

4<sup>th</sup> Plenary Meeting, 7-9 December 2021

Report

**Summary**

1. The Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) held its 4th meeting in person and via videoconference in Strasbourg on 7-9 December 2021 with Triantafillos Loukarelis (Italy) in the Chair.
2. The agenda of the meeting is contained in Appendix I. The full report of the meeting including the list of participants and other appendices, is available [here](#).
3. At this meeting, the CDADI decided to:
  - (a) Submit to the Committee of Ministers, for consideration with a view to its adoption, the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on multilevel policies and governance for intercultural integration;
  - (b) submit to the Committee of Ministers, for consideration with a view to its adoption, the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on combating hate speech, together with the text of an explanatory memorandum of which it invited the Committee of Ministers to take note, once a decision on those documents is taken by the Committee on Media and Information Society (CDMSI), but at the latest at the end of the current mandate of the CDADI;
  - (c) Transmit to the Committee of Ministers for information the First Implementation Report on the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025).
4. The CDADI:
  - Elected for the calendar year 2022 the Chair Triantafillos Loukarelis and the Vice-Chair Olena Bogdan, for the calendar years 2022 and 2023 the Bureau members Cristina Milagre (Portugal) and Jürgen Merz (Germany) and for the calendar year 2022 the Bureau member Josie Youd (United Kingdom);
  - Appointed experts of Croatia, Portugal, Romania, Switzerland and Ukraine to the Committee of Experts on Hate Crime (PC/ADI-CH), whose names will be provided to the Secretariat in due course;
  - Appointed for the calendar years 2022 and 2023 Patrícia São João (Portugal) as Gender Equality Rapporteur;

- Set up a working group with the European Network of SOGIESC Governmental Focal Points (EFPN) and with a member from Romania, whose name will be provided to the Secretariat in due course, to undertake a comprehensive review of the implementation of Recommendation CM/Rec(2010)5, based on a new review methodology, including an annual thematic dimension. The working group shall also prepare a draft Recommendation on the equality of rights of intersex persons with invited representatives of the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) in the light of a seminar to be organised by CDBIO regarding the question of early interventions; decided to reimburse the representatives of Albania, Bosnia and Herzegovina, Bulgaria, Georgia, Lithuania, Montenegro, North Macedonia, Romania, Serbia and Slovenia for the upcoming biennium;
- Set up a working group to prepare a draft Recommendation on active political participation of national minority youth and, subject to an assessment of the efficiency of this working method in the framework of the mid-term review in 2023, prepare the two remaining deliverables on national minorities by drafting a study on recurrent problematic areas in the field of regional or national minority language protection and identification of good practices in member States and a study on the risk of discrimination and impediments to the full access to rights resulting from statelessness, including of persons belonging to national minorities and Roma and Travellers, and identification of good practices in member States; the group is composed of, with defrayal of travel and subsistence expenses, members from Hungary, Latvia, Lithuania, Portugal, Romania, Russian Federation and Ukraine, and, without defrayal of travel and subsistence expenses, members from Finland and Norway, whose names will be provided to the Secretariat in due course;
- Considered the revised working document on cooperation with civil society and granting of observer status;
- Took note of the abridged report of the 4th meeting of the Committee of Experts on Roma and Traveller Issues (ADI-ROM); and endorsed the Study of the ADI-ROM on the causes, prevalence and consequences of antigypsyism, and possible responses;
- Took note of an oral report of the 8th International Roma Women's Conference (IRWC); exchanged views with civil society on the promotion of equality for Roma and Traveller women and girls; and provided guidance on the drafting of a CM Recommendation on equality for Roma and Traveller women and girls;
- Took note of the positive impact of the reforms of the monitoring under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages; welcomed the continuous dialogue of the monitoring bodies with the different stakeholders involved in their monitoring procedures; and underlined the decisive role of states parties in supporting the efficient work of these bodies and implementing their recommendations to improve minority protection in Europe;
- Took note of the Terms of Reference for the CDADI and its substructures for 2022-2025; and agreed on the reimbursement of members of the ADI-ROM;
- Took note of an update on the work of the Ad hoc Committee on Artificial Intelligence (CAHAI);
- Exchanged views with the EFPN; took note of the progress made with the drafting of the first thematic review report on the implementation of Recommendation CM/Rec(2010)5

and with the development of the methodology for the drafting of this and further thematic review reports;

- Admitted the Assembly of European Regions (AER) and The International League Against Racism and Anti-Semitism (LICRA) as observers; noted for the two remaining requests for observer status (Institute of Legal Policy and Social Protection Named in Honor of Iryna Berezhna and the Russian national-cultural community) that they were neither accepted nor referred to the Committee of Ministers (cf. paragraph 8 of Resolution CM/Res(2011)24);
- Adopted the present abridged meeting report.

