

# EVALUATION OF THE STEERING COMMITTEE ON ANTI-DISCRIMINATION, DIVERSITY AND INCLUSION



Volume I

Final Report  
March 2024

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### ***Disclaimer***

The evaluation was managed by a lead evaluator under the supervision of the Head of the Evaluation Division and implemented by Agulhas Applied Knowledge. The views expressed in this report are those of the review team members from Agulhas Applied Knowledge.

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# Abbreviations

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<b>ADI</b>	Anti-discrimination, Diversity, and Inclusion
<b>ADI-INT</b>	Committee of Experts on Intercultural Integration
<b>ADI/MSI-DIS</b>	Committee of Experts on Combating Hate Speech
<b>ADI-ROM</b>	Committee of Experts on Roma and Traveller Issues
<b>CAHROM</b>	Ad-hoc Committee of Experts on Roma and Traveller Issues
<b>CDADI</b>	Steering Committee on Anti-discrimination, Diversity, and Inclusion
<b>CDDH</b>	Steering Committee for Human Rights
<b>CDMSI</b>	Steering Committee on Media and Information Society
<b>CDPC</b>	European Committee on Crime Problems
<b>The Congress</b>	Congress of Local and Regional Authorities of the Council of Europe
<b>The Convention</b>	European Convention of Human Rights
<b>CSO</b>	Civil Society Organisation
<b>The Court</b>	European Court of Human Rights
<b>ECRI</b>	European Commission against Racism and Intolerance
<b>ECRML</b>	European Charter for Regional or Minority Languages
<b>EFPN</b>	European Governmental LGBTI Focal Points Network
<b>FCNM</b>	Framework Convention for the Protection of National Minorities
<b>GEC</b>	Gender Equality Commission
<b>GEC/ADI-AI</b>	Committee of Experts on Artificial Intelligence, Equality and Discrimination
<b>GR-H</b>	Rapporteur Group on Human Rights
<b>GT-ADI-SOGI</b>	Working group on Sexual Orientation and Gender Identity
<b>ICC</b>	Intercultural Cities Programme
<b>LGBTI</b>	Lesbian, Gay, Bi, Trans and Intersex
<b>PACE</b>	Parliamentary Assembly of the Council of Europe
<b>PC/ADI-CH</b>	Committee of Experts on Hate Crime
<b>ToR</b>	Terms of Reference

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# Executive summary

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As part of its 2022-2023 work programme, the Directorate of Internal Oversight (DIO) included an evaluation of the intergovernmental work of the Council of Europe on anti-discrimination, diversity and inclusion: the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI).

## Purpose, objectives and scope

The evaluation aimed to assess to what extent CDADI has assisted Council of Europe member states in providing concerted and effective responses to common challenges to prevent and fight discrimination on the grounds covered by its mandate and in ensuring their implementation. It had two primary objectives: to learn from past CDADI work how and what CDADI can do better, and to learn from CDADI work how intergovernmental work can best contribute to the Council of Europe's mission. The evaluation covered the period from the creation of CDADI in 2019 to the end of 2023, while also examining the effectiveness and impact, over the last decade, of the sub-programme CDADI is part of.

## Methodology

The evaluation applied a mixed-methods approach, combining document review, results mapping, observations, case studies in Italy, North Macedonia and the Republic of Moldova, semi-structured interviews and surveys. Data were analysed through quantitative analysis, qualitative content analysis and comparative analysis, using coding to interpret responses. This analysis was then interpreted with a theory-based framework using a theory of change and against an evaluation matrix.

## Findings

Four thematic areas of findings emerged most strongly in the data on the steering role of CDADI on anti-discrimination, diversity and inclusion (ADI) and setting priorities; on intersectionality and a human rights-based approach; on the intergovernmental approach to engage member states; and on the co-ordination of actors.

### Steering role of CDADI and setting priorities

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- ▶ CDADI acts as a true steering committee, overseeing many issues that have been examined and covered in much greater detail at the lower level of the substructures. This brings legitimacy to all the issues at the member state level and wide acceptance of the standards by member states.
- ▶ The establishment of CDADI has provided the overarching linkages that were missing in the Council of Europe until CDADI filled that gap, enabling the work on ADI to become greater than the sum of its parts.

### Intersectionality and the human rights-based approach

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- ▶ There are high levels of inclusion and participation in CDADI because of combining intersectionality with a human rights-based approach and gender mainstreaming.
- ▶ CDADI could benefit further from consistent engagement with civil society organisations (CSOs) across all member states of the Council of Europe.

### Intergovernmental approach to engage member states

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- ▶ CDADI builds alliances in member states by holding plenaries and task-focused exercises in member states, which encourage peer exchange and bring to life the work of standard setting in member states. This leads to a wealth of data and good practices, sometimes from a few countries and sometimes from many. Moreover, this approach keeps CDADI informed of ADI challenges and best practices in member states.

