on the groups mentioned in Article 16: OP 'North Rhine-Westphalia' (Germany), OP 'Health' (Slovakia), OP 'Promotion of Cohesion' (Lithuania).

All of the practices listed in Table 15 are useful because they make the authorities and the beneficiaries to consider the aspect of equal opportunities. Nevertheless, there is a risk that these practices will be used formally and will not make any difference in terms of the actual quality and choice of projects. In order to address this risk the Member States developed a variety of tools such as guidelines, advice and trainings (presented in Table 16).

Table 15. The practices of project selection used in the case studies to integrate the themes of Article 16

A practice and OPs where this practice has been applied	Details
A. In order to be supported the projects should not demonstrate obvious adverse (or discriminatory) effects	
15 OPs analysed in the case studies	This assumption is valid for all OPs and calls for proposals (though it is not always stated explicitly in the OP or related documents). If adverse effects are expected, then remedial measures have to be identified (see also practice A in Table 13)
B. All projects have to comply with some standards which are relevant from the perspective of Article 16	
OP 'Border, Midland and Western (BMW)' (Ireland)	An explicit requirement to observe accessibility for disabled persons in all co-funded public facilities
OP 'Health' (Slovakia)	In some calls, there is a statement that only the projects where 'barrier-free' (to the disabled) access is ensured are eligible
OP 'Promotion of Cohesion' (Lithuania)	In order to be eligible for funding all project applications have to comply with nine general criteria. Among the criteria there is compliance with the principles of gender equality and non-discrimination.
OP 'Digital Convergence' (Greece)	During the project appraisal each application is checked for compliance with the rules for gender equality and accessibility for the disabled (together with regulations on environment and public procurement).
OP 'Lower Silesia' (Poland)	The projects of urban revitalisation have to be related to improvement of living conditions of immigrants, national and ethnic minorities or refugees. The projects in the area of information society must take account of the needs of disabled people.
OP 'South Great Plain' (Hungary)	In order to be considered for funding a project has to address at least one (out of six) aspects of equal opportunities. These six aspects are: equal opportunities in project organisation, reducing gender gaps, accessibility for the disabled, labour market integration of people with disabilities, integration of Roma people, and creation of family-friendly workplaces.
OP 'Sicily' (Italy)	All projects must be compliant with the European policies concerning equal opportunities.
C. Projects targeting the themes of gender equality/ non-discrimination, and accessibility have an advantage to a certain degree when a decision on support is taken (e.g. may get a higher score)	
OP 'Sweden – Norway'	The selection decision is an outcome of extensive discussions within the selection committee. Horizontal criteria are taken into consideration, yet usually they do not determine the final decision. However, as equality concerns are taken seriously, the effects of such a system is that projects which take the cross-cutting issues into consideration have a good chance of being selected.

OP 'North Rhine-Westphalia' (Germany)	Contribution to equal opportunities totals 5% in the project scoring scale. Formally, if two projects with the same scoring differ regarding their contribution to the cross-cutting themes, the one with a higher score for the cross-cutting themes should be given priority in making a funding decision.
OP 'Border, Midland and Western (BMW)' (Ireland)	There is a statement under one call for proposals ('Micro-Enterprise – Innovation and Entrepreneurship') that "the selection of projects for support or financial assistance will be monitored for gender balance". Adherence to cross-cutting themes is one of the selection criteria. However, it does not have a decisive influence on the final decision.
OP 'Health' (Slovakia)	During the scoring process 8 points out of 156 are allocated for equality-related performance. Out of them 4 points for projects are given for addressing non-discrimination and equal opportunities and 4 points for positive contribution to the well-being of the marginalized Roma communities.
OP 'Lower Silesia' (Poland)	In certain programme areas (investment in enterprises, business services), additional points are given for project's positive impact on equal opportunities.
OP 'South Great Plain' (Hungary)	If a project is considered as having positive influence on more than one aspect of equal opportunities (among the six aspects: equal opportunities in project organisation, reducing gender gaps, accessibility for the disabled, labour market integration of people with disabilities, integration of Roma people, creation of family-friendly workplaces), it may score up to 5 additional points (out of the total of 100). Institutions providing integrated education for children who have special needs and are in disadvantageous situations will receive priority during the selection of projects aimed at developing educational infrastructure.
OP 'Champagne-Ardenne' (France)	The OP indicates that projects integrating the equality dimension have the possibility to get additional funding (higher rate of support) to cover the costs arising from the implementation of this principle.
OP 'Belgium France'	Equal opportunities is one of the criteria taken into consideration during the project selection process, along with environmental impact, cross-border dimension and others.
OP 'Cantabria' (Spain)	The criteria of social integration and equal opportunities are given consideration during the selection process (on some priority axis). However they do not determine the results of selection.
OP 'Sicily' (Italy)	Priority will be given for projects submitted by enterprises with predominantly female ownership or management (Priority Axis 5); A particular attention will be given to immigrant population and to the most disadvantaged groups in the population (Priority Axis 6).
D. Calls for proposals (or non-competitive selection procedure is applied) devoted specifically to projects targeting one of the themes of Article 16.	
OP OP 'North West England' (UK)	A five-year Start up and Support Project targets women, racial and ethnic minorities, the disabled and social enterprises as well as deprived communities
OP 'Stockholm'	Women and immigrants are the target groups of the project 'Entrepreneur Sthlm'.
OP 'North Rhine-Westphalia' (Germany)	There have been two targeted calls within this OP: 'Gründungen.NRW' (support for female entrepreneurship) and 'familie@unternehmen.NRW' (initiatives to reconcile work and family life in business).
OP 'Health' (Slovakia)	A call for projects focusing on improving the health situation of the marginalised Roma communities
OP 'Promotion of Cohesion' (Lithuania)	Non-competitive selection procedure is used for calls such as "Development of institutions providing professional rehabilitation services for the disabled" or development of non-stationary social care institutions (non-direct support for women who take of dependent persons in families).

Table 15 shows that the theme of **gender equality** is specifically integrated in the project selection process of 9 programmes analysed in the case studies (monitoring the selection of projects for gender balance, selection criteria asking for positive impact on diminishing the gender differences, special calls aimed at encouraging female entrepreneurship). Table 15 also demonstrates that 12 programmes included 'equal opportunities' or 'cross-cutting issues' among the project selection criteria. Implicitly or explicitly this means that the aspect of **prevention of discrimination** has been taken into account. However, the specific meaning of equal opportunities is context-specific. For example, in some countries of Central Eastern Europe it invokes Roma issues. In Western Europe, such a term may refer to the challenges faced by people with an immigrant background. There are cases where special calls were announced targeting the groups that are discriminated-against (e.g. OP 'Health' (Slovakia) has a call for improving the health of the marginalised Roma communities). The principle of **accessibility for the disabled** was referred-to in 6 case studies. In most cases (5) this principle was included as a compliance criterion (type B in Table 15).

The case studies also identified a number of tools that were used to encourage project applicants to take equality issues into account more effectively (Table 16). *Firstly*, all the OPs required project applicants to **describe adherence** to the cross-cutting issues in their applications (9 cases). In some of these cases the applicants must assess the likely level of the projects' impacts by using a systematised scale (e.g. from positive to negative impact on equality). *Secondly*, a separate equality (or gender) **impact assessment** may be required in the case of large projects (3 cases). *Thirdly*, in 5 cases the explanations concerning equality issues were included in guidelines to applicants. Sometimes a special **guidance document** on these issues is published (such documents usually cover not only the application but also the implementation stage – see the next section). In some cases, more personalised **advice or training** to applicants was provided (e.g. OP 'North West England' (UK), OP 'North Rhine-Westphalia' (Germany)). *Finally*, guidance resources and training on equal opportunities was made available for project appraisers or evaluators (4 cases).

Table 16. The tools used to integrate the themes of Article 16 into the project selection process

A practice and OPs where this practice has been applied	Details
A. Project applicants must explain the impact of their projects regarding equal opportunities'	
OP 'North West England' (UK)	Applicants have to estimate the project's impact across 6 equality strands (race, disability, gender, faith/religion, age and sexual orientation). Based on an analysis of data and/ or consultations with the target groups, the projects also have to estimate the degree of possible impact: definite adverse, probable adverse, positive impact or no impact.
OP 'Stockholm' (Sweden)	The applicants are required to assess the impact of their projects on gender equality, integration and diversity. The applicants have to assign their project to one of the three categories: (a) the project is aimed directly at increasing gender equality or inclusion and diversity, (b) has a positive impact on either of them, or (c) has a negative impact on either of them. Measures to minimise the possible negative impact should be mentioned.