Three delegations submitted a statement on the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on combating hate speech; they appear in [appendix to the full meeting report CDADI\(2021\)36](#).

## Meeting report

1. Due to the Covid-19 pandemic, the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) held its 4<sup>th</sup> meeting with some members being present in Strasbourg and some others participating via videoconference. The list of participants appears in Appendix II.

### Item 1: Opening, Agenda and Information on Elections

2. Triantafillos LOUKARELIS (Italy), Chair of the CDADI, opened the 4<sup>th</sup> and last meeting of the CDADI for the biennium 2020-2021. He summarised the results that the CDADI had already achieved during this biennium and called upon all delegations to promote the deliverables produced by the Committee and to ensure their translation into national languages. The Chair informed the CDADI that a Bureau meeting had taken place on 4-5 October 2021 in person in Strasbourg and that the report of this meeting was available on the website of the CDADI.
3. The Chair recalled that, on 24 November 2021, the Committee of Ministers had adopted the new Terms of Reference for the Council of Europe's intergovernmental committees for 2022-2025, including those for the CDADI and its sub-structures. The Terms of Reference largely cover the proposals that the CDADI members, participants and observers made at the exchange of views held on future priorities during its 2<sup>nd</sup> meeting in February 2021.
4. The CDADI took note of information on elections and appointments and adopted the agenda as it appears in Appendix I.

### Item 2: Draft CM Recommendation on combating hate speech

5. The Chair recalled that one of the key deliverables, with which the CDADI had been entrusted in its first terms of reference, was to develop, in co-operation with the [Steering Committee on Media and Information Society \(CDMSI\)](#), a new and comprehensive Draft Recommendation on combating hate speech, which builds on the case-law of the European Court of Human Rights and draws upon existing Council of Europe texts. The draft text of this recommendation and its explanatory memorandum, which had been developed by the [Committee of Experts on Combating Hate Speech \(ADI/MSI-DIS\)](#), were to be adopted by the members of both the CDADI and the CDMSI.
6. The Chair of the ADI/MSI-DIS, María Rún BJARNADÓTTIR (Iceland), gave an overview of the work and the report of the 4<sup>th</sup> meeting of the ADI/MSI-DIS, which had been held on 6-7 October and 21-22 October 2021. The Chair also presented the Draft Recommendation and its Explanatory Memorandum as revised by the ADI/MSI-DIS in light of the comments submitted by members, participants and observers of the CDADI and the CDMSI and the comments made by various stakeholders within the framework of the public consultation.
7. Inge WELBERGEN (Netherlands), Chair of the CDMSI, recalled that the CDMSI had examined the Draft Recommendation and its Explanatory Memorandum during its recent plenary meeting on 1-3 December 2021 and agreed to forward the two documents, including a few revisions, to the CDADI for consideration with a view to their subsequent joint approval by the two steering committees.
8. The Secretariat presented a small number of proposals for additional amendments following comments submitted by CDADI members. The CDADI discussed the Draft Recommendation and its Explanatory Memorandum on this basis<sup>1</sup> and forwarded both drafts with a small number of

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<sup>1</sup> Andreia Lourenço MARQUES, Gender Equality Commission (GEC), welcomed the Draft Recommendation and congratulated the group for its work. She requested that the following proposals of the GEC should be mentioned in the meeting report: to specify, where the text addresses disaggregated data gathering, that this also covers sex disaggregated data, and to add, where the text mentions the promotion of equality, "gender

additional amendments to the CDMSI in preparation of the joint session that both steering committees held on 9 December (see below under item 12). Three delegations, Poland, the Russian Federation and Sweden, submitted written statements on the Draft Recommendation, which appear as Appendices III to V of this report.