- ▶ Good follow-up of Committee of Ministers recommendations leads to better implementation, making the associated standard setting more effective. Member states share their strengths with others and recognise areas of improvement, which helps to research implementation methods and establish concrete measures that can be adopted.
- ▶ CDADI is achieving several outcomes related to standard setting that significantly contribute to strengthening ADI measures in member states. The outcomes are not communicated or explicitly operationalised, while doing so would enhance their effectiveness. Outputs are considered too generic on occasion, which limits their distribution and referencing across different stakeholder groups in member states.

### Co-ordination of actors

- ▶ Integrating different components within the sub-programme through a task-oriented approach and cross-fertilisation has allowed very good communication and co-ordination between different lines of work on ADI.
- ▶ It has not been sufficiently articulated how the Council of Europe integrates CDADI at a higher level. There are synergies with other parts of the Organisation that are not explored enough.

## Conclusions

The steering committee is a good model for cross-cutting phenomena that affect all areas of society such as Article 13 of the European Convention on Human Rights (the Convention) on effective remedy. Examination of the pervasive issues related to effective remedy would benefit from the multiple dimensional approach, the complex substructure that combines principles with specific major challenges, the legitimacy of an intergovernmental approach and the broad focus bringing member states' attention to both more and less sensitive topics.

Gender mainstreaming and a human rights-based approach bring much richer engagement and valuable perspectives that improve the quality of standards and recommendations. To fully optimise the approaches, they need to be promoted to member states, together with the concept of intersectionality. A deep understanding of the whole spectrum of stakeholders that reinforce CDADI's work is important.

There is an opportunity for CDADI to make use of more explicit intermediate outcomes relating to standard setting that can then be measured from a performance perspective and recognised for the added value that CDADI brings to ADI issues.

CDADI has real success working with other intergovernmental committees on common issues. The combination of an ADI perspective with the perspectives of the other committees has underlined the concept of intersectionality and addressed mainstreamed or transversal phenomena and perspectives such as equality and discrimination. Overall co-ordination across the Council of Europe could be strengthened to optimise synergies and reinforce CDADI's work.

## Recommendations

R1. The role of different stakeholders should be analysed. Work with those that can move ADI forward should be prioritised.

R2. Progress on ADI through CDADI's strategic approach and Committee of Ministers recommendations should be captured. This could employ collaborative lessons learned exercises between CDADI and member states that highlight responses to recommendations and draw attention to and reinforce CDADI's strategic outcomes.

R3. Member states should be reminded of their commitments to ADI through targeted communication of CDADI's strategic approach.

R4. Guidance and toolkits should be more practical, including items that can easily be operationalised.

R5. The ADI department should analyse the options to co-ordinate better with other parts of the Council of Europe working on ADI.

# 1. Introduction

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1. This report presents an evaluation of the intergovernmental work of the Council of Europe on anti-discrimination, diversity and inclusion (ADI): the Steering Committee on Anti-discrimination, Diversity and Inclusion of the Council of Europe (CDADI). The evaluation is part of the Directorate of Internal Oversight (DIO)'s work programme for 2022-2023<sup>1</sup>. It assesses to what extent CDADI has assisted Council of Europe member states in providing concerted and effective responses to common challenges to prevent and fight discrimination on the grounds covered by its mandate<sup>2</sup> and in ensuring their implementation.

## Purpose

2. The purpose of the evaluation is to provide the Council of Europe and the Directorate General of Democracy and Human Dignity with evidence and lessons learned about how the intergovernmental committee contributes to the Council of Europe's work on ADI to inform policy making and/or programmes' design and implementation. It examines how the committee of government representatives from the 46 member states, along with other participants and observers, steers the intergovernmental approach and encourages member states to develop common policy responses and analyse the implementation of the Council of Europe's work on ADI.

## Objectives

3. The evaluation has two primary objectives:
- ▶ to learn from past CDADI work how/what CDADI can do better;
  - ▶ to learn from CDADI work how intergovernmental work can best contribute to the Council of Europe's mission.

## Context

### Description of the Council of Europe

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4. The Council of Europe is an intergovernmental organisation with 46 member states and 700 million citizens. Its mission is to promote democracy, human rights and the rule of law across Europe and beyond, by setting standards, monitoring compliance and working with states.

### Description of ADI at the Council of Europe

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5. The Council of Europe attaches great importance to ADI. It is cross-cutting and permeates all areas of society. Article 14 of the European Convention on Human Rights (the Convention) prohibits all forms of discrimination, but it depends on the facts at issue falling within the ambit of another substantive right guaranteed by the other rights and freedoms of the Convention. In most cases, judgments find violations of other rights and freedoms, but not violations of Article 14 in conjunction with those other rights and freedoms. At the same time, the inalienable and non-divisible nature of human rights requires a comprehensive response to all grounds of discrimination, which given its pervasive nature means a holistic social, cultural, political, economic and legal response is needed. Protocol 12 of the Convention establishes a general prohibition of discrimination.

6. High-level political statements frame the Council of Europe's strategy on ADI, most recently provided at the Fourth Summit of the Council of Europe in Reykjavik.<sup>3</sup> These political priorities are integrated into the Secretary General of the Council of Europe's planning and reporting.<sup>4</sup> They are operationalised in the

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1. Available at <https://search.coe.int/cm?i=0900001680a59d5b>, accessed 9 April 2024.