OP 'Sweden – Norway'	The application form asks to indicate the no. of men and women taking part in the project. It has separate questions inquiring about the impact of the project on gender equality, environment, diversity and integration. A section on the horizontal criteria should be included in the structure of the project.
Other OPs, which use this practice: 'North Rhine-Westphalia' (Germany), 'Border, Midland and Western (BMW)' (Ireland), 'Southern Finland', 'Health' (Slovakia), 'Promotion of Cohesion' (Lithuania), 'South Great Plain' (Hungary), 'OP Champagne-Ardenne' (France)	
B. Project applicants have to carry out a systemic Impact Assessment	
OP 'North West England' (UK)	Full Equality Impact Assessment is necessary for 'high profile' projects. Positive and negative impacts have to be summarized for each group; actions identified to address possible adverse impact and monitoring system has to be described
OP 'Southern Finland'	Environmental Impact Assessment is necessary for larger projects. Among the assessment criteria there is 'impacts on individuals'. Potentially, this can encourage the applicants as well as project appraisers to take a look at issues such as integration of minority groups, the elderly, etc.
'South Great Plain' (Hungary)	All projects applying for support in the field of educational infrastructure and urban rehabilitation have to conduct situation analysis and prepare an operational plan for the promotion of equal opportunities (or anti-segregation).
C. Guidelines, advice, consultation or training on cross-cutting issues to applicants	
OP 'North West England' (UK)	Various guidance resources are published online, on the 'ERDF in the Northwest' website. The Northwest Regional Development Agency (NWDA) has also developed an Equality Impact Assessment guidance document. Training sessions on Equality Impact Assessment were provided to all the stakeholders.
OP 'Stockholm' (Sweden)	The application guide suggests that the horizontal criteria must be taken into account in all phases of programme implementation. It guides the projects through questions which one has to ask in order to integrate the cross-cutting issues. It also suggests what indicators could be used to monitor the progress in terms of the cross-cutting issues.
OP 'Sweden – Norway'	A project manual has been prepared, which, among other questions that are explored, also gives guidance on horizontal issues. The project developers are advised to take into account both qualitative and quantitative aspects of gender equality. It provides working definitions for diversity and integration and encourages project developers to identify the groups which are excluded from the society. An analytical tool 'Gender equality reflection' suggests what aspects projects applicants have to take into consideration in order to integrate the gender perspective.
OP 'North Rhine-Westphalia' (Germany)	'Zentrum Frau in Beruf und Technik' (ZFBT – 'Centre for Women in Occupation and Technology') offers a thematic seminar series 'Ziel 2 +Frau' ('Objective 2 +Woman') for project applicants (and beneficiaries). These seminars explore how to incorporate the dimension of gender in various fields of OP implementation. For example, there have been trainings on gender in product design, on migration from the perspective of gender, on gender in calls for tender for urban planning, on diversity management in business etc.
'South Great Plain' (Hungary)	A network of local coordinators (40 persons) was set up to promote applications of disadvantaged groups (such as Roma people).
D. Guidelines, advice, consultation or training on cross-cutting issues to project evaluators/ appraisers or public agencies in charge of the OP	

OP 'North West England' (UK)	Project appraisal staff receives practical training on how to review Equality Impact Assessments (EIAs) and consult the applicants on this matter. Appraisers can also refer to the information on what is required from EIAs provided in the ERDF Technical Appraisal Guidance. Members of the committees making the selection decision have been briefed by the Equality and Diversity Manager on the importance of Equality Impact Assessment.
OP 'Border, Midland and Western (BMW)' (Ireland)	The Managing Authority prepared a guidance document on the incorporation of selection criteria related to the horizontal issues of gender equality and non-discrimination. This document is to be used by intermediate bodies, which are responsible for specific calls for proposals. In practice, the intermediate bodies differ on the extent they include cross-cutting issues among the selection criteria.
OP 'Champagne-Ardenne' (France)	One day training session on equal opportunities for project appraisers has been organised.
OP 'Sicily' (Italy)	It is planned to create a network of referents on equal opportunities. They will be responsible for examining the calls for proposals of all ERDF interventions from gender perspective and providing relevant suggestions.

4.3.4. Programme management

Few among the reviewed 50 OPs discussed programme management solutions, relevant to integration of the cross-cutting issues as this is not required in the General Regulation. A total of 16 OPs (32%) identified some practices, such as pro-active measures to help project managers (e.g. with disadvantaged background) or public bodies in charge of implementation of the OP (for the list of these OPs see Annex A, Table A2). A majority of OPs (40 or 80%) undertook to ensure gender balance in some of their institutions (such as Monitoring Committees).

The case studies identified a number of relevant management practices, which can be grouped into 4 categories (see Table 17) ranging from advice on cross-cutting issues to learning through the exchange of experience.

Table 17. The main categories of practices used to integrate equality principles into the programme management

1. Advice on cross-cutting issues	2. Institutional solutions	3. Contractual obligations and control measures	4. Synergies and learning
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Tables 18-21 provide a more detailed description of practices used in the OPs analysed in the case studies. Among these practices there are some specifically targeting the theme of **gender equality**. The most frequent practice was a commitment to observe **gender balance** in bodies dealing with **programme management and monitoring** (mostly – Programme Monitoring Committees, 8 cases). For example, the 40-60 rule (meaning that representatives of one gender should make up at least 40% but no more than 60% of the committee members) was used. Another practice (observed in OPs 'North Rhine-Westphalia' (Germany), OP 'Champagne-Ardenne', OP 'Cantabria' (Spain)) was to provide guidelines to project beneficiaries on the integration of gender aspect.

Many relevant practices in the case studies concerned promoting equal opportunities in a broader sense and target groups that **are**

discriminated-against (or are at risk of being discriminated). The most frequent practices were **guidance and training to project beneficiaries** (4 cases) and to various programme authorities (8 cases). The practice of checking the compliance of beneficiaries with the principles of equality and non-discrimination (e.g., through on-the-spot checks) was observed in 6 cases.

Only in a few cases (3) management practices devoted specifically to the question of accessibility were identified. One practice concerns the development of guidance documents on 'universal design' and thus **accessibility to the disabled** (OP 'North West England' (UK), OP 'Stockholm' (Sweden)). In the implementation of OP 'Digital Convergence' (Greece), a technical advisory committee was created for provision of advice on accessibility.

Some practices did not appear frequently in the case studies, but they did demonstrate good results in encouraging integration of gender equality, non-discrimination and accessibility. For example, the **Equality and Diversity Manager** in the intermediate body of the OP 'North West England' (UK) proved instrumental in co-ordinating actions of various institutions, starting relevant competence-building initiatives and sensitising various stakeholders to equality issues. **Legal/ formal arrangements** (such as contractual obligations) are a useful measure to ensure that projects integrate the equality perspective (OP 'North West England' (UK), 'Border, Midland and Western (BMW)' (Ireland)). Nevertheless, the risk remains that legal requirements might lead to only formal (rather than genuine) adherence. Therefore, soft measures for the **exchange of experience and good practice** may effectively complement the formal arrangements (OP 'Stockholm', OP 'North Rhine-Westphalia' (Germany), OP 'Cantabria' (Spain)). There is an interesting case of **synergies** between ESF and ERDF, when ESF projects are used for guidance and training regarding the integration of cross-cutting issues in ERDF-funded programmes (OP 'Stockholm').

It is not easy to discern the **costs** related to the integration of equality-friendly practices in the OPs and projects. For example, officials involved in the preparation of guidelines may do this in addition to other functions not related either to the OP or to equality issues within the OP. A case which was easier to analyse was the OP 'North West England'. The case study showed that the post of Equality and Diversity Manager (who plays a focal role in the implementation of the equality principles) is financed from the Technical Assistance budget. Approximately £45,000 (over 52,000 EUR) *per annum* is allocated to fund this job position and to finance the relevant events. However, various guidance documents and trainings have also been funded from the budget of the intermediate body.