### **Item 3: Draft CM Recommendation on multi-level policies and governance for intercultural integration**

9. Pia BUHL-GIROLAMI (Norway), Chair of the [Working Group on Intercultural Integration \(GT-ADI-INT\)](#) gave an overview about the work and the report of the 5<sup>th</sup> GT-ADI-INT meeting, held in September 2021 in Valencia. The Chair also presented the Draft Recommendation on multi-level policies and governance for intercultural integration, as revised by the GT-ADI-INT in light of the comments submitted by members, participants and observers of the CDADI and the proposals made by various stakeholders within the framework of the public consultation.
10. The Chair of the GT-ADI-INT also recalled that the working group had endorsed the preamble of the Draft Recommendation and its operative parts (pages 1-3) by consensus during its last meeting. With regard to the text of the appendix, the GT-ADI-INT had transmitted a majority recommendation and indicated the dissenting opinions to the CDADI. After extensive discussions, the CDADI agreed on a final draft and decided to submit it to the Committee of Ministers for adoption.

### **Item 4: Cooperation with civil society and criteria for granting observer status**

11. The CDADI Chair recalled that, during the 3<sup>rd</sup> CDADI meeting, the Secretariat had been asked to provide an overview of the organisations that have been granted observer status in the other intergovernmental committees of the Council of Europe. The overview can be found in the appendix to the revised working document CDADI(2021)20rev. The Committee considered this document and held an exchange about the criteria that could be relevant when deciding upon requests for observer status. While several delegations supported the criteria set out in the working document, one delegation expressed concerns about establishing such criteria.
12. The CDADI subsequently examined the requests for observer status in the order of their submission and decided unanimously to grant observer status to the Assembly of European Regions (AER) and the International League Against Racism and Anti-Semitism (LICRA). Regarding the requests for observer status of The Institute of Legal Policy and Social Protection Named in Honour of Iryna Berezyna and to The Russian National-Cultural Community, the CDADI did not come to an unanimous decision as required under paragraph 8a of CM/Res(2011)24, as some delegations objected and proceeded to a vote on the question of whether to refer those requests to the Committee of Ministers in line with paragraph 8a of CM/Rec(2011)24 (for the outcome of those votes see Item 10).

### **Item 5: Progress of work on Roma and Travellers issues with a focus on antigypsyism**

13. Tatjana ANDELIĆ (Montenegro), Chair of the [Committee of Experts on Roma and Traveller Issues \(ADI-ROM\)](#), presented the work and the report of the 4<sup>th</sup> meeting of the ADI-ROM, which was held in October 2021 in hybrid format in Budapest and at which the ADI-ROM concluded that it had produced all required deliverables on time and to a high quality standard. Furthermore, the Chair presented the First Implementation Report on the [Strategic Action Plan for Roma and Traveller](#)

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equality". Moreover, where the text calls on states or other actors to consider the effects on and measures to be taken for individuals, groups and communities, the GEC requested to explicitly mention women. Finally, it recommended that the French version refers to "droits humains" instead of "droits de l'homme".

[Inclusion \(2020-2025\)](#) and recalled its three main lines of action: (i) combating antigypsyism and discrimination and supporting real and effective equality; (ii) supporting democratic participation and promoting public trust and accountability; and (iii) supporting access to inclusive quality education and training. The Chair also emphasised that the implementation report showed that significant progress had been made in the priority areas during the reporting period and that Roma and Traveller issues have been more intensively mainstreamed in the general work of the Council of Europe.

14. Dr. Iulius ROSTAS presented the Study on the causes, prevalence and consequences of antigypsyism, and possible responses, which constitutes another main deliverable of the ADI-ROM during the biennium 2020-2021. The Study had been approved by the ADI-ROM at its 4<sup>th</sup> meeting and presented and discussed at the 11<sup>th</sup> meeting of the Council of Europe Dialogue with Roma and Traveller civil society. Dr Iulius ROSTAS commented on the different definitions of antigypsyism and analysed its causes, manifestations and consequences. Dr Rostas also provided suggestions for possible responses, conclusions and recommendations, which are described in detail in the aforementioned report, which will be published on the CDADI website.
15. The CDADI took note of the abridged report of the 4<sup>th</sup> ADI-ROM meeting, endorsed the Study of the ADI-ROM on the causes, prevalence and consequences of antigypsyism, and possible responses and the First Implementation Report on the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025), and agreed to transmit the implementation report for information to the Committee of Ministers.