2. Those are "race", colour, language, religion, national/ethnic origin, nationality, sexual orientation and gender identity. CDADI is furthermore mandated to mainstream into its work the perspectives of gender, persons with a disability and youth.

3. Reykjavik Declaration, available at <https://rm.coe.int/4th-summit-of-heads-of-state-and-government-of-the-council-of-europe/1680ab40c1>, accessed 9 April 2024.

4. State of democracy, human rights and the rule of law, available at <https://rm.coe.int/secretary-general-report-2023/1680ab2226>, accessed 9 April 2024.



Programme and Budget and the sub-programme theory of change found within. At the specific level of inter-governmental standard setting, strategic elements are indirectly described in the terms of reference (ToRs) of intergovernmental committees.

7. The European Court of Human Rights (the Court) case law, monitoring reports, parliamentary debates and debates among regional and local elected officials within the Congress of Local and Regional Authorities of the Council of Europe (the Congress), and the scrutiny of the Commissioner for Human Rights collectively, together with the input of member states, signal the priorities for and current needs of ADI. All these sources are supported and complemented by civil society organisations (CSOs).

### **Description of CDADI and its place in the Council of Europe**

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8. Prior to CDADI, ADI work was overseen by different committees. As part of its general human rights responsibilities, the Steering Committee for Human Rights (CDDH) oversaw work on anti-discrimination, including with respect to sexual orientation and gender identity, human rights of older persons and human rights of members of the armed forces. Under CDDH, the Committee of Experts on issues relating to the protection of national minorities (DH-MIN) worked until 2010 on national minority issues. The Steering Committee for Culture, Heritage and Landscape (CDCPP) oversaw aspects of intercultural integration, with other aspects overseen by the European Committee on Democracy and Governance (CDDG). The Ad-hoc Committee of Experts on Roma and Traveller Issues (CAHROM) reported directly to the Committee of Ministers from 2011.

9. In addition, the European Commission against Racism and Intolerance (ECRI) and the Steering Committee for Education (CDEDU) worked on Roma issues under their specific competences. The Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) and the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) work on the protection of conventional national minorities' rights and the use of regional or minority languages. ECRI works on anti-discrimination aspects through country monitoring and the drafting of 17 General Policy Recommendations, building on its monitoring work on various topics related to the fight against racism and intolerance, including on Roma and Travellers, and hate speech.<sup>5</sup>

10. CDADI was set up by the Committee of Ministers in 2019 and has been operational since 2020. The rapporteur group on human rights (GR-H) identified the need for a more coherent approach to address different forms of discrimination collectively. This reflected the underlying, pervasive nature of discrimination and the need to address the phenomena of discrimination, as well as targeted specific instances. This led to the Committee of Ministers decision for CDADI to centralise the scattered and partial responsibilities with other intergovernmental committees for ADI matters and to set up a full-fledged steering committee with responsibility for ADI related to the grounds under its mandate.

11. CDADI is a committee of government representatives that steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies. It calls for effective protection from discrimination and hate, ensuring equal participation in political and public life for all, and maximum fostering of diversity. According to its ToRs, CDADI promotes and facilitates thematic exchanges and peer reviews of experiences and good practices among Council of Europe member states to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.

12. Within its current mandate,<sup>6</sup> it brings together work on eight topics: hate speech,<sup>7</sup> hate crime,<sup>8</sup> intercultural inclusion,<sup>9</sup> intersectional discrimination,<sup>10</sup> artificial intelligence,<sup>11</sup> Roma and Travellers,<sup>12</sup> national minorities and regional or minority languages,<sup>13</sup> and sexual orientation, gender identity and expression, and sex

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5. ECRI General Policy Recommendations 3, 13 and 15, available at [www.coe.int/en/web/european-commission-against-racism-and-intolerance/ecri-standards](http://www.coe.int/en/web/european-commission-against-racism-and-intolerance/ecri-standards), accessed 9 April 2024.

6. CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate crime, hate speech and discrimination on grounds of "race", colour, language, religion, national/ethnic origin, nationality, sexual orientation and gender identity; fighting antigypsyism and improving the effective participation and inclusion of Roma and Travellers in society; safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages; ensuring equality of rights of LGBTI persons, and promoting intercultural integration.

7. Through the Committee of Experts on combating hate speech (ADI/MSI-DIS).

8. Through the Committee of Experts on hate crime (PC/ADI-CH).

9. Through the Committee of Experts on intercultural inclusion (ADI-INT).

10. Through CDADI's working group on intersectional discrimination.

11. In co-operation with the Gender Equality Commission (GEC) and the Committee on Artificial Intelligence (CAI), preceded by the Ad hoc Committee on Artificial Intelligence (CAHAI), through a joint task force which is composed of members of GEC and CDADI.

