



# The EU Mutual Learning Programme in Gender Equality

## Gender mainstreaming and gender budgeting in the ESIF and national budgets

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Discussion paper - Slovakia



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# Gender mainstreaming and gender budgeting in the ESIF

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## 1. Gender Equality in the ESIF

### 1.1 Legal Background and Related Policy Context

Democracy, rule of law, human rights, freedom, equality, and the principle of non-discrimination remain fundamental values for the European Union (EU). Article 8 of the Treaty on the Functioning of the European Union reads as follows:

*In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women.<sup>1</sup>*

The Treaty on the Functioning of the European Union binds the EU to aim to combat discrimination based on sex in Article 10; and elaborates the principle of equal pay for male and female workers for equal work or work of equal value in Article 157.<sup>2</sup>

The Treaty on the European Union declares equality as one of fundamental values in Article 2 which reads as follows:

*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.<sup>3</sup>*

Moreover, the Treaty on the European Union binds the EU to promote equality between women and men in Article 3 (3).<sup>4</sup>

The Charter of Fundamental Rights of the European Union elaborates the principle of non-discrimination in Article 21; and binds each State Party to ensure equality between men and women in Article 23, which reads as follows:

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<sup>1</sup> European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01.

<sup>2</sup> Ibid.

<sup>3</sup> European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht, 7 February 1992, Official Journal of the European Communities C 325/5; 24 December 2002.

<sup>4</sup> Ibid.

*Equality between men and women must be ensured in all areas, including employment, work and pay.*

*The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.<sup>5</sup>*

Equality of opportunities represents a crucial component of the pillars of the European Employment Strategy and the European Framework Strategy for Non-Discrimination and Equal Opportunities for All.

The gender dimension shall be adequately integrated and gender equality shall be applicable as a crosscutting principle in all EU programmes and projects. The Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 lays down a common provision regarding the promotion of equality between men and women and non-discrimination in Article 7 which reads as follows:

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

*The Member States and the Commission shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation and implementation of programmes. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of programmes.<sup>6</sup>*

Furthermore, gender equality has been declared a specific area of support in the European Social Fund, as stated in the Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund:

*Through the ESF, the Member States and the Commission shall also support specific targeted actions [...] with the aim of increasing the sustainable participation and progress of women in employment, thus combating the feminisation of poverty, reducing gender-based segregation, combating gender stereotypes in the labour market and in education and training, and promoting the reconciliation of work and*

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<sup>5</sup> European Union, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02.

<sup>6</sup> Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006.

personal life for all as well as the equal sharing of care responsibilities between men and women.<sup>7</sup>

The Partnership Agreement of the Slovak Republic (SR) for the years 2014 - 2020 represents the fundamental strategic document for the SR managing assistance from the EU. The principle of gender equality and equal opportunities in the ESIF in the SR remains supported mainly by:

- the application of the horizontal principle of non-discrimination and equality between men and women (HP);
- specific national projects;
- specific calls for proposals.

## 1.2 The Goals and Target Groups

The horizontal principle of non-discrimination and equality between men and women (HP) remains relevant and obligatory for all programmes and projects supported through the ESIF in the current programming period.

The main objectives of the HP are defined according to the EU funds, programmes and their priority axes. The main objectives include: to ensure equality between men and women in the labour market and in preparation for it; to reduce horizontal and vertical gender segregation in economic sectors; to ensure equal opportunities at the labour market and in the preparation for the labour market; to ensure equal opportunities in accessing and using infrastructure and services.

Moreover, particular attention remains to be paid to the integration of persons with disabilities, especially in the area of accessibility conditions (e.g. barrier-free architectural development, accessibility of information etc.) in accordance with the obligations arising from the UN Convention on the Rights of Persons with Disabilities (in force since 2010 in the SR).

Firstly, prevention of discrimination at all stages of a supported project shall be ensured. Secondly, active contribution to improving equal opportunities and gender equality through affirmative actions while implementing a project is highly encouraged.