#### **Item 6: Equality for Roma and Traveller women and girls**

16. Nesime SALIOSKA, General Rapporteur of the 8<sup>th</sup> International Roma Women's Conference (IRWC), presented the topic, discussions and conclusions of this conference on the topic "Protecting the dignity and human rights of Roma and Traveller women in times of crisis", which had been held in a hybrid format in November 2021 in Strasbourg. The main conclusions, which will be published in due course, included the observations that progress is needed towards better inclusion of Roma and Traveller women, and that Roma and Traveller women should not be perceived as a threat, but as harbouring a large untapped potential. The Rapporteur furthermore stressed the need to fight absolute poverty in all its aspects and to empower Roma and Traveller women to access the labour market and become economically independent. Finally, more pragmatic gender, health and education policies should be developed that are focused on individual needs with a positive narrative around Roma and Traveller women and girls.
17. The CDADI subsequently exchanged views with further civil society representatives on the promotion of equality for Roma and Traveller women and girls. Maria JOYCE (National Traveller Women Movement, Ireland) highlighted the importance of including intersectionality in policy development at local, national and European levels. Irina SPATARU (Ternype Youth Network, Belgium) emphasised that, in order to identify and understand the intersecting discrimination affecting Roma women, data and research with an intersectional perspective need to be strengthened. It was suggested to use all contributions to this session for the drafting of the CM Recommendation on equality for Roma and Traveller women and girls, which is part of the terms of reference of the CDADI and the ADI-ROM for the upcoming biennium.

#### **Item 7: Reform of the monitoring mechanisms of the Framework Convention and the Language Charter**

18. Marie HAGSGÅRD (Sweden), President of the Advisory Committee on the [Framework Convention for the Protection of National Minorities \(FCNM\)](#), presented the reform of the monitoring

mechanism of the FCNM. The President underlined that the reform had brought additional tools to accelerate the monitoring process, as it had introduced the launching of monitoring cycles without a periodical State report after 12 months and simplified the publication of opinions. The reform had also consolidated the principle of country visits, established a confidential dialogue mechanism and a new rapid reaction mechanism.

19. Vesna CRNIĆ-GROTIĆ (Croatia), Chair of the [Committee of Experts of the European Charter for Regional or Minority Languages \(ECMRL\)](#), presented the reform of the monitoring system under the ECMRL, in the framework of which the reporting period had been extended from three to five years. The reform had also introduced the automatic publication of the reports of the Committee of Experts two months after their transmission to the state party concerned, an optional confidential dialogue, short interim reports and the possibility of submitting simultaneously reports under the ECRML and the FCNM. In the Secretariat of the Council of Europe, a single division had been created for both monitoring bodies, the Division of National Minorities and Minority Languages, which helped the establishment of better connections between the two mechanisms.
20. During the exchange of views that followed, numerous delegations welcomed the positive effects of the reforms, in particular the alignment of dates for submitting reports and the confidential dialogue. Several delegations proposed to foresee a possibility for asking questions to the delegation of the monitoring bodies during the country visits. The President of the ACFC and the Chair of the ECRML both underlined that online meetings cannot replace personal contacts which are crucial for monitoring visits. The CDADI took note of the positive impact of the reforms of both monitoring procedures, welcomed the continuous dialogue of the monitoring bodies with the different stakeholders involved in their monitoring procedures and underlined the decisive role of states parties in supporting the efficient work of these bodies and implementing their recommendations to improve minority protection in Europe.

#### **Item 8: Terms of Reference of the CDADI and its substructures for the years 2022-2025**

21. Jeroen SCHOKKENBROEK, Director of Anti-Discrimination, gave an overview of the recently adopted Terms of Reference of the CDADI and its substructures for the years 2022-2025, highlighting that those terms of reference were ambitious and a positive sign of confidence by the Committee of Ministers towards the work of the CDADI and its subordinate bodies.
22. The CDADI subsequently appointed experts from Croatia, Portugal, Romania, Switzerland and Ukraine to the newly established Committee of Experts on Hate Crime (PC/ADI-CH). It furthermore agreed on the method for the reimbursement of representatives of member states in the ADI-ROM, which is described in the document CDADI(2021)35; this method foresees a rotating system and contains measures to allow all interested member states to participate in the meetings.
23. The CDADI furthermore set up a working group with the European Network of SOGIESC Governmental Focal Points (EFPN) and with a member from Romania, whose name will be provided to the Secretariat in due course. This working group will undertake a comprehensive review of the implementation of Recommendation CM/Rec(2010)5, based on a new review methodology, including an annual thematic dimension. The working group shall also prepare a draft recommendation on the equality of rights of intersex persons with invited representatives of the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) in the light of a seminar to be organised by CDBIO regarding the question of early interventions. The CDADI furthermore agreed on the reimbursement of travel and subsistence expenses for the representatives of Albania, Bosnia and Herzegovina, Bulgaria, Georgia, Lithuania, Montenegro, North Macedonia, Romania, Serbia and Slovenia in this working group for the upcoming biennium.