12. Through the Committee of Experts on Roma and Traveller issues (ADI-ROM).

13. Through CDADI's working group on deliverables regarding national minorities.

characteristics (SOGIESC).<sup>14</sup> CDADI has developed standards within these thematic areas through the former and current sub-committees and several working groups under its remit:

- ▶ Committee of Experts on Roma and Traveller Issues (ADI-ROM);
- ▶ Committee of Experts on Intercultural Inclusion (ADI-INT);<sup>15</sup>
- ▶ Committee of Experts on Sexual Orientation, Gender Identity and Expression and Sex Characteristics (ADI-SOGIESC);<sup>16</sup>
- ▶ Committee of Experts on Combating Hate Speech (ADI/MSI-DIS);
- ▶ Committee of Experts on Hate Crime (PC/ADI-CH);
- ▶ Committee of Experts on Artificial Intelligence, Equality and Discrimination (GEC/ADI-AI);
- ▶ Three working groups on (1) deliverables regarding national minorities, (2) deliverables regarding hate speech and hate crime, and (3) intersectional discrimination.

13. The historical background to most CDADI substructures and working groups, and the joint co-ordinating committees with which some substructures have or are working are shown in Figure 1.

**Figure 1. Historical background and joint co-ordinating bodies of CDADI’s substructures**

Background	CDADI structure	Joint co-ordinating committee
CAHROM	ADI-ROM	
ICC	ADI-INT	
EPFN	GT-ADI-SOGI	
No hate speech movement	ADI-MSI-DIS	CDMSI
None	PC/ADI-CH	CDPC
CAHAI	GEC/ADI-AI	GEC

14. CDADI sits within the ADI sub-programme, which is also composed of ECRI, FCNM, ECRML, and migration and co-operation programmes. The sub-programme budget is approximately 10 million euros per year with approximately four million euros per year in extra-budgetary resources. Currently, there are 28 ADI projects with a total value of approximately 28 million euros, of which 18 are bilateral in 20 countries, and the remaining 10 are regional or multilateral.

15. CDADI, the sub-programme work and the organisational level all fit within the international collective effort on ADI, each with their respective parts to play, as illustrated in Figure 2.

14. Through the Committee of Experts on SOGIESC (ADI-SOGIESC).

15. Renamed in 2024, known as the Committee of Experts on Intercultural Integration of Migrants during the period of the evaluation.

16. This expert committee has taken up the responsibilities of the former CDADI working group on Sexual Orientation and Gender Identity (GT-ADI-SOGI), in action during the period of the evaluation.

**Figure 2. CDADI and its substructures in relation to the ADI sub-programme and wider entities<sup>17</sup>**

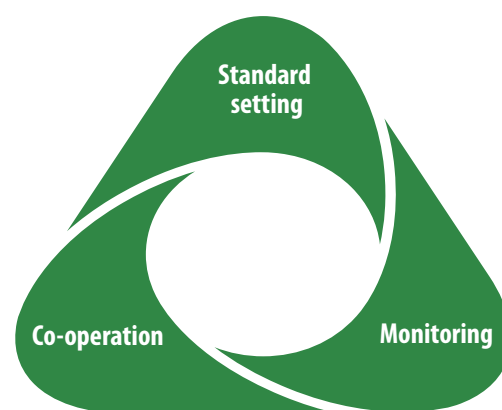


### Stated objectives of CDADI

16. The committee contributes to the ADI programme’s theory of change in the Programme and Budget 2024-2027,<sup>18</sup> which comprises standard setting,<sup>19</sup> monitoring<sup>20</sup> and co-operation.<sup>21</sup> It provides the standard setting component of the Council of Europe’s strategic triangle (see Figure 3), which establishes the basis for monitoring and co-operation work. CDADI contributes directly to the other two components by building on the findings of monitoring bodies and by following and supporting co-operation programmes, as per its mandate.<sup>22</sup>