Table 18. Management practices identified in the case studies: advice on cross-cutting issues

A practice and OPs where this practice has been applied	Details
A. Guidelines, advice, consultation or training on the cross-cutting issues to project beneficiaries (direct or final), project managers or contactors	
OP 'North West England' (UK)	Special best practice events and guidance sessions are organized for the stakeholders. Extensive guidance documents are available online (on the 'ERDF in the Northwest' website). Guidance for projects working with minority entrepreneurs should be developed in the future. The 'Sustainable Buildings Equality and Diversity Guidance Note' was developed with a support of the ERDF-financed 'Sustainable Buildings Awareness Raising and Knowledge Transfer Programme'. It covers the topics of accessibility, inclusive design and community engagement, workforce representation, employment and training.
OP 'Stockholm' (Sweden)	Guidance documents are published on the official website of the OP. There are guides specifically aiming to explain the integration of the horizontal criteria that are applicable to all Swedish OPs. The Swedish Agency for Disability Policy Coordination (Handisam) has published guidelines on accessibility – a link to them is available in the horizontal criteria guides for project applicants under OP 'Stockholm'
OP 'North Rhine-Westphalia' (Germany)	The 'Zentrum Frau in Beruf und Technik' (ZFBT – 'Centre for Women in Occupation and Technology') offers a thematic seminar series 'Ziel 2 +Frau' ('Objective 2 +Woman') for project beneficiaries (and applicants). This Centre also co-operates with some subsidised projects, providing advice and assistance on the integration of gender perspective and gender mainstreaming.
OP 'Promotion of Cohesion' (Lithuania)	A publication 'Horizontal priorities: a practical manual for applicants and beneficiaries of support' has been prepared
OP 'South Great Plain' (Hungary)	A network of local co-ordinators (40 persons) are to provide advice to beneficiaries with disadvantaged backgrounds (among them – Roma).
OP 'Champagne-Ardenne'	The Managing Authority and the Regional Delegate for Women's Rights and Equality have developed a special handbook on how to integrate equality between men and women in ERDF projects. The Regional Delegate for Women's Rights and Equality can also be approached for advice.
OP 'Cantabria' (Spain)	Several guides on gender equality have been developed by the Spanish Women's Institute (Instituto de la Mujer). These guides have not been designed for the implementation of Structural Funds, but still provide useful information and both project and programme level.
B. Guidelines, advice, consultation or training on cross-cutting issues to the employees of public agencies and institutions in charge of the OP	
OP 'Stockholm' (Sweden)	Training for authorities was carried out in relation to the horizontal principle 'integration and diversity'.
OP 'Sweden – Norway'	The special advisor on gender equality who works for a local authority was consulted while drafting the OP.
OP 'North Rhine-Westphalia' (Germany)	Considerable gender equality competence is concentrated at the 'Zentrum Frau in Beruf und

	Technik' (ZFBT – 'Centre for Women in Occupation and Technology'). This centre is involved in the implementation of the project 'Wirtschaftsfaktor Frau' ('Woman as An Economic Factor'). The project encourages networking between the public agencies, business organizations, enterprises and women's groupings in the region as well as consultancy and training on gender issues.
OP 'Border, Midland and Western (BMW)' (Ireland)	Equality Authority, which has a statutory responsibility to promote equality, is available to offer support to intermediate bodies in assessing the impact of their measures on equality and incorporating an equality dimension in project design and delivery.
OP 'South Great Plain' (Hungary)	There is a Guide on Equal Opportunities, which is applicable for all OPs in the country, yet Managing Authorities could fine-tune this guide to the context of a specific Operational Programme
OP 'Belgium-France'	There is a practical guide on programme implementation. It mentions equal opportunities in many of its sections (indicators, selection process, reporting).
OP 'Cantabria' (Spain)	Several guides on gender equality have been developed by the Spanish Women's Institute (Instituto de la Mujer). These guides have not been designed for the implementation of Structural Funds, but still provide useful information and both project and programme level.
Other OPs, which use this practice: OP 'Health' (Slovakia) (guidelines and trainings), 'Promotion of Cohesion' (Lithuania) (guidelines and trainings), 'Lower Silesia' (Poland) (training), OP 'Sicily' (training planned, guidelines)	

Table 19. Management practices identified in the case studies: institutional solutions

A practice and OPs where this practice has been applied	Details
C. An official in MA or intermediate body has been assigned a responsibility for co-ordinating/facilitating the implementation of any of the three themes	
OP 'North West England' (UK)	There is an Equality and Diversity Manager in the intermediate body. S/he reviews Equality Impact Assessments of projects and may recommend a project for funding or otherwise. S/he also provides advice and consultation to applicants and beneficiaries and organises training, guidance and good practice exchange.
D. The obligation to uphold the principles of gender equality/ non-discrimination/ accessibility and to monitor their progress is included in inter-institutional contracts (defining responsibilities of various institutions in programme management)	
OP 'Border, Midland and Western (BMW)' (Ireland)	Administrative agreements were concluded between the Managing Authority and intermediate bodies, which require the intermediate bodies to ensure that the applicable prioritised horizontal principles are fully integrated into the implementation and monitoring of the projects/interventions under their responsibility.
E. A special institutional body created to discuss progress in tackling the cross-cutting issues and provide advice to public bodies involved in the implementation of OP	

OP 'Promotion of Cohesion' (Lithuania)	A working group was created to facilitate and to monitor the implementation of the horizontal themes among OPs and institutions. The mission of the group is to analyse trends in the horizontal fields and to provide suggestions to the MA and various other relevant bodies.
OP 'Digital Convergence' (Greece)	A technical advisory committee was created (which includes the representatives of the National Confederation of Persons with Disabilities) for provision of advice on accessibility.
OP 'South Great Plain' (Hungary)	There is a network of local co-ordinators, who provide support to beneficiaries with disadvantaged backgrounds (including Roma).
F. There is a rule or practice aimed at ensuring gender balance in various bodies dealing with programme management or implementation	
OP 'North West England' (UK)	Women make up 40% of the Programme Monitoring Committee and 40% in the Performance and Monitoring Sub-Committee (PMSC), while females members make up 43% of the Merseyside Phasing in Sub-Committee (MPSC).
OP 'Stockholm' (Sweden)	Following the tradition of Swedish politics, gender balance is respected within the authorities dealing with OP 'Stockholm'. Chairpersons of Structural Funds Partnerships that recommend projects for funding are appointed from two nominees: one male and one female candidate.
OP 'Sweden – Norway'	The Steering Committee, the Monitoring Committee and Regional Priority Partnerships for each of the geographical areas must respect gender balance among its members, following the 40-60% interval rule for both genders.
OP 'Southern Finland'	Gender balance in the programme institutions was taken into account as this is required by the national equality legislation. Each gender should be represented within the range of 40-60% of all members of the specific body/ committee.
OP 'Health' (Slovakia)	Programme Monitoring Committee is well-balanced in terms of gender (46% women, 54% - men)
OP 'Digital Convergence' (Greece)	The Ministerial Act on the establishment of Monitoring Committee states that in the Monitoring Committee gender balance has to be ensured.
OP 'Belgium-France'	When selecting members for Programme Monitoring Committee, gender balance is taken into account.
OP 'Sicily'	The OP states that gender balance has to be ensured in Monitoring Committee

Table 20. Management practices identified in the case studies: contractual obligations and control measures

A practice and OPs where this practice has been applied	Details
G. The contract awarding support includes a clause on equal opportunities	
OP 'North West England' (UK)	The obligations stemming from the Equality Impact Assessment are included in the support contracts.
OP 'Digital Convergence' (Greece)	If a proposal undertakes commitments in the area of prevention of discrimination or accessibility and is approved for support, then these commitments become a part of its contractual obligations and are monitored during the implementation process.

OP 'Lower Silesia' (Poland)	The typical assistance contract includes a standard clause by which the beneficiary undertakes to respect the principles of equal opportunities, non-discrimination and access to the disabled.
H. The project contractors or sub-contractors are required to take equality into consideration	
OP 'Border, Midland and Western (BMW)' (Ireland)	The criteria of 'adherence to cross-cutting themes' has to be taken into consideration during the selection of training providers (call for proposals 'Micro-Enterprise - Innovation and Entrepreneurship').
I. There are measures to control the applicants'/ managers'/ beneficiaries' compliance with the principles of gender equality, non-discrimination and/ or accessibility	
OP 'North West England' (UK)	The existence of equality and diversity policy and compliance with it is verified during Project Engagement Visits and Progress and Verification Visits.
OP 'Stockholm' (Sweden)	Meetings with the representatives of each project are held twice a year, where project achievements, progress and relevant issues are discussed. Among other issues, equality questions are addressed.
OP 'Border, Midland and Western (BMW)' (Ireland)	The on-the-spot checks on Management and Control Systems of various regional intermediate bodies include the procedures to verify (among other things) the implementation of the horizontal principles.
OP 'Digital Convergence' (Greece)	The Guidebook on the Management and Control Systems states that during the implementation of projects the principles of gender equality, non-discrimination, and accessibility for disabled persons have to be observed. This may be checked through on-the-spot checks.
OP 'Lower Silesia' (Poland)	The Operations Control Unit of the Managing Authority may use a check-list for horizontal policies of the Community and ask project beneficiaries on the implementation of the principles of equal opportunities, non-discrimination, and accessibility. The statements of project beneficiaries concerning equal opportunities (neutral or positive impact) will be verified during on-the-spot checks.
OP 'Belgium-France'	The checklist for performance assessment visits (on-the-spot checks) asks to assess (on a scale of 10 points) to what extent the project contributed to the promotion of equal opportunities with regard to the groups such as women, persons with low education, and the disabled.