24. The CDADI also set up a working group to prepare a Draft Recommendation on active political participation of national minority youth and, subject to an assessment of the efficiency of this working method in the framework of the mid-term review in 2023, prepare the two remaining deliverables on national minorities by drafting a study on recurrent problematic areas in the field of regional or national minority language protection and identification of good practices in member States and a study on the risk of discrimination and impediments to the full access to rights resulting from statelessness, including of persons belonging to national minorities and Roma and Travellers, and identification of good practices in member States. This working group is composed of, with defrayal of travel and subsistence expenses, members from Hungary, Latvia, Lithuania, Portugal, Romania, the Russian Federation and Ukraine, and, without defrayal of travel and subsistence expenses, members from Finland and Norway. The names of the members will be provided to the Secretariat in due course.
25. The CDADI finally agreed to designate the members of the Committee of experts on intercultural integration of migrants (ADI-INT) and to agree on the working method for the study on the impact of artificial intelligence systems, which will be drafted together with the Gender Equality Commission (GEC), at its next meeting.
26. Erik Adell HELLSTRÖM (Sweden), the CDADI Rapporteur on Artificial Intelligence and its representative to the [Ad hoc Committee on Artificial Intelligence \(CAHAI\)](#), gave a short overview of the work of the CAHAI.

#### **Item 9: Implementation review on CM/Recommendation (2010)5**

27. Josie YOUD (United Kingdom), CDADI Bureau member and Co-Chair of the [FFPN](#), and Stéphanie CRAMER MARSAL, consultant, provided an overview of the work on the pilot thematic review report on Recommendation CM/Rec(2010)5, which covers the issue of legal gender recognition. The thematic review process on this topic was a voluntary pilot exercise aimed at identifying gaps between Council of Europe standards to combat discrimination on the grounds of sexual orientation and gender and national legislation and policies. It also aimed at providing guidance and suggesting measures for closing these gaps and improving the situation. It was foreseen to carry out one thematic review and to draft one thematic review report per year. Those thematic reports would be the basis for the next full implementation review, which, under the terms of reference of the CDADI, is due in 2025. The speakers underlined that the pilot review was designed in a way to support member states in their existing national initiatives to revise their legislation and to implement judgements of the European Court of Human Rights. They furthermore emphasised the importance of the participatory approach of the pilot thematic review.
28. The CDADI took note of the progress made with the drafting of this first thematic review report and with the development of the methodology for the drafting of this and further thematic review reports.

#### **Item 10: Elections, appointments, decisions**

29. The CDADI elected Triantafillos LOUKARELIS (Italy) as its Chair and Olena BOGDAN (Ukraine) as its Vice-Chair for the year 2022. It furthermore elected three Bureau members: Cristina MILAGRE (Portugal) and Jürgen MERZ (Germany) for the years 2022-2023, and Josie YOUD (United Kingdom) for the year 2022. Patrícia SÃO JOÃO (Portugal) was appointed as Gender Equality Rapporteur of the CDADI. In the absence of candidates, the appointments of a Rapporteur on the rights of persons with disabilities; a Rapporteur on the rights of the child; and a Rapporteur on youth were postponed.
30. In accordance with paragraph 8.a of Resolution CM/Res(2011)24, the CDADI took a vote on the question of whether to refer to the Committee of Ministers the requests for observer status of The Institute of Legal Policy and Social Protection Named in Honour of Iryna Berezhna and The Russian National-Cultural Community to the Committee of Ministers for decision. Regarding both requests,



the necessary majority of two thirds of the members (paragraph 8a of CM/Res(2011)24) was not reached.