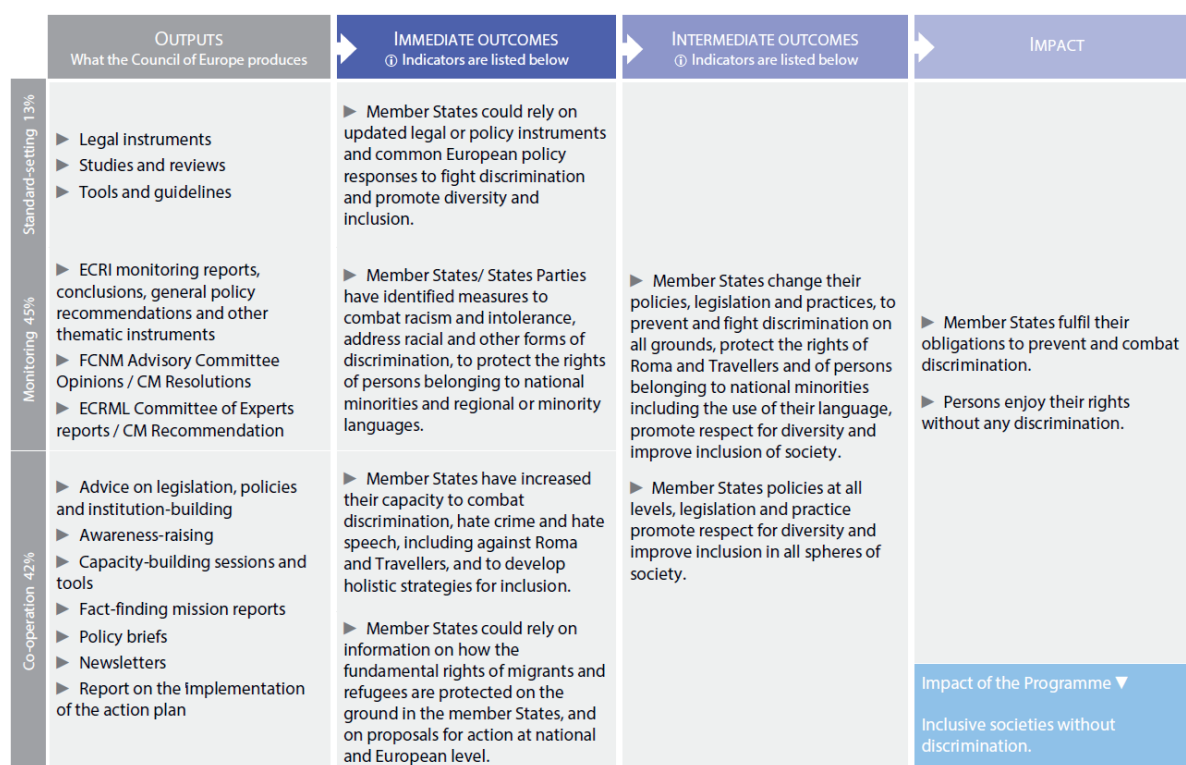
17. CDADI uses a two-pronged approach by setting and promoting standards that help member states to fight discrimination and promote diversity and inclusion. This is reflected at a high level, with a series of outputs and one immediate outcome that are specific to CDADI, and then the common intermediate outcomes and impact. The theory of change for the ADI sub-programme, as shown in Figure 4, shows the work of CDADI, with its outputs and immediate outcome in the first row.

**Figure 3. Strategic triangle contributions to the ADI programme’s theory of change**



17 International Non-Governmental Organisations (INGOs), European Union Agency for Human Rights (EU-FRA), Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE-ODHIR).  
 18 Available at <https://rm.coe.int/0900001680adec99>, accessed 9 April 2024 (at the time of the evaluation, Programme and Budget 2022-2025, available at <https://rm.coe.int/0900001680a4d5de>, accessed 9 April 2024).  
 19 Includes activities aimed at the elaboration and adoption of norms – whether legally binding or not – and the identification of best practices, such as conventions, protocols, recommendations, conclusions, guidelines or policy recommendations.  
 20 Includes activities aimed at assessing compliance by states with the above-mentioned standards, whether in pursuance of legal undertakings or on a voluntary basis, or whether following a legal procedure or not; for example, to assess compliance with a convention, recommendation or undertaking by a state party.  
 21 Includes activities conducted mostly in the field (in member states and other states), aimed at raising awareness about standards and policies agreed by the Council of Europe, supporting states in reviewing their laws and practices in the light of those standards, and enhancing their capacity; including when the monitoring procedures reveal areas where measures need to be taken to comply with the standards of the Organisation.  
 22 ToRs of steering committees and ad hoc committees for 2024-2027 (CDADI, ADI-ROM, ADI-INT, ADI-MSI-DIS, PC/ADI-CH): [Terms of reference - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#), accessed 9 April 2024 (at the time of the evaluation ToRs of steering committees and ad hoc committees for 2022-2025 (CDADI, ADI-ROM, ADI-INT, ADI-MSI-DIS, PC/ADI-CH): [Terms of reference - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#)), accessed 9 April 2024.

**Figure 4. Theory of change of the ADI sub-programme**



18. There is only a small difference between the objectives expressed in the Council of Europe Programme and Budget 2018-2019,<sup>23</sup> specifically for Roma and Travellers and intercultural integration, and those for CDADI in the Council of Europe Programme and Budget 2020-2021.<sup>24</sup> The indicators are expanded with CDADI objectives to include standards and guidance to member states. CDADI’s role to advise “the Committee of Ministers on all questions within its mandate” is described on the website of CDADI,<sup>25</sup> which spells out its co-ordination function.

### CDADI’s working processes

19. Different stakeholders involved in CDADI’s work include centralised and semi-autonomous local and regional actors and politicians, parliamentarians, CSOs at international and national level, equality bodies, justice institutions, broadcasting regulatory authorities, labour and social affairs institutions, and inter-agency prime ministerial offices. All these stakeholders are involved through representation, participation in and observation of the various substructures and different processes. The number and variety of stakeholders are multiplied through the monitoring and co-operation work of the sub-programme.