Furthermore, general principles have to be followed when implementing projects; these are laid down as follows:

- respect of the principle of equal treatment and active promotion of equality between men and women in all project activities;
- removal of barriers and prevention of all forms of discrimination;

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<sup>7</sup> Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006.

- creation of conditions that take into account specific needs;
- taking into account the experience of diverse population groups;
- creation and implementation of temporary special measures (i.e. affirmative action) in support of disadvantaged groups;
- assurance of physical accessibility to an area, a building, transport and services for people with limited mobility or other disability.

These principles must be reflected in a cross-cutting manner and at all stages of the implementation of the programmes and in all programme management processes, namely: preparation of calls for proposals; official materials (manuals, forms etc.); during a project selection processes (including professional process); evaluation and approval process of applications for non-repayable financial contribution; monitoring at programme and project level; evaluation of the operational programme; on-site inspections; information and publicity provided at a project level as well as at operational programme level.

### **1.3 Institutional Arrangements and Procedures of Implementation**

Firstly, the Ministry of Labour, Social Affairs and Family of the Slovak Republic (MLSAF) is responsible for the coordination and the implementation of the HP, which is obligatory in all programmes and projects, supported via ESIF.

An executive coordinating unit consisting of coordinators (HP Unit) was established under the Department of Gender Equality and Equal Opportunities of MLSAF. The HP unit ensures the processes of coordination of the implementation of the HP. The HP Unit coordinates its tasks with the Department for the Integration of Persons with Disabilities, and the contact points for ESIF across public institutions.

The HP Unit is responsible for implementing the HP implementation system; coordination of a working HP Group; elaboration and updates of the HP procedures manual which remains binding; cooperates with the managing authorities on preparation of all materials at programme and project level to ensure the incorporation of the necessary aspects of HP across the operational programmes. Furthermore, it provides training and educational activities for managing authorities and relevant socio-economic partners.

Moreover, the Coordinating Committee for HP has been established. The Committee ensures cooperation of the participating state administration bodies and managing authorities, the Central Coordinating Authority, NGOs, and other socio-economic partners.

Secondly, specific national projects are being implemented by relevant public institutions, namely: The Institute for Labour and Family Research, an organisation of MLSAF; The Central Office of Labour, Social Affairs and Family, an organisation of MLSAF; and The Department of Gender Equality and Equal Opportunities at MLSAF.

Thirdly, specific demand-oriented projects are being implemented. The Implementation Agency of MLSAF remains the managing and responsible authority for preparation of these calls, projects implementation monitoring and evaluation processes. The Department of Gender Equality and Equal Opportunities of MLSAF provides expert consultancies.

## **1.4 Financial Provisions**

The cross cutting principle of the HP is supported by the Operational Programme Technical Assistance. Specific national projects and specific calls for proposals are supported by the Operational Programme Human Resources.

### **1.4.1 The horizontal principle of non-discrimination and equality between men and women (HP)**

The work of the HP Unit has been supported through the Operational Programme Technical Assistance. Firstly, a project with the aim to provide salaries for the HP coordinators was approved in September 2016 with the allocation of 1,477,522 €. Additionally, a second project to provide salaries was approved in August 2019 with the allocation of 630,232 € in order to secure the period until December 2019. Secondly, the work of HP Unit was supported by a project aimed at providing material and technological equipment for the HP coordinators in the amount of 78.348 € in June 2018. Thirdly, the meetings organised by the HP Unit were supported by two projects in the amounts of 4,234 € (September 2018) and 11.682 € (October 2019). In order to summarise and according to publically available data, the work of the HP Unit was supported by 2,202,018 € from September 2016 to December 2019.<sup>8</sup>

### **1.4.2 Specific national projects**

The Institute for Labour and Family Research, an organisation of MLSAF, is implementing a national project titled: 'Prevention and Elimination of Gender-Based Discrimination'. The national project has been supported through the Operational Programme: Human Resources, co-financed by the European Social Fund, priority axis: 4 Social Inclusion, Investment Priority: 4.1 Active inclusion, also to promote the same opportunities and active participation and improving employability, Specific objective: 4.1.2 Prevention and elimination of all forms of discrimination. The total allocation for the project represents 4,870,994.10 € for the duration of 50 months, with the planned conclusion of the project for February 2022. The project consists of two main activities: the support of effective mechanisms for the elimination of discrimination and the support for the development of services and measures for victims of violence, especially women.