**Item 11: Working methods**

31. The discussion on this item was postponed to a later CDADI meeting.

**Item 12: Combating hate speech – Joint session with the CDMSI**

32. The CDADI subsequently held a joint session with the CDMSI. The Chair of the CDADI welcomed the members, observers and participants of the CDMSI and the CDADI and recalled that the gathering of the two steering committees aimed at reaching a consensus and endorsing the Draft Recommendation of the Committee of Ministers to member States on combating hate speech and to adopt the accompanying Explanatory Memorandum. Inge WELBERGEN, the Chair of the CDMSI also welcomed all participants and expressed her satisfaction with the agreement that had already been reached on most parts of both drafts. A compromise proposal on paragraph 27 of the Explanatory Memorandum was also agreed in the meeting.

33. The discussion that followed focussed on the definition of hate speech contained in paragraph 2 of the Appendix to the draft Recommendation. Many delegations supported to use the word 'race' with inverted commas and with a footnote and/or further explanations in the Explanatory Memorandum. Moreover many delegations wanted to include an explicit list of grounds rather than to refer to "any grounds" and/or Article 14 of the European Convention on Human Rights.

34. As several attempts to reach a compromise on those points were not successful, it was agreed to hold a vote, first among the CDADI members and then among the CDMSI members, on two amendments and then on the final text. The CDADI subsequently adopted the Draft Recommendation and the Explanatory Memorandum.

35. As it was subsequently established that the necessary quorum of CDMSI members was no longer attained, the Chair of the CDMSI deferred the voting in the CDMSI to a written procedure.

**Item 13: Adoption of the Abridged Report/List of Decisions and other business**

36. The CDADI adopted the Abridged Report.

37. The Chair announced that the next Bureau meeting is scheduled for 24-25 January 2022 to prepare the agenda for the 5th CDADI meeting, which will take place in Rome on 15-17 March 2022.

## Appendix I

### **Annotated agenda and order of business**

#### **1. Opening, Agenda and Information on Elections**

Working documents:  
**CDADI(2021)29prov1** Draft Annotated Agenda and Order of Business

#### **2. Draft CM Recommendation on combating hate speech**

Working documents:  
**ADI/MSI-DIS (2021)7** Draft Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on combating hate speech  
**ADI/MSI-DIS (2021)8** Draft Explanatory Memorandum to Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on combating hate Speech  
**CDADI(2021)36** Compilation of comments received from CDADI members on Draft CM/Rec on Combating Hate Speech and its Explanatory Memorandum  
**CRI(2016)15** ECRI General Policy Recommendation No. 15 on Combating Hate Speech

#### **3. Draft CM Recommendation on multi-level policies and governance for intercultural integration**

Working documents:  
**GT-ADI-INT(2021)8** Report of the 5th GT-ADI-INT meeting  
**CDADI (2021)7prov4** Draft Recommendation of the Committee of Ministers to member states on multi-level policies and governance for intercultural integration

#### **4. Cooperation with civil society and criteria for granting observer status**

Working documents:  
**CDADI(2021)20rev** Cooperation with civil society and granting of observer status  
**CDADI(2021)19rev** Requests for observer status in CDADI

#### **5. Progress of work on Roma and Travellers issues with a focus on antigypsyism**

Working documents:  
**ADI-ROM(2021)17-Bil** Abridged Report 4th mtg – 27-29 October 2021  
**ADI-ROM(2021)19** First Implementation Report on the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025)  
**ADI-ROM(2020)27** Study on the causes, prevalence and consequences of antigypsyism, and possible responses

#### **6. Equality for Roma and Traveller women and girls**

Working documents:  
**IRWC(2021)1** Empowerment of Roma and Traveller women: A change under construction. Towards a Roadmap for Advancing Gender Equality of Roma and Traveller women in Council of Europe member States – prepared by Dr Zora Popova

#### **7. Reform of the monitoring mechanisms of the Framework Convention and the Language Charter**

Working documents:

**CM/Res(2019)49** on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities

**CM/Del/Dec(2018)1330/10.4e** Strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages

## 8. Terms of Reference of the CDADI and its substructures for the years 2022-2025

Working documents:

**CM(2021)131-addfinal** Terms of reference of the CDADI and its subordinate bodies 2022-2025

**CDADI(2021)35** Secretariat memorandum on the reimbursement of representatives of member states in the substructure ADI-ROM

## 9. Implementation review on CM/Recommendation (2010)5

Working documents:

**CDADI (2021)10** Draft roadmap for the review of implementation of Recommendation **CM/Rec(2010)5**

**Recommendation CM/Rec(2010)5** on measures to combat discrimination on grounds of sexual orientation or gender identity

**CDDH(2019)24Addendum4** Report on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity

**CDADI (2021)33** Presentation of co-operation programmes - Postponed

## 10. Elections, appointments, decisions

Working documents:

**CM(2021)131-add / 06 August 2021 (CM-Restricted)** Draft Programme and Budget 2022-2025 - Draft Terms of Reference of Intergovernmental structures CDADI (2021)12

**Resolution CM/Res(2011)24** on intergovernmental committees and subordinate bodies, their terms of reference and working methods

**Resolution CM/Res(2021)3** on intergovernmental committees and subordinate bodies, their terms of reference and working methods

**CDADI(2021)34** Secretariat memorandum on elections of the Chair, Vice-Chair and Bureau members of the CDADI

## 11. Working methods – postponed for the next meeting

Working documents:

**CDADI(2021)21rev** CDADI working methods

## 12. Combating hate speech – Joint session with the CDMSI

Working documents:

**ADI/MSI-DIS (2021)7** Draft Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on combating hate speech

## 13. Adoption of the Abridged Report/List of Decisions and other business

Working documents:

**CDADI(2021)30** Abridged Report/List of Decisions of the 4<sup>th</sup> CDADI Plenary meeting

Appendix II

**List of Participants / Liste des participants  
4th Plenary Meeting / 4<sup>ème</sup> Réunion plénière  
7-9 December / décembre 2021**

**MEMBERS / MEMBRES**

**ALBANIA/ALBANIE**

**Excused/Excusé**

**ANDORRA/ANDORRE**

**Excused/Excusé**

**ARMENIA/ARMÉNIE**

**Hasmik SIMONYAN**

Head of Division on International Cooperation on Human Rights, Department of Human Rights and Humanitarian Issues, Ministry of Foreign Affairs of Armenia, Yerevan

**AUSTRIA/AUTRICHE**

**Susanne PFANNER**

Head of Department IV/13 -National Minorities, Federal Chancellery, Vienna

**Kerstin SITTE**

Department II/5 – National Minorities, Federal Chancellery, Vienna

**AZERBAIJAN/AZERBAÏDJAN**

**Etibar NAJAFOV**

Senior Adviser, Department of Humanitarian policy, Diaspora, Multiculturalism and Religious issues, Presidential Administration of the Republic of Azerbaijan, Baku

**BELGIUM/BELGIQUE**

**Tom De BRUYN**

Policy officer, Government of Flanders, Agency for Home Affairs, Department Equal Opportunities, Integration and Civic Integration, Brussel

**BOSNIA AND HERZEGOVINA/BOSNIE-HERZÉGOVINE**

**Saliha ĐUDERIJA**

Assistant Minister, Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Sarajevo

**Samra FILIPOVIC-HADZIABDIC**

Director, Agency for Gender Equality of Bosnia and Herzegovina, Ministry of Human Rights and Refugees of Bosnia and Herzegovina, Sarajevo

**BULGARIA/BULGARIE**

**Rositsa IVANOVA**

Secretary and Senior Project Officer, Secretariat of the National Council for Cooperation on Ethnic and Integration Issues, Council of Ministers, Sofia

**CROATIA/CROATIE**

**Alen TAHIRI**

Director, Government Office for Human Rights and Rights of National Minorities, Zagreb

**CYPRUS/CHYPRE**

**Excused/Excusé**

**CZECH REPUBLIC/REPUBLIQUE TCHEQUE**

**Jakub MACHAČKA**

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Appendix III

**Statement of Poland on the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on combating hate speech**

On behalf of the Polish delegation, I would like to declare, that Poland reserves its right to interpret the term "gender", "gender equality" and similar expressions, used in documents: ADI/MSI-DIS (2021)7 Draft Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on combating hate speech and ADI/MSI-DIS (2021)8 Draft Explanatory Memorandum to Recommendation CM/Rec(20XX)XX of the Committee of Ministers to member States on combating hate Speech as referring to "sex" and "equality between women and men", pursuant to the Constitution of the Republic of Poland and Art. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

#### Appendix IV

### **Statement of the Russian Federation on the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on combating hate speech**

We see the situation at the joint meeting of CDADI and CDMSI as disappointing as these steering committees failed to achieve consensus on draft Recommendation on combatting hate speech and thus to implement one of their specific tasks as provided for in their terms of reference.