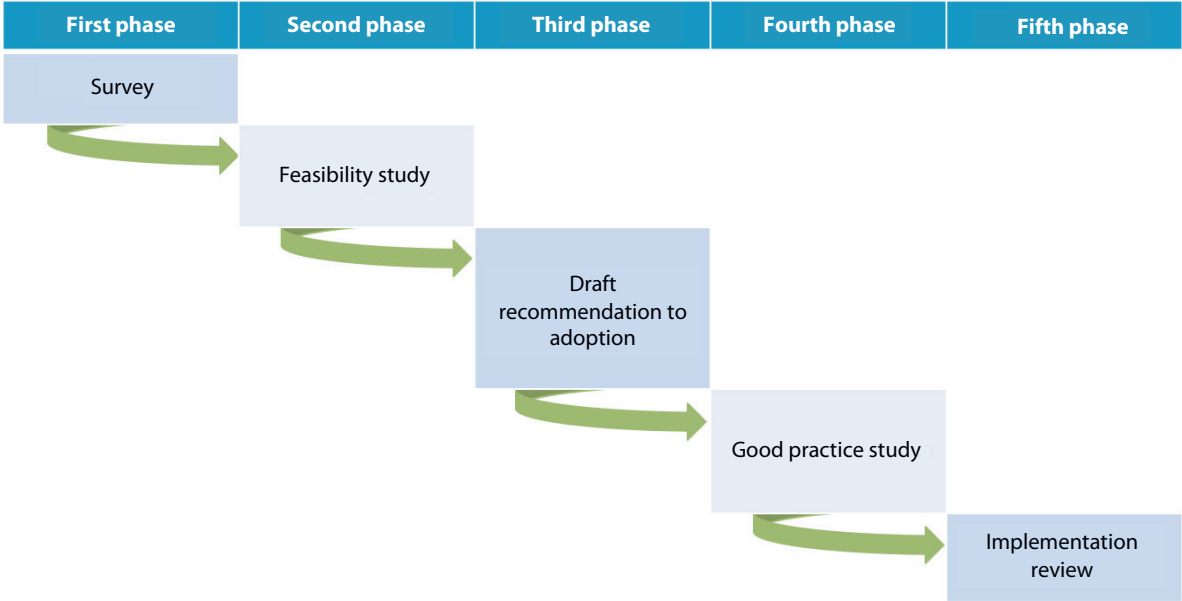
20. CDADI produces between seven and eight deliverables per year, all relating to standard setting in different ways. Some outputs are standalone, providing tools that are not linked necessarily to recommendations. Otherwise, the outputs fit within a typical process of standard setting, that involves a survey, a feasibility study, drafting a recommendation, adopting a recommendation and then follow-up of the recommendation. The process followed to produce standard setting outputs can take several years, as shown in Figure 5.

23. Available at [Council of Europe Programme and Budget 2018-2019](#), accessed 17 April 2024.

24. Available at [Council of Europe Programme and Budget 2020-2021](#), accessed 17 April 2024.

25. Available at [Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#), accessed 9 April 2024.

**Figure 5. The process of standard setting**



## 2. Methodology

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### Scope

21. The scope of the evaluation is restricted to CDADI to focus in depth on the intergovernmental aspect of the overall programme. The scope is extended however, to fully assess the benefits and challenges of intergovernmental co-operation in the field of ADI; the evaluation examines the effectiveness and impact of CDADI's thematic areas since the initiation of the various programmes from 2008 onwards.

22. More concretely, the evaluation assesses the activities performed under CDADI, focusing on:

- ▶ the evolution of the work of CDADI from that of CDDH, CDDG, CDCPP and CAHROM, and informal structures such as the European Governmental LGBTI Focal Points Network (EFPN), on the ADI issues divided among them previously;
- ▶ collaborative work with other committees on ADI issues such as CAI and GEC;
- ▶ the relationship with ADI monitoring bodies and co-operation projects focusing on ADI.

23. Therefore, the work performed by the monitoring mechanisms ECRI and those operating under FCNM and ECRML from the point of view of their expert approach to the specific conventions and general policy recommendations is excluded from this evaluation.

24. The evaluation examines work performed since the establishment of CDADI in 2019, covering the biennial budgetary cycles 2020-2021 and 2022-2023. An impact assessment extends back to the launch of the relevant programmes now within the steering committee's remit, as the impact of many ADI projects and programmes goes beyond the respective programme period (e.g. through the implementation of new policies; attitude and behaviour change; capacity building). The extended timeframe for impact examines ADI programmes implemented from 2008 to 2023 to assess the evolution, adaptations and emerging impact of the actions implemented.

25. As much of CDADI's intergovernmental work builds on previous and ongoing co-operation activities, the scope of the evaluation includes co-operation projects when the totality and bigger part of their implementation period falls entirely in the selected budgetary cycles or they relate to the major themes of intercultural integration, Roma and Travellers, hate speech and hate crime, and LGBTI. Migration is excluded from CDADI's work and mostly worked on through the Secretary General's Special Representative on Migration and Refugees, and under the remit of the Parliamentary Assembly of the Council of Europe's (PACE) Committee on Migration, Refugees and Displaced Persons, and the Commissioner for Human Rights' mandate. However, many of the ADI programmes in CDADI's key thematic areas work with migrants.