Table 21. Management practices identified in the case studies: synergies and learning

A practice and OPs where this practice has been applied	Details
J. Project beneficiaries are encouraged to publicise their results (concerning the cross-cutting issues) and share experience and good practices	
OP 'Stockholm'	The programme office initiates a get-together of all project leaders with an intention to discuss horizontal issues (among the other issues). Such meetings take place twice a year and are aimed at experience exchange and mutual learning.
OP 'Sweden - Norway'	Ongoing evaluation will include study visits: a representative sample of projects will be subject to separate detailed examinations. This way good

	practice examples, also in terms of the integration of the horizontal criteria, can be identified and catalogued.
OP 'North Rhine-Westphalia' (Germany)	The regional Ministry of Generations, Family, Women and Integration plans to build up a network of the projects that are being funded within a 'familie@unternehmen.NRW' call for proposals in order to share their experience in the reconciliation of work and family to wider business circles. There are also plans to organize a special event to present the results of calls for proposals dealing with the issues of family and work. The authorities also intend to publicise the studies on (a) childcare in the companies and (b) reconciliation or work and care of dependants (commissioned within the framework of the 'familie@unternehmen.NRW' call).
OP 'Promotion of Cohesion' (Lithuania)	A thematic evaluation on the implementation of horizontal priorities in the programme of 2004-2006 has been carried out. It identified and described cases of good practice and provided recommendations for 2007-2013. This evaluation report is available on-line.
K. Programme authorities are encouraged to exchange information	
OP 'Cantabria' (Spain)	There is a set of thematic networks, consisting of authorities responsible for management, programming and evaluation of various EU-supported programmes. Among them there is a Policy Network for Equal Opportunities. These networks will provide suggestions with regard to more efficient resource management, promote the integration of horizontal policies, produce analysis, and facilitate exchange of experiences.
L. ERDF and ESF-funded activities are co-ordinated in order to ensure the better integration of cross-cutting issues	
OP 'Stockholm'	The OP states that ERDF and ESF funding will be used together for supporting new businesses and upgrading more general skills of entrepreneurs and employees. Regional officials of the ESF work in the same areas as the regional offices implementing ERDF programmes in order to provide opportunities for regular consultations, prevent duplication of financing and develop synergies. Structural Funds Partnerships (SPFs) recommending projects for support are the same for ESF and ERDF programmes. ESF-funded initiatives provide training and guidance on horizontal issues available for and used by ERDF projects.

4.3.5. Reporting and monitoring

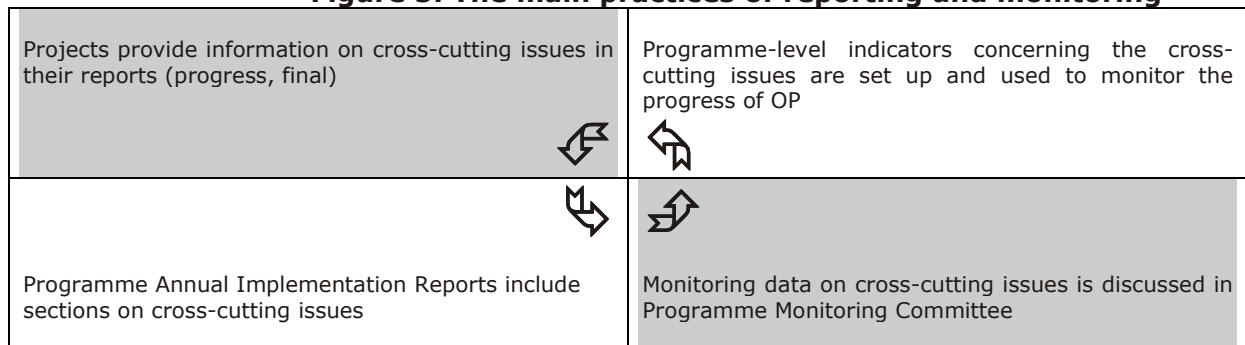
The stages of reporting, monitoring and evaluation (see the next section) are related and overlap in their aims (essentially, feedback and accountability). For example, project-level reports are used for programme-level monitoring. Monitoring data is collected so that it can be reported and evaluated.

Among the 50 reviewed OPs, 19 programmes (38%) indicated that information about the OP's influence on the various dimensions of equal opportunities would be **reported** at the programme level (e.g., on a yearly basis). Sometimes it is just an intention to **collect data**, such as the numbers of beneficiaries disaggregated by gender (OPs 'United Kingdom-Ireland', 'Promotion of Cohesion'

(Lithuania)). OP 'Central Hungary' mentioned that **special reports** on the compliance with the principle of non-discrimination would be compiled and published.

Based on the analysis of evidence presented in the 15 case studies, 4 main practices of reporting and monitoring information have been identified (see Figure 5). These practices are closely interlinked. Programme-level indicator systems outline the kind of information to be collected from and reported by the projects. This information is then used in Programme Annual Implementation Reports and discussed in Programme Monitoring Committees. The Monitoring Committees may suggest what indicators have to be followed at the programme level.

Figure 5. The main practices of reporting and monitoring



In Table 22 the monitoring and reporting practices in the case studies are described. The Table shows that it is a frequent practice to ask projects to provide information on the cross-cutting issues in their **final reports** and **progress reports** (9 cases). In some cases the projects fill in standardised matrixes or questionnaires so that the monitoring information is easy to collate, summarise and compare (OP 'North West England' (UK), OP 'North Rhine-Westphalia' (Germany), and OP 'Promotion of Cohesion' (Lithuania)).

The case studies showed that so far **Programme Annual Implementation Reports** did not provide detailed information on achievements in the area of gender equality or non-discrimination. This is due to the fact that in all OPs the implementation of projects has started only recently (2008, 2009) or has not yet started. Therefore, if there is a relevant section in the Annual Report, it is usually devoted to information on institutional decisions, trainings and prepared documents (OP 'North West England' (UK), OP 'Promotion of Cohesion' (Lithuania)). There are some indications (5 cases) that the Programme Monitoring Committee will discuss the themes dealing with equal opportunities (OP 'Stockholm', OP 'Sweden – Norway', OP 'Promotion of Cohesion' (Lithuania)).

Table 22. Reporting and monitoring practices identified in the case studies

A practice and OPs where this practice has been applied	Details
A. All projects have to report on how they address cross-cutting issues in their progress and final reports	
OP 'North West England' (UK)	Individual projects are required to have robust monitoring and evaluation processes, which would allow for measuring progress in terms of the Programme's key Equality and Diversity objectives. A complex reporting matrix has been developed to acquire information at the project level. Two types of characteristics regarding equality are monitored: business characteristics and beneficiary characteristics. The supported businesses have to identify whether they are led by men/ women, people with disabilities, the age group and ethnic minority status. The projects also have to report the characteristics of beneficiaries: their gender, disability, age and race.
OP 'Stockholm' (Sweden)	Beneficiaries have to report on their progress on a regular basis. This also includes progress on equality-related goals.
OP 'Sweden – Norway'	The Progress Report form requires the projects to provide data on: the no. of women and men taking part in the project, the no. of businesses owned by men/women who benefit from the project, the no. of men/women who benefit from education and training activities carried out during the project, the no. of women and men going to study across the border. The project also has to describe its impact on the horizontal criteria. The section on horizontal criteria in the final report asks how the project contributed to diminishing discrimination and promoting diversity and integration.
OP 'North Rhine-Westphalia' (Germany)	The 'Monitoringbogen', an additional form used in the application process about project specifications and targets, includes questions on their contribution to gender equality and non-discrimination and the data provided becomes the benchmark to monitor the project.
OP 'Border, Midland and Western (BMW)' (Ireland)	In the application form the projects have to indicate which of the horizontal issues is/are of prime importance to them. They have to report on their contribution in addressing this horizontal issue(s) in their project report.
'Promotion of Cohesion' (Lithuania)	The 'Guidelines on implementation of horizontal priorities' include a questionnaire on horizontal themes. Once the Guidelines will be finalised, all the beneficiaries of EU support will have to fill-in this questionnaire and attach it to the final project implementation report.
'Digital Convergence' (Greece)	The 'Guidebook to the Management and Control System of EU Co-financed Operations' says that project beneficiaries will have to provide information with regard to gender equality and accessibility to the disabled.
OP 'Champagne-Ardenne' (France)	The projects have to report their progress on achieving equality targets.
OP 'Belgium-France'	The standard project report form asks project beneficiaries to provide information on the implementation of the principle of equal opportunities (provide indicators, explain the achievements).