We would like to remind that the Russian Federation expressed its principled approach to the work on combatting discrimination at the Council of Europe in its statement at the Committee of Ministers' 1382nd meeting as early as on September 16, 2020:

“The Russian Federation is of the view that while discussing issues of combatting discrimination we [the Committee of Ministers] should base ourselves on general anti-discriminatory provisions contained in relevant international legal instruments, including the European Convention on Human Rights, which cover all categories of different social groups and protect human rights of any person, without exclusion. Singling out of specific groups may bring a risk of positive discrimination against other social groups.

Moreover, we would like to stress that the Committee of Ministers recommendations should not be aimed at imposing on member States additional obligations that go beyond their conventional human rights commitments. The CM in this regard should do its utmost to find consensus on recommendations to the Governments of member States, particularly when their positions differ”.

A clear and unequivocal call of the CDMSI to finalize the draft Recommendation on combatting hate speech and an explanatory memorandum thereto in the light of discussions in the CDMSI and the CDADI, unfortunately, did not result in a consensus approval of the documents. To our regret, the differences were not overcome although the Russian delegation proposed to move all the disputed issues to the explanatory memorandum or to the interpretative statements of the member States which should be attached to the Recommendation.

We consider it as a regrettable practice to put on vote draft recommendations at steering committees in cases when consensus support of these documents is not assured while Article 20 of the Statute of the Council of Europe provides for a unanimous vote at the Committee of Ministers. This effectively means that relevant steering committees delegate their task to develop a draft recommendation to the Committee of Ministers.

Therefore, the Russian delegation proposes to continue the work on the draft Recommendation within the CDMSI and the CDADI next year until a required consensus has been reached.



## Appendix V

### **Statement of Sweden on the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on combating hate speech**

Sweden welcomes the work on the draft recommendation on combating hate speech, and the efforts to find a satisfactory compromise. The subject matter of the recommendation is highly relevant and timely, as the prevalence of hate speech has been reinforced by the current pandemic. In line with the text of the Recommendation and the Explanatory memorandum, Sweden would like to emphasise that it is of paramount importance that any measures taken do not encroach on the independence of the media or the freedom of expression as protected by the Convention for the Protection of Human Rights and Fundamental Freedoms, national constitutional provisions and other relevant instruments. As free and independent media is a cornerstone of democratic societies based on the rule of law, they must be able to operate without undue interference by the Government.

Furthermore, it should be stressed that the recommendation is a basis to build upon in the national efforts to prevent and combat hate speech. In such efforts there may be a plurality of approaches as regards provisions of criminal and/or civil law, alternative responses as well as the division of responsibilities between different actors. This while fully respecting international standards on human rights and fundamental freedoms.

In light of this statement, Sweden welcomes the submission of the draft recommendation to the committee of ministers as well as the adoption of the explanatory memorandum by the CDADI.

Appendix VI

**List of upcoming meetings of the CDADI sub-committees and Working groups**

Date	Title of meeting
24-25/01/22	3 <sup>rd</sup> CDADI Bureau meeting
16-17/02/22 Strasbourg	Committee of Experts on Combating Hate Crime (PC/ADI-CH)
15-17/03/22 Rome	5 <sup>th</sup> CDADI meeting
18/03/22 Rome	Working Group on SOGI (GT-ADI-SOGI)
29-30/03/22 Strasbourg	Committee of Experts on Roma and Traveller Issues (ADI-ROM)
14-15/06/22	Committee of Experts on Intercultural Integration (ADI-INT)
Sep/22 (tbc)	Committee of Experts on Combating Hate Crime (PC/ADI-CH)
Sep/22	4 <sup>th</sup> CDADI Bureau meeting
Sep/22 (tbc)	Working Group on SOGI (GT-ADI-SOGI)
Sep/22 (tbc)	Working Group on National Minorities (GT-ADI-MIN)
Oct/22	Committee of Experts on Roma and Traveller Issues (ADI-ROM)
Oct-Nov/21 (tbc)	Committee of Experts on Intercultural Integration (ADI-INT)
Nov-Dec/22 Strasbourg	6 <sup>th</sup> CDADI meeting