26. While the evaluation focuses on CDADI and the difference the steering committee has made to ADI work under its remit, ECRI, FCNM and ECRML aspects were nonetheless captured through the exchanges of the member state and monitoring bodies' representatives within the steering committee and the specific project objectives relating to them. For example, in CDADI's ToRs, ECRI, the Advisory Committee on FCNM and the Committee of Experts of ECRML are stated as the relevant monitoring mechanisms whose findings and recommendations are the basis for steering member states' work, in addition to the legal monitoring of the Court.

### Evaluation questions

27. The detailed evaluation matrix (see Appendix 1a) sets out the evaluation questions, sub-questions, indicators, data sources, data collection and data analysis methods. The evaluation questions also assess the human rights and gender equality aspects of activities performed under CDADI.

- ▶ **Relevance:** to what extent does the work of CDADI adapt to and seek to address the most important evolving issues in ADI?
- ▶ **Efficiency:** to what extent does the work of CDADI make the best use of resources and deliver timely, useful results?
- ▶ **Effectiveness:** to what extent does the work of CDADI lead to member states changing their policies, legislation and practices to prevent and combat discrimination on all grounds?

- ▶ **Impact:** what contribution has the Council of Europe’s work on ADI over the last 10 years made to inclusive societies without discrimination?
- ▶ **Coherence:** to what extent does the work of CDADI succeed in combining legal and societal approaches, both within the Council of Europe and with other organisations?
- ▶ **(Pathways to) sustainability:** to what extent does CDADI make the work on ADI more sustainable?

## Evaluation approach

28. The evaluation was conducted in accordance with the [Council of Europe Evaluation Guidelines](#) and abided by the Council of Europe [Code of Conduct for Evaluation](#). It included four phases: inception, data collection, data analysis and report drafting.

29. Human rights and gender perspectives were used to inform the evaluation design, drawing on the Council of Europe’s [Human Right Approach](#) and [Gender mainstreaming toolkit for co-operation projects](#), and the Organisation for Economic Co-operation and Development (OECD)’s guide for applying a human rights and gender equality lens to the OECD evaluation criteria.

## Data collection

30. The evaluation applied a mixed-methods approach, combining several tools and approaches. This enabled the evaluation team to integrate qualitative research and data (e.g. semi-structured interviews, results mapping, observations, case study focus group discussions in Italy, North Macedonia and the Republic of Moldova) with traditional quantitative methods of research (e.g. surveys). In this way, the team was able to synthesise evidence from triangulated data sources using a human rights and gender-based approach. Wherever possible and relevant, data have been disaggregated, e.g. by gender.

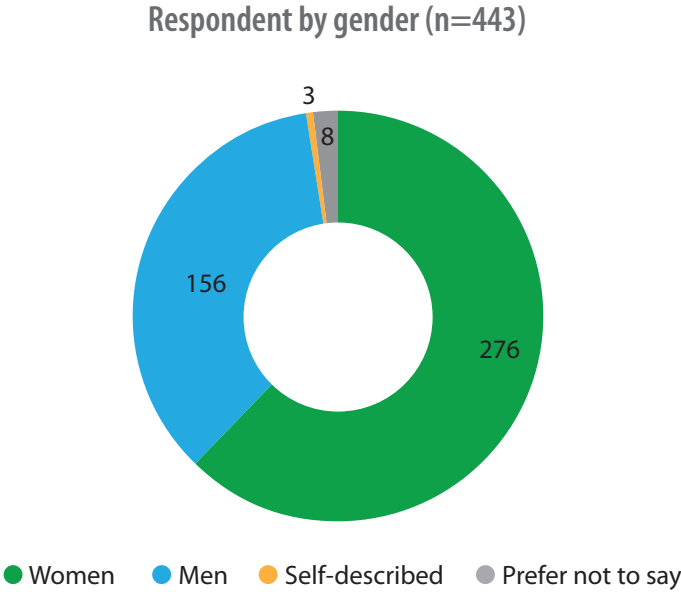
31. The evaluation team ensured the objectivity of the report by capturing both favourable and critical positions of different stakeholders. Stakeholder mapping and analysis identified interlocutors who are close to CDADI and those who are not connected to the Council of Europe but are involved in ADI work. The evaluation team used purposeful sampling to balance the views of those closely associated to CDADI with those who have no reason to think favourably towards the steering committee beyond the way they work with CDADI outputs. The evaluation team adopted this approach for the surveys, interviews and case studies. A detailed methodology can be found in Appendix 2.