B. Programme Annual Implementation Reports include sections on cross-cutting issues	
OP 'North West England' (UK)	The Annual Implementation Report 2008 included a review of activities undertaken to embed equality and diversity into the programme cycle: recruitment of Equality and Diversity Manager, integration of Equality Impact Assessment into the application process, development of an equality guidance note, training sessions and embedding equality and diversity in the ERDF appraisal framework.
OP 'Border, Midland and Western (BMW)' (Ireland)	Annual Implementation Reports include sections on promotion of equal opportunities and application of the horizontal principles.
OP 'Promotion of Cohesion' (Lithuania)	The Annual Implementation Report 2008 mentioned that the working group on the horizontal themes was established and described its functions. It also informed on the trainings on horizontal issues and guidance documents under preparation.
OP 'Digital Convergence' (Greece)	There is a provision that the Annual Implementation Report will have to provide information on the measures taken to address equal opportunities, their effectiveness, and the fulfilment of the criteria of accessibility for the disabled during the selection process.
OP 'Lower Silesia' (Poland)	The Annual Implementation Report 2008 includes a subsection on the impact on the policy of equal opportunities in the description of each priority.
OP 'Cantabria' (Spain)	The Annual Implementation Report 2008 mentions the establishment of five thematic networks, including the one for equal opportunities.
C. Monitoring data on cross-cutting issues is discussed in the Programme Monitoring Committee	
OP 'Stockholm'	An elaborate system of targets and indicators has been created. There are numerous targets and indicators on equality-related issues. The data is entered into an IT-based monitoring system and used by the Programme Monitoring Committee and other institutions.
OP 'Sweden – Norway'	The OP pointed out that the Monitoring Committee will collect statistics on the programme implementation, which should be gender-disaggregated whenever possible.
OP 'Promotion of Cohesion' (Lithuania)	A working group was created to co-ordinate the implementation of the horizontal themes among the OPs and institutions. One of its functions is to provide suggestions to the Programme Monitoring Committee on the implementation of the horizontal themes.
OP 'South Great Plain' (Hungary)	The accessibility aspect of projects has been discussed in Monitoring Committee.
OP 'Sicily' (Italy)	The OP states that Monitoring Committee will be informed on the implementation of the horizontal themes on a regular basis, at least once a year.

4.3.6. Evaluation

Twenty eight (56%) of the 50 reviewed OPs mentioned that equality issues were analysed in the **ex-ante evaluation**. Usually, the findings of the evaluation were straightforward: **the equality issues are important** and should be better integrated in the OP. As a result, the OPs indicated that more information was provided on ethnic minority groups (OP 'United Kingdom-Ireland'), the monitoring system was amended (OP 'Strengthening Regional

Development Potentials' (Slovenia)) or gender equality and equality between different age groups was better taken into account (OP 'Southern Finland'). Twenty OPs (40%) mentioned that they would assess achievements on equal opportunities in mid-term, ongoing or ex-post evaluation reports. Several OPs planned to carry out thematic evaluations devoted to various **horizontal priorities** (e.g. OPs 'Strengthening Regional Development Potentials' (Slovenia), 'Central Hungary', 'South Great Plain' (Hungary), 'Warminko-Mazurskie' (Poland)).

The 15 case studies demonstrated that OPs used (or plan to use) various approaches for the evaluation of progress in terms of equal opportunities. Conceptually, six options are possible: a) thematic evaluation on equality-related issues vs. integration of these issues into an evaluation devoted to topics other than equality and b) equality issue may be assessed during various stages of evaluation (from ex-ante to ex-post) (see Table 23).

Table 23. Options for integrating equality themes into the process of evaluation

Ex-ante		On-going		Ex-post	
Thematic	Integrated	Thematic	Integrated	Thematic	Integrated

Four types of practices were identified in the case studies. 9 case studies demonstrated that the questions concerning gender or non-discrimination were addressed in the ex-ante evaluation reports and the recommendations of such evaluation were reflected in the OP text or OP implementation. In a few cases, thematic evaluations are planned during implementation of the OP (OP 'North West England' (UK), OP 'Health' (Slovakia), OP 'Cantabria' (Spain)). Sometimes such evaluations are called equality or gender impact assessments (OP 'North West England' (UK), OP 'Cantabria' (Spain)). However, a more usual practice is to address the cross-cutting issues in the sectoral or programme-level reports (OP 'Stockholm' (Sweden), OP 'Sweden – Norway', OP 'North Rhine-Westphalia' (Germany)).

Table 24. Evaluation practices identified in the case studies

A practice and OPs where this practice has been applied	Details
A. Cross-cutting themes were assessed in the ex-ante evaluation and its recommendations are reflected in the OP text or implementation practices	
OP 'North West England' (UK)	As a result of the ex-ante evaluation, more emphasis is now placed on ensuring that the implementation of the cross-cutting themes' aims and objectives are monitored and reported at the project level.
OP 'Stockholm'	As a result of the ex-ante evaluation, more relevant targets were introduced. The horizontal criteria were singled out as being among the major selection criteria.
OP 'Border, Midland and Western (BMW)' (Ireland)	One of the recommendations (accepted by the MA) was "to ask implementing bodies to monitor participation and beneficiaries from a gender and wider equality perspective, and to explore measure-specific actions to address equality issues".

OP 'Promotion of Cohesion' (Lithuania)	The ex-ante evaluation made a number of recommendations on mainstreaming the horizontal themes. These recommendations have been implemented.
OP 'Digital Convergence' (Greece)	The summary of ex-ante evaluation is provided in the OP text. The evaluation noticed the commitment of the OP to take up positive actions in favour of women and people with disabilities.
OP 'South Great Plain' (Hungary)	A special ex-ante evaluation of horizontal issues in all Hungarian OPs was prepared. It provided many relevant recommendations but did not discuss specifically the OP 'South Great Plain'.
OP 'Champagne-Ardenne' (France)	Ex-ante evaluation contributed to the inclusion of a separate chapter on cross-cutting themes in the OP. Also, a reference to equal opportunities was added in the description of every measure.
OP 'Cantabria' (Spain)	Gender equality was discussed in the ex-ante evaluation. The OP states that its recommendations were taken into account.
OP 'Sicily' (Italy)	Ex-ante evaluation devoted a special chapter to the theme of equal opportunities. Based on the recommendation of the evaluation it is planned to contract an organisation that would carry out a qualitative monitoring of OP progress.
B. The OP's contribution to one or several cross-cutting themes has been (or will be) assessed in thematic evaluation report(s) devoted specifically to cross-cutting issues	
OP 'North West England' (UK)	A separate evaluation on equality and diversity is to be conducted. It will review project implementation and effectiveness from the perspective of equal opportunities.
OP 'Health' (Slovakia)	There is a provision in the OP to carry out an ex-post evaluation on the cross-cutting issues.
OP 'Cantabria' (Spain)	Ongoing evaluation concerning the principle of equal opportunities in OPs co-financed by ERDF and the Cohesion Fund (2007-2013) is planned for 2009.
C. The OP's contribution to one or several cross-cutting themes has been (or will be) assessed at the OP-level or sectoral evaluation reports	
OP 'Stockholm' (Sweden)	There is a joint ongoing evaluation of all the ERDF regional and ESF programmes. Within the remit of this evaluation there is an obligation to assess the gender equality aspect. Another ongoing evaluation is to take a close look at the implementation of the OP 'Stockholm' and requires the evaluation of the question of 'integration and diversity'.
OP 'Sweden – Norway'	Ongoing evaluation will include study visits: a representative sample of projects will be subject to separate detailed examinations. In this way good practice examples, also in terms of the integration of the horizontal criteria, will be identified and catalogued.
OP 'North Rhine-Westphalia' (Germany)	Gender-disaggregated data will have to be used in evaluation reports. The evaluators, for instance, will have to estimate whether there are any performance differences between business clusters where the percentage of female employees is higher and the more 'male' clusters, and to survey the services for the promotion of micro-credits, as these are oriented more toward women entrepreneurs.

OP 'Digital Convergence' (Greece)	The Terms of Reference for ongoing evaluation include a requirement to assess to what extent the three equality dimensions of Article 16 have been addressed
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4.3.7. Communication, information, publicity

Communication, information, and publicity activities are complementary and parallel to all stages of programme implementation. Public communication is undertaken when initiating:

- invitations to take part in calls for proposals (information provided on websites, press-releases, through various networks) (project selection stage);
- invitations to take part in training courses and seminars (project selection and programme management stage);
- events aimed at encouraging experience sharing and exchange of good practices (programme management and evaluation stage);
- project reports, Annual Programme Implementation Reports (programme reporting and monitoring stage);
- various thematic and sectoral evaluations (programme evaluation stage).

The review of 50 OPs demonstrated that in most of the OPs (35 or 70%) no **special information measures** targeting the discriminated-against groups were mentioned. However, such measures could be initiated, during the actual implementation of the programme.

The 15 case studies showed that there are four publicity practices which can be studied in addition to practices covered in other stages of programme implementation. These practices are presented in Table 25. In 6 cases the groups mentioned in Article 16 are (or should be) given some special attention in information campaigns. In general, however, these groups are expected to take advantage of the communication measures aimed at society at large or the target groups of specific interventions. Yet sometimes the relevant information may not be accessible to certain groups (e.g., the disabled). Therefore, the practices of technical adaptation of the official websites informing about EU support to the disabled are important (3 cases). An important practice was identified in 3 case studies, when a public body or NGO which is active in the area of gender equality provides competent information on the operations of the OP (OP 'North Rhine-Westphalia' (Germany), OP 'Champagne-Ardenne' (France), OP 'Cantabria' (Spain)).

