

**IRINA LONEAN****Evaluation of the horizontal principle of non-discrimination in European Structural and Investment Funds in Romania****ABSTRACT**

The evaluation represented the application of the Member State's obligations under the Common Provisions Regulation.[1] It stipulates that Member States must carry out an assessment of the approach to the horizontal principles and objectives set by the Commission. The evaluation is drafted taking into account the obligations of Romania as an EU Member State as per art. 2 and 3 of the Treaty on European Union. The evaluation is also in direct connection with the provisions of the Charter of Fundamental Rights of the European Union. These provisions regarding the fundamental values and rights promoted by the EU and Romania guided both the collection and analysis of data, as well as the formulation of evaluation conclusions and recommendations.

The purpose of this evaluation was to identify the actions planned and implemented by the EFSI managing authorities and the beneficiaries and to examine the extent to which they have contributed to an improvement in the situation in Romania as regards (a) the gender inequalities still present, (b) discrimination faced by some social groups, (c) barriers to access for persons with disabilities.

The number of actions planned and contracted with FESI funding to directly promote equal opportunities, non-discrimination and accessibility is relatively small in Romania. A total of 1,430 projects were contracted[2] amounting to 28.10 billion lei (non-reimbursable financing). The number of projects represents 2.05% of the total number of contracted projects.[3] The budget for these actions also represents a small proportion of the FESI budget allocated to all contracted operations, i.e. less than 4%. The budgetary analysis shows that the largest budget allocation that could contribute to the assessed horizontal principles is for public transport investments, which, as the literature shows, indirectly (but unplanned) contribute to equal opportunities.

The analysis of the Partnership Agreement and of the programs, interviews and case studies shows that the proposed intervention logic starts from the premise that gender inequality, discrimination and lack of access for persons with disabilities are caused by the existence of vulnerabilities (such as: a lower level of education or qualification, poverty and social exclusion, inadequate housing, lack of transport infrastructure and access to public and private services). In this context, the programs aim to address vulnerabilities directly. On the other hand, operational programs do not take into account the causes of social norms, gender stereotypes and prejudices related to some social groups that generate gender inequalities, discrimination and lack of access for people with disabilities.

The principles of gender equality, non-discrimination and accessibility have been integrated into the planning, implementation and monitoring of programs throughout the program management cycle.

These horizontal principles have been taken into account in program planning, and the use of ex-ante evaluations and consultations with relevant stakeholders has led to programs that integrate the gender perspective and prevent discrimination, ensuring equal access to funding and project activities irrespective of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The principles of gender equality, non-discrimination, and accessibility have been mainstreamed in the implementation of the programs. FESI managing authorities have asked applicants for funding to assume and prove compliance with the horizontal principles. These requirements were reflected in projects that mainstreamed gender equality, opportunities, and treatment. Thus, the projects did not generate obstacles for the participation of women or vulnerable groups through the project management and implementation procedures and through the activities carried out. In addition, the EFSI managing authorities monitored the extent to which the projects are fulfilling their commitments and provided support to the beneficiaries on the horizontal principles. The beneficiaries are satisfied and very satisfied with the received support. However, with the exception of projects dedicated to equal opportunities and social inclusion, the projects have planned and implemented gender-neutral measures that do not perpetuate discrimination, rather than active measures to reduce gender inequality, combat discrimination, and to increase the level of accessibility to infrastructure, technology and services for people with disabilities.

The case studies identified a small number of good practices, which fall into one of the following categories:

- i. Preliminary gender and vulnerabilities analysis;
- ii. Inclusive involvement of the target group in project planning and implementation, including through community building activities/facilitation;
- iii. Involvement of a person responsible for equal opportunities and/or non-discrimination and/or the rights of persons with disabilities in project management;
- iv. Application of affirmative action measures (active measures to increase equality and eliminate discrimination, otherwise known as positive discrimination measures) adapted to the typology of the project and the needs of the target groups (according to good practices of preliminary gender and vulnerabilities analysis). This category of good practice includes both the procedures or quotas used in the selection of target groups and the planning of infrastructure investments with equal opportunities (e.g. the construction of kindergartens including friendly spaces for children and parents activities);
- v. Constant and systematic communication on equal opportunities, non-discrimination, and accessibility;
- vi. Application of active measures to ensure accessibility (verification of texts drafted in projects to be accessible, inclusion in the built infrastructure of accessibility elements in addition to legal obligations, etc.);
- vii. Ensuring inclusive human resources management procedures in projects;
- viii. Procurement from social economy enterprises whose mission is to support women, people with disabilities, or vulnerable people subject to discrimination.

Consequently, operational programs succeed in preventing the aggravation of inequalities, discrimination, or lack of access through funded projects, which address these principles horizontally and do not introduce discriminatory criteria in implementation. On the other hand, FESI-funded projects have a limited contribution to reducing gender inequalities, combating discrimination, or increasing the level of accessibility, which remain serious problems facing Romanian society, because not all the causes that cause problems are systematically addressed.