The Central Office of Labour, Social Affairs and Family, an organisation of MLSAF is implementing a national project titled: 'Reconciliation of Family and Working Life' since September 2019. The national project has been supported through the

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<sup>88</sup> <https://www.itms2014.sk/>

Operational Programme: Human Resources, co-financed by the European Social Fund, priority axis: 3 Employment, Investment Priority: 3.2 Equality between men and women in all areas, including access to employment, career advancement, reconciliation of work and private life, and promoting equal pay for equal work; specific objective: 3.2.1 Improve the conditions for reconciling work and family life employment of persons with parental responsibilities, in particular women. The total allocation for the project represents 11,055,163.39 €. The aim of the project is to support employers to create flexible working conditions for parents, in particular mothers.

The Department of Gender Equality and Equal Opportunities of MLSAF will implement a project titled: 'Gender Equality at the Workplace'. The project proposal was approved in December 2019 with the planned start of activities in January 2020. The project was supported by the Operational Programme: Human Resources, co-financed by the European Social Fund. The allocation for the project represents 755,962.30 €. The aim is to raise awareness on gender equality at the workplace.

The Department of Gender Equality and Equal Opportunities of MLSAF awaits an official decision of approval on a project focusing on awareness raising on gender equality, including across public institutions employees.

#### **1.4.3 Specific calls for proposals**

Specific calls for demand-oriented project proposals were announced and concluded through the OP Human Resources. The Implementation Agency of MLSAF remains the managing and responsible authority for preparation of these calls, projects implementation monitoring and evaluation processes.

Firstly, following the investment priority 3.2 – 'Equality between men and women in all areas, including access to employment, career advancement, reconciliation of work and private life and the promotion of equal pay for equal work', the call for project proposals titled 'the Promotion of Reconciliation of Family and Working Life' was launched in October 2017 and concluded in August 2019. The total allocation for projects represented 13,300,000 € (out of which 3,300,000 € have been dedicated for the region of Bratislava and 10,000,000 € for the rest of SR). However, the total amount distributed (i.e. project applications fulfilled the conditions of an expert evaluation, proposals were selected and project contracts were signed) represents 2,759,533.99 € (out of which 1,841,286.49 € have been dedicated for the region of Bratislava and 2,759,533.99 € distributed in regions outside Bratislava region).

Secondly, following the investment priority 4.1. – 'Active inclusion, including in order to promote equal opportunities and active participation and improve employment', the call for project proposals titled 'Counselling and Education in the Area of Prevention and Elimination of Discrimination' was launched in February 2018 and closed in November 2019. The total allocation to be distributed for projects represented 10,000,000 € (out of which 3,000,000 € have been dedicated for the region of Bratislava and 7,000,000 € for the rest of SR). The total amount distributed (i.e. project applications fulfilled the conditions of an expert evaluation, proposals were selected and project contracts were signed) represents 7,791,766.03 €. Altogether 53 projects

were approved, out of which 19 are focusing specifically on prevention and elimination of gender-based violence.<sup>9</sup>

## **2. Results of the policy and its impact on achieving gender equality**

### **2.1 Key outcomes**

Firstly, the fulfilment of the HP remains a requirement for all programmes and projects at all stages of projects. Furthermore, the HP represent an integral part of monitoring and evaluation process on both, programmes and project levels.

The monitoring process of fulfilling the HP on a project level is ensured through a specific part of all evaluation reports that focuses on the HP (i.e. description of activities carried out, their results, and evaluation of their contribution to the HP). Moreover, project inspections on-site of implementation of projects and final evaluation of projects monitor the fulfilment of the HP (i.e. the contribution of projects to the HP). Furthermore, a specific set of indicators containing information on the fulfilment of the HP remains an integral part of the evaluation process when assessing the contribution of ESIF funds to the objectives identified in the National Strategy.