Table 25. Communication and publicity practices identified in the case studies

A practice and OPs where this practice has been applied	Details
A. The groups mentioned in Article 16 are among the target groups of information and communication activities aimed to publicise the OP.	
OP 'Border, Midland and Western (BMW)' (Ireland)	There is an OP communication plan. Among the key target groups, there is the community and voluntary sector. The Managing Authority claims that this would encompass NGOs that represent and work with women's groups, the disabled etc.

OP 'South Great Plain' (Hungary)	Special attention will be given to providing direct information and help with project generation to the organizations representing the most disadvantaged groups.
OP 'Digital Convergence' (Greece)	The Managing Authority is planning to organize a targeted workshop, aimed at all the categories of the disabled.
OP 'Champagne-Ardenne' (France)	The Managing Authority publishes a quarterly newsletter on the European Funds in Champagne-Ardenne. One of the issues of 2009 will be dedicated to equal opportunities.
OP 'Belgium-France'	The OP states that among the target groups of publicity actions are NGOs promoting between equality of men and women.
OP 'Sicily' (Italy)	Public website on European funds in the Sicily region has a special section on equal opportunities.
OP 'Italy-Malta'*	Special attention will be devoted to the theme of equal opportunities in the definition and implementation of the communication campaigns.
B. There are special measures to publicise the impact of the OP on the groups mentioned in Article 16	
OP 'Trento'*	A communication campaign is planned on the participation of women in social and economy life.
C. There is public body(-ies), NGO(s) or network(s) which is/are active in the areas relevant from the perspective of Article 16 and provides a competent and trustworthy information on the operations of the OP.	
OP 'North Rhine-Westphalia' (Germany)	The newsletter of the 'Centre for Women in Occupation and Technology' (ZFBT) regularly provides information to the network of equal opportunities' officers and other regional women's organizations (such as those of female entrepreneurs and women in leading positions) about the opportunities offered by the OP.
OP 'Champagne-Ardenne' (France)	The Regional Delegate for Women's Rights and Equality spreads information on the EU funds and the importance of gender issues in implementing them.
OP 'Cantabria' (Spain)	The Spanish Women's Institute (Instituto de la Mujer) runs a special section on its website called 'Equal opportunities in the Structural Funds'. This section is not focused exclusively on ERDF. Department for Gender Equality (Dirección general de la Mujer) (of the government of Cantabria) acts as a relay of information about all operations and policies related to ERDF and aimed at achieving greater gender equality.
D. The official information on OP is accessible to the disabled	
OP 'Promotion of Cohesion' (Lithuania)	There is a version of the website for the disabled presenting official information on the OP and its achievements.
OP 'Digital Convergence' (Greece)	The web-sites presenting the OP and the Managing Authority have versions that are adapted for the disabled access. The Terms of Reference for the service contract to publicize the OP include the provision that publicity material should be accessible to the disabled.
OP 'South Great Plain' (Hungary)	The intermediate bodies have adapted their websites to accommodate blind and visually impaired people.

* This OP was not analysed in a case study

4.3.8. Partnership

Partnership is a horizontal stage of implementation as it has to be reflected in the other stages. Article 11(2) of the General Regulation (EC) N°1083/2006 stipulates that "the partnership shall cover the preparation, implementation, monitoring and evaluation of operational programmes". This Article (11(1)) also indicates that among other authorities, the relevant partners are the bodies responsible for promoting equality between men and women.

The review of 50 OPs demonstrated a medium level of participation of partner organisations dealing with equality matters in the process of preparation of the OP (30 cases (60%)). In most cases (28 OPs, 56%) organisations dealing with the issues of gender equality (both state institutions and NGOs) were among them.

The case studies showed that Member States use 4 main types of partnership (Table 26).

Table 26. The main stages and practices of partnership

OP Preparation	Selection of operations for funding	Partnership in management*	Monitoring of performance
Partners were consulted during the OP preparation stage	Partners are represented in the body selecting, recommending or approving projects for funding	Partner organisations offer advice and guidelines to beneficiaries, MAs or intermediate bodies	Representatives of partner organisations are members of the Monitoring or Evaluation Committee

* the practices concerning this stage are provided in Section 4.3.4

In all 15 case studies, the partner organisations dealing with equality matters took part in OP preparation and are among the members of Programme Monitoring Committee (Table 27). In 9 cases gender equality organisations were clearly involved. In 8 cases the organisations representing other groups (the disabled, the immigrant or Roma communities) were involved.

In 4 cases partner organisations may have a say in project selection process, yet this practice is not frequent due to its potential for a conflict of interest (partner organisations may also be beneficiaries of aid). The practice of including organisations promoting gender equality or non-discrimination in the Monitoring Committee is very frequent and was used in all 15 cases.

There are cases where an organisation representing **gender** or some **discriminated-against** groups was consistently involved in all stages from programme preparation to monitoring. These are the cases of OP 'North Rhine-Westphalia' (Germany) ('Zentrum Frau in Beruf und Technik' (ZFBT – 'Centre Woman in Occupation and Technology'), OP 'Health' (Slovakia) (The Office of the Government's Plenipotentiary for Roma Communities), OP 'Cantabria' (Spain) (Department for Gender Equality of the government of Cantabria (Dirección General de la Mujer del Gobierno de Cantabria). This contributes to the capacity of such an organisation to make a difference for the strategy of the OP and its implementation.

Table 27. Partnership practices identified in the case studies

A practice and OPs where this practice has been applied	Details
A. Partners were consulted during the OP preparation stage	
OP 'North West England' (UK)	North West's Equality and Diversity Group (a region's network of about 100 NGOs across all 6 equality strands as well as asylum seekers and economic migrants) participated in the programme's preparation from the very start of the process. However, it did not have many suggestions as the equality and diversity themes have been comprehensively integrated in the text. The NGO Merseyside Disability Partnership has also been involved in the drafting process.
OP 'Stockholm' (Sweden)	Various NGOs and associations participated in the OP drafting process, including the Cooperation Authority of Associations of Disabled People, and the Cooperation Authority of Ethnic Organisations in Sweden.
OP 'Sweden – Norway'	The special advisor on gender equality who works for a local authority was consulted while drafting the OP. She focused on SWOT and context analysis, especially the tendency of women to leave the area and the resulting demographic characteristics of the target areas.
OP 'North Rhine-Westphalia' (Germany)	The 'Zentrum Frau in Beruf und Technik' (ZFBT – 'Centre for Women in Occupation and Technology') was commissioned to prepare a feasibility study on how to implement equal opportunities in the framework of this programme.
OP 'Border, Midland and Western (BMW)' (Ireland)	Draft copies of the OP were sent and replies received from various partner organisations, including the three 'horizontal interests' (gender, equality, and social inclusion). Meetings were held with the officials of the Horizontal Units of various Departments (national ministries) to discuss the integration of the horizontal principles.
OP 'Southern Finland'	A local network organization of women entrepreneurs was actively involved during the preparation process. The sections of the programme which deal with the equality questions were written in collaboration with this body.
OP 'Health' (Slovakia)	The Office of the Government's Plenipotentiary for Roma Communities was involved in the formulation of OPs approach towards the Marginalised Roma Communities.
OP 'Promotion of Cohesion' (Lithuania)	Equality NGOs such as the Lithuanian Disabled People Union, and the Association for the Physically Disabled of Lithuania were involved into the working group 'Quality and availability of public services'. Public hearings on the OP were organised to consult the society at large and some of the suggestions were integrated into the text (including the ones concerning equality themes).
OP 'Digital Convergence' (Greece)	Proposals were received from the General Secretariat for Gender Equality under the Ministry of Internal Affairs and Public Administration, and the National Confederation of People with Disabilities (NGO).
OP 'Lower Silesia' (Poland)	Representatives of the Unit of Affairs of Disabled Persons in the Government of Lower Silesian Voivodeship took part in the programme preparation process.
OP 'South Great Plain' (Hungary)	Gender equality organisations lobbied actively for the integration of gender dimension in all the OPs.
OP 'Champagne-Ardenne'	The Regional Delegate for Women's Rights and Equality of Champagne-Ardenne took part in the programme preparation.
OP 'Belgium-France'	The 'Infor Jeunes Tournai' (youth information centre of Tournai) took part in the programming process as representative of the disadvantaged youth.
OP 'Cantabria' (Spain)	The Department for Gender Equality of the government of Cantabria (Dirección General de la Mujer del Gobierno de Cantabria) participated actively in the programming phase

OP 'Sicily' (Italy)	Two gender organisations: the Gender Observatory (Arcidonna Onlus) and Le Onde Onlus, an organisation combating violence against children and women took part in consultations during the programming phase.
B Partners are represented in the body selecting, recommending or approving projects for funding	
OP 'Stockholm' (Sweden)	Structural Funds Partnerships (SPFs) recommend projects for funding. Many of the participating organisations can claim to represent the equality themes as a part of their broader public mission (umbrella NGOs and trade unions).
OP 'Sweden-Norway'	Regional Priority Partnerships (RPPs) set the regional priorities which are taken into consideration when discussing project applications. All projects selected for support have to be approved by these partnerships. They consist of regional officials, representatives of businesses and relevant institutions, with indirect representation of the horizontal issues. RPPs must also be gender-balanced.
OP 'Champagne-Ardenne' (France)	The Regional Delegate for Women's Rights and Equality (Déléguée régionale aux droits des femmes et à l'égalité) receives a copy of every application and projects having an impact on equality are assessed by the delegate.
OP 'Belgium-France'	The representatives of authorities working on gender equality (Regional Delegate for Women's Rights and Equality of the French Region Nord-Pas-de-Calais) and the Walloon Council of Equality between Men and Women are members of Programme Steering Committee. They assess applications from the perspective of gender equality.
C. Representatives of partner organisations are members of the Monitoring or Evaluation Committee	
OP 'North West England' (UK)	The chairperson of North West's Equality and Diversity Group has been recruited to the Programme Monitoring Committee as an Equality Champion. She is a full member of this committee and has the same rights as other members.
OP 'Stockholm' (Sweden)	The Programme Monitoring Committee consists of representatives of the state and local institutions as well as some stakeholders. Some of the participating organisations may claim to represent the three themes of Article 16 as a part of their broader mission.
OP 'North Rhine-Westphalia' (Germany)	The regional network of equal opportunities' officers delegated one person to the Programme Monitoring Committee. A representative of the 'Zentrum Frau in Beruf und Technik' (ZFBT – 'Centre for Women in Occupation and Technology') was included in the Programme Evaluation Committee.
OP 'Border, Midland and Western (BMW)' (Ireland)	Representatives of the Horizontal Units of various Departments are members of the Monitoring Committee.
OP 'Southern Finland'	The National Coalition of Finnish Women's Associations has a representative in the Monitoring Committee.
OP 'Health' (Slovakia)	The Office of the Government's Plenipotentiary for Roma Communities has a representative in the Monitoring Committee.
OP 'Promotion of Cohesion' (Lithuania)	Among the members of the Monitoring Committee there are representatives from the Lithuanian Union of People with Disabilities, the Women's Issues Information Centre, and the Equal Opportunities Ombudsman
OP 'Digital Convergence' (Greece)	Representatives of the General Secretariat for Gender Equality (under the Ministry of Internal Affairs and Public Administration) and from the National Confederation of People with Disabilities (NGO) are members of the Programme Monitoring Committee.
OP 'Lower Silesia' (Poland)	Two members of the Programme Monitoring Committee come from organisations working directly on equal opportunity matters (the Democratic Union of Women – Wrocław Club and Wrocław Sejmik of Organisations of Disabled Persons).

OP 'South Great Plain' (Hungary)	The organizations representing people with disabilities, Roma people, and gender equality are full members of Regional Monitoring Committee (the Hungarian Federation of the Blind and Partially Sighted, the National Roma Authority, Great Plain Research Institute).
OP 'Champagne-Ardenne'	A representative from the Regional Delegate for Women's Rights and Equality is a member of Monitoring Committee.
OP 'Belgium-France'	The regional Delegate for Women's Rights and Equality (of the French Region Nord-Pas-de-Calais) and the Walloon Council of Equality between Men and Women have their representatives in Monitoring Committee.
OP 'Cantabria' (Spain)	The department for Gender Equality has a representative in the Monitoring Committee. Spanish Women's Institute has an advisory role.
OP 'Sicily' (Italy)	Among the members of Programme Monitoring Committee there are the representatives of the Operative Unit on Equal Opportunities of the Sicily Region, the Department for Rights and Equal Opportunities of the presidency of the cabinet (national level), the Gender Observatory (Arcidonna Onlus) and Le Onde Onlus, an organisation combating violence against children and women.

5. CONCLUSIONS AND RECOMMENDATIONS

The study demonstrated a **good level of awareness** concerning the principles of gender equality, non-discrimination and accessibility for the disabled among the cohesion policy programmes financed from the ERDF and the Cohesion Fund. A total of 64% of the reviewed 50 OPs made an explicit reference to Article 16. Moreover, some of the programmes integrated one or more of the three principles even without making such a reference (among these programmes, five were selected for a good practice analysis in the case studies).

The majority of the reviewed OPs (70%) undertook a **partial mainstreaming** approach toward the integration of the three themes of Article 16. This means that they recognised gender equality and/ or non-discrimination and/ or accessibility as their horizontal priorities. Usually this statement appeared in the section devoted to strategy, in a separate chapter or in a separate annex. One or more of the three themes were also reflected in the analysis section. However, there were few relevant practices for integrating these themes into the actual priorities, programme implementation, monitoring and other stages. In addition, many of the programmes concentrated on one particular equality issue (for example, gender equality or immigrant population) and gave limited consideration to other aspects (especially accessibility).

A few of the reviewed programmes (8%) demonstrated **comprehensive integration** (OP 'Stockholm', OP 'West Wales and the Valleys' (UK), OP 'North West England' (UK), OP 'United Kingdom - Ireland'). These programmes formulated relevant practices for all stages of programme implementation from programme design to monitoring and evaluation. The practices were linked and complementary: the analysis provided a basis for a well thought out strategy while an adequate institutional structure was present to implement this strategy. Meanwhile, 22% of the reviewed programmes were cases of **declarative integration**. They scarcely mentioned the three themes of Article 16 at all, or did this in a declarative way, e.g. having described the overall challenges or strategy they claimed that 'in addition' the horizontal principles such as equal opportunities will be taken into consideration, without providing any further detail.

It is recommended

to Member States

(1) Review the integration of Article 16 into the process of implementation of cohesion policy programmes co-financed by the ERDF and the Cohesion Fund, using the Self-Assessment Guide (Annex C of this study). Identify the gaps (both in terms of the three themes and stages of implementation) and measures to deal with these gaps.

Among the **three themes**, gender equality is the most developed and is mentioned in the texts of all 50 of the reviewed OPs (e.g., in the context analysis, description of strategy and priority axis, or in

an annex on cross-cutting issues). This is understandable since (a) the gender dimension has the longest tradition in the EU legal framework and (b) Article 16 uses very strong and active terms when referring to **gender equality**, i.e.: “equality between men and women” is to be promoted as well as the “integration of the gender perspective”. The case studies showed that this theme is especially well reflected in the context analysis and indicators (the disaggregation of data by gender is requested by Article 66(2) of the General Regulation). In management and monitoring, a frequent practice is the request of an observation of gender balance in the Programme Monitoring Committee (8 cases out of 15), and inclusion of representatives of gender organisations into this Committee (9 cases). There were cases of special calls devoted to encourage women entrepreneurship and to increase the participation of women in the labour market (OP ‘Stockholm’, OP ‘North Rhine-Westphalia’ (Germany), and OP ‘Promotion of Cohesion’ (Lithuania)).

The theme of **non-discrimination** was reflected in the texts of more than half (60%) of the reviewed programmes. The meaning of this term is context-specific, as discriminated-against groups vary in different Member States. In Central East European countries the non-discrimination measures target primarily the Roma population. Meanwhile in Western Europe, such measures focus on those with an immigrant background.

Article 16 undertakes a rights-based (or negative-action) approach with regard to non-discrimination as it asks for the *prevention* of discrimination rather than the *promotion* of the principle of non-discrimination. Therefore, in order to fulfil this principle, it is enough to ensure that some groups are not treated unfavourably during programme management, reporting and monitoring, evaluation, partnership, and other stages of implementation. The case studies where the rights-based approach on non-discrimination was the most visible were the studies of OP ‘Sweden-Norway’, OP ‘Southern Finland’, OP ‘Border, Midland and Western (BMW) (Ireland)’, OP ‘Champagne-Ardenne’ (France) and OP ‘Cantabria’ (Spain). Moreover, 10 out of the 15 case studies identified some pro-active measures devoted to groups such as immigrants, Roma people, older persons or the disabled (e.g., the inclusion of representatives of these groups into the process of programme preparation, management and monitoring; preparation of special guidelines, evaluation or information measures).