The HP Unit, in cooperation with the Central Management Authority, has the right and obligation to control and amend both, all calls for project proposals before their publication and proposed national projects before their approval.

Secondly, national projects with the aim to actively participate in the area of achieving gender equality and support of specific measures directly connected to gender equality are being implemented by public institutions; namely by the Institute for Labour and Family Research, the Central Office of Labour, Social Affairs and Family, and the Department of Gender Equality and Equal Opportunities of MLSAF.

Thirdly, specific calls for demand-oriented project proposals were announced and concluded through the Operational Programme Human Resources. The supported projects promote gender equality directly through specific activities in the area of: a) promotion of reconciliation of family and working life, and b) counselling and education in the area of prevention and elimination of discrimination.

### **2.2 Challenges, obstacles and constraints encountered**

The lack of knowledge on gender equality across public institutions, and particularly by managing authorities causes the HP to be perceived as a formal principle to be followed. Therefore, while quantitative data is always collected and provided, the lack of qualitative analysis represents an obstacle in order to achieve the desired results.

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<sup>9</sup> Since the expert evaluation of the last deadline for application is not concluded yet, data is only preliminary.

A more comprehensive system and tool to collect data remains necessary in order to achieve an adequate fulfilment of the HP.

The current political climate regarding gender equality remains detrimental to the agenda on multiple levels and in a cross-cutting manner. The gender equality agenda is not acknowledged to the full extent and often even publically degraded particularly by political leaders and policy-makers. The inability of political leaders to follow the state commitments accordingly (e.g. declared in the National Strategy for Gender Equality) causes a wide range of obstacles in achieving the desired and set results. This kind of situation provides for a highly challenging working environment for all gender equality experts, working in all sectors, i.e. public, private or non-governmental. This kind of climate contributes largely to the HP to be perceived merely as a formal principle.

The two specific calls for demand-oriented project proposals were announced and closed. However, a high level of bureaucratic requirements discouraged potential applicants. Moreover, a very high degree of bureaucratic requirements remains to be an obstacle for project promoters during the implementation and evaluation processes. Organisations submitting project proposals and implementing projects are mainly NGOs that lack the administrative capacity to fulfil all the necessary bureaucratic requirements. Furthermore, the calls restrict the expenditures on project management (i.e. both – project and financial management) to such a low level which results in the fact that NGOs are either unable to hire professionals to manage a project or project management expenses are paid by a combination of financial contributions set in a project budget and organisations' own financial resources; in addition to often required co-financing of a project itself. On the other side, a shortage of human capacity and a high degree of fluctuation of employees at the Implementation Agency of MLSAF causes delays in administration processes, including the control of expenditures and thus consecutive payments to project promoters. Taking into account the promoters are mainly NGOs, the above mentioned problems with administrative burden and delays in cash flow constitute an important challenge.

### **3. Assessment of the strengths and weaknesses of the policy**

The HP remains relevant and obligatory for all programmes and projects supported via ESIF in the current programming period. Therefore, the cross-cutting manner of implementation remains crucial to ensure over the next programming period. The HP Unit provides training and educational activities for managing authorities and relevant socio-economic partners in order to overcome the common lack of knowledge on gender equality across public institutions.

Specific national projects focusing on gender equality are being implemented by organisations directly working in the agenda of gender equality which contributes to a high quality of the expert project outcomes. A significant effort has been made in order

to include external experts in the preparation and implementation of these projects. However, more updates on the current status of implementation and specific outcomes directed towards the public would contribute towards a higher visibility and better understanding of gender equality in general.

Specific calls were announced and closed. While the call focusing on counselling and education in the area of prevention and elimination of discrimination could be considered a success in terms of allocated resources, the call on promotion of reconciliation of family and working life has not reached its potential in terms of possible allocation to be distributed.

Furthermore, the above-mentioned delays in cash flow and the high level of bureaucratic requirements during the approval, implementation, and evaluation process of specific calls discourages potential applicants and causes unbearable administrative and financial burden on project promoters. Tackling these problems remains to be of high priority.