Few among the reviewed OPs covered the theme of **accessibility for the disabled** (e.g., 38% of programmes mentioned this aspect in their strategy section). Three reasons may explain this. *Firstly*, the accessibility requirement was introduced only in the current programming period, and thus there was a lack of guidance and experience on how this requirement may be included. *Secondly*, from a regulatory perspective, accessibility is a requirement often dealt with in national law (e.g. the regulation of building construction and development of infrastructure). Therefore, to the extent the Member States have defined accessibility requirements in their national law, all EU-supported projects will have to take accessibility for the disabled into account even if the OP does not explicitly refer to the term itself. *Thirdly*, accessibility is understood in this study as a technical requirement. Meanwhile, the disadvantages that the disabled people face due to their condition or societal

prejudices is covered by the principle of non-discrimination and thus the practices used to improve the access to funds for various discriminated-against groups are also applicable to the disabled.

It is recommended

to Member States

(2) Require accessibility to all venues, infrastructures, transport, technology and services. Make accessibility an explicit compliance requirement of project selection and check the compliance during on-the-spot checks of projects. Produce guidelines on accessibility for helping project beneficiaries to take accessibility requirements in consideration.

The case studies revealed a variety of practices used to integrate the three themes of Article 16 **into different stages** of cohesion policy programmes. The analysis demonstrated both good practices as well as difficulties encountered during the implementation stage. Some of the good practices appear in many case studies. In **programme design**, the most frequently used indicator was a result-level indicator for the number of jobs created or safeguarded, disaggregated by gender (12 cases out of 15; 9 of these cases have targets). In **project selection** many programmes (10 cases) give some advantage to projects that integrate the aspects of gender equality or non-discrimination well (however, the equality-related criteria do not have a decisive influence). Many practices were identified in **programme management** (guidance, institutional solutions, control measures, and the exchange of experience). However the most frequent practice was to provide guidelines and training on horizontal issues to programme authorities (8 cases). A total of 9 case studies indicated that equality-related recommendations of the **ex-ante evaluation** contributed to the development of the OP or led to relevant actions during programme implementation.

Partner organisations promoting gender equality or non-discrimination were consulted during the preparation process of all the OPs analysed in the case studies. In all these cases such partner organisations were included in the Programme Monitoring Committee. Sometimes partner organisations were involved in the processes of project selection (4 cases) and programme management (e.g. providing relevant advice or guidelines, or facilitating exchange of experience, 7 cases). Overall, partnership is **the most developed stage** of programme implementation from the perspective of Article 16.

The case studies also demonstrated that when a partner consistently takes part in various stages of programme implementation, it makes a visible contribution to the integration of the principles of gender equality or non-discrimination. This is because continuous participation allows the partner organisation to develop expertise, administrative capacity and reputation. The examples of such continued participation are provided in the OP 'North Rhine-Westphalia' (Germany) ('Zentrum Frau in Beruf und Technik' (ZFBT - 'Centre for Women in Occupation and Technology'), OP 'Health' (Slovakia) (The Office of the

Government's Plenipotentiary for Roma Communities), and OP 'Cantabria' (Spain) (Department for Gender Equality of the government of Cantabria – Dirección General de la Mujer del Gobierno de Cantabria).

It is recommended

to Member States

(3) Identify the organisations (public agencies and NGOs) which have substantial competence and authority in addressing any of the three themes of Article 16. Encourage them to take a facilitating role in the integration of the three themes during the implementation of the Operational Programme (for example, the moderation of meetings, joint initiatives with various institutions and NGOs). Encourage public and non-governmental bodies to consult these organisations in pursuing their daily functions related to implementation of the OP. Use the Technical Assistance budget or special projects to provide the necessary financial resources.

The case studies revealed that Member States usually undertake a mixed approach of **mainstreaming and targeting** in the implementation of principles of Article 16. For example, in the case of OP 'North West England' (UK) the equality themes are integrated (mainstreamed) into all stages of implementation, but at the same time there are targeted measures to support the entrepreneurship of women, racial and ethnic minorities and the disabled. The programme also plans to develop guidance documents, targeting projects working with minority entrepreneurs and to conduct a special evaluation on equality and diversity. The examples of programmes relying more on the mainstreaming strategy are OP 'Sweden-Norway', OP 'Border, Midland and Western' (Ireland), OP 'Southern Finland'. They emphasise the necessity of integrating the cross-cutting issues into all stages of programme implementation and have few practices devoted to some particular groups or equality-related problems. On the other hand, in some programmes the targeting approach is very visible: OP 'North Rhine-Westphalia' (Germany) targets the issue of women's entrepreneurship; OP 'South Great Plain' (Hungary) puts a strong emphasis on integrating the Roma population.

Member States use various kinds of interventions in order to improve the situation of women and the discriminated-against groups. The analysis demonstrated that the most frequently funded **types of interventions** are:

- Direct or indirect support for business development and entrepreneurship (this concerns businesses owned or managed by women or other groups, such as immigrants).
- Support for infrastructure that addresses structural difficulties encountered by some groups in the labour market (e.g. public transport and child-care facilities aimed at helping women to reconcile their work and family life).
- Improvement of access to services and infrastructure for discriminated-against groups (e.g. education and health-care for Roma people; social and health services for older persons).

However, **the actual effects** of the approaches and practices identified in this study remain to be seen. In mid-2009 (when the study was carried out) all the programmes were in the early phase of implementation. Among the 15 OPs analysed in the case studies, the implementation of projects had started in 11 programmes while in the other 4 cases the projects had not been contracted yet. This means that no assessment can be made on the actual success of implementation of the relevant practices concerning management, monitoring, reporting and evaluation.

While the study was designed to identify the good practices, some **difficulties of implementation** or even practices that do not have a positive effect from the perspective of Article 16 were discovered. For example two case studies demonstrated that despite a formal commitment to ensure gender balance in the Monitoring Committee, this rule had not been followed in practice (OP 'Sicily' (Italy), OP 'Lower Silesia' (Poland)). Data on some of the monitoring indicators may be difficult to collect due to national requirements on privacy protection (OP 'Stockholm' (Sweden), OP 'South Great Plain' (Hungary)). Important groups are disregarded in programme strategy and partnership (immigrants in OP 'Digital Convergence' (Greece)). While accessibility is a formal requirement, it is not fully ensured due to various reasons (OP 'South Great Plain' (Hungary), OP 'Health' (Slovakia)). Guidelines for the integration of horizontal principles may be available, but project promoters state that they did not use them (OP 'Sweden-Norway').

It is recommended

to the Commission

(4) Ask the Member States to comment on the practices used to integrate Article 16 and their achievements in **Annual Programme Implementation Reports**. Initiate **an evaluation** of translation of Article 16 to check how the relevant practices actually work and what their effects are.

Among the novelties of the 2007-2013 programming period was a **cross-financing** option (allowing the inclusion of some ESF-type expenses into projects co-financed by the ERDF). The case studies showed that 5 programmes took advantage (or intend to do so) of this rule (OP 'North Rhine-Westphalia' (Germany), OP 'Health' (Slovakia), OP 'Digital Convergence' (Greece), OP Lower Silesia (Poland), and OP 'South Great Plain' (Hungary)). However, at present, it is not possible to say to what extent this option will be used to address equality issues.

Compared to the provisions on horizontal principles during the previous programming periods, Article 16 stands out due to its broad scope, a call for mainstreaming in all stages of programme implementation and the introduction of the accessibility requirement. Therefore there is good potential for **learning and experience exchange**. The study showed that some programmes initiated an exchange of experience and networking events (OP 'Stockholm' and OP 'North Rhine-Westphalia' (Germany)) and made an attempt to exploit synergies with ESF-funded projects (OP 'Stockholm'). Furthermore, it is important not only to share current experiences, but also to take advantage of the lessons learned

during the previous programming period. Several case studies showed that such lessons will be taken into consideration in 2007-2013 (OP 'Stockholm', OP 'Southern Finland', OP 'Sicily' (Italy)). However there is a case where important practices on equal opportunities were generated during the previous programming period but some of them will be discontinued in 2007-2013 due to the decreased scope of the programme (OP 'Border, Midland and Western (BMW)' (Ireland)).

The practices concerning project selection, management, monitoring and the other stages of programme implementation that were identified in this study could also be a useful learning tool. For example, the case study of OP 'North West England' (UK) showed that a very effective practice is to have a person in charge of equal opportunities in the intermediate body (Equality and Diversity Manager). She proved instrumental in supporting actions of various institutions, initiating relevant competence-building events and sensitising stakeholders to equality issues. The Self-Assessment Guide (to be used by programme authorities to review their performance as regards Article 16) was developed taking these practices into consideration (see Annex C).

It is recommended

to the Commission

(5) Undertake measures for facilitating the exchange of good practices among the Member States. Initiate relevant studies, networking events, and dissemination of good practices. Discuss the issues (and practices) of the implementation of Article 16 at pan-European conferences.

to Member States

(6) Engage in good practice exchange with other Member States, across the three thematic areas of Article 16. Publish some of the thematic evaluations (on cross-cutting issues) in English so that other Member States could become acquainted with them.

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