## Data analysis

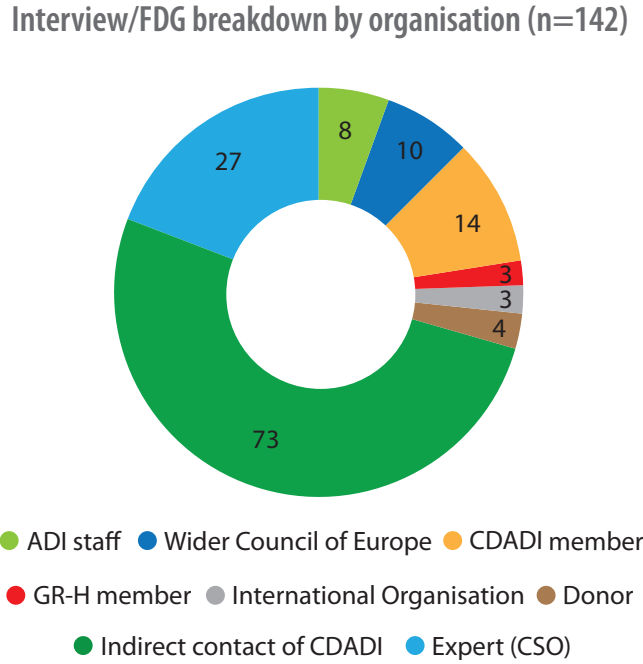
32. In summary, the data collection consisted of 297 survey respondents (30% response rate; 60% women, 33% men, 5% other and 2% preferred not to say), 93 participants of focus group discussions for the case studies, and 58 interviewees<sup>26</sup>. There were three case studies in three different countries. The evaluators observed four committee meetings and one GR-H meeting. There was a document review of 212 documents and results mapping based on 102 documents. Figures 6 and 7 illustrate the breakdown of evaluation respondents.

26. Including 6 that were included in the case studies

**Figure 6. Evaluation respondent breakdown by gender**



**Figure 7. Evaluation respondent breakdown by organisation**



33. The full set of data mapped against all the evaluation questions is available in Appendix 1b. The evaluation report focuses on the key findings.

**Evaluation reference group**

34. The evaluation process was guided by a reference group who provided comments on draft documents relating to the evaluation, discussed the evaluation approach and explored the feasibility of the recommendations. The evaluation reference group was consulted on the scope of the evaluation, the approach and the methodology. Oral and written comments were provided for the evaluation inception report and the draft evaluation report.



35. The reference group consisted of representatives of the:
- ▶ Directorate General of Democracy and Human Dignity;
  - ▶ Directorate General of Human Rights and Rule of Law;
  - ▶ Secretariat of the Committee of Ministers;
  - ▶ Directorate of Programme Co-ordination;
  - ▶ Directorate of Programme and Budget;
  - ▶ Office of the Commissioner for Human Rights of the Council of Europe;
  - ▶ Private Office of the Secretary General and the Deputy Secretary General.

## Quality assurance process

36. The Council of Europe adopts a rigorous quality assurance process. The inception report and the final draft report were quality controlled externally. Each draft underwent an internal quality review by the evaluation manager and support evaluator, and then the head of division and the director.

## Limitations

37. The evaluation team identified potential limitations within the evaluation approach and developed mitigation measures, as outlined in Table 1.

**Table 1. Limitations and proposed mitigation measures**

Limitation	Mitigation measure
<p>Data limitations:</p> <p>a) Data sources were incomplete due to delayed or incomplete reporting.</p> <p>b) Data sources were not always disaggregated by gender, ethnicity, age, disability, etc.</p>	<p>a) Data collection extracted sources from the project management methodology tool that have sufficient documentation (i.e. inception reports, final or mid-term review) to make an informed analysis.</p> <p>b) The evaluation team triangulated data sources to allow for a well-rounded representation of the impacts of ADI programmes. The collection of primary data through surveys and interviews allowed for disaggregated outcome harvesting.</p>
<p>Missing outcomes:</p> <p>a) The evaluation team was not always able to capture some unintended outcomes of CDADI's work, that may have been positive or negative.</p>	<p>a) Stakeholder mapping and snowball sampling identified a range of interviewees from multiple stages of the project cycle (e.g. design and implementation), ensuring diverse and varied perspectives were incorporated in data collection and analysis. Given the short time frame of the evaluation and extent of activities implemented under ADI, the data analysis was also mindful of any perspectives that may be missed.</p>
<p>Data collection in only English and French restricted to some extent the extensiveness of responses and data.</p>	<p>Options for translations were provided in the surveys. Case studies in North Macedonia and the Republic of Moldova used interpreting to ensure options for participants to use their mother tongue. There were no disparities identified in survey and interview responses in English and French, nor between the three case studies where only English was used for the Italy case study.</p>
<p>The response rates in the survey were not uniformly high and the population for survey 2 was not large or varied.</p>	<p>Data from the surveys are triangulated carefully as part of a larger evidence base. Findings were treated qualitatively rather than quantitatively.</p>

<p>Some key stakeholders in one of the countries did not respond to the request to participate in the case study outcome harvest discussions.</p>	<p>The evaluation team offered alternative dates and times, to allow for more opportunities to engage and consult stakeholders. Individual interviews with stakeholders were conducted to bolster the evidence base.</p>
<p>There was unavoidable bias in the survey data.</p>	<p>Two of the populations surveyed are inherently biased because of their direct contact and involvement with CDADI. The numbers of respondents reflect within +/- 10% the views of the whole population to a 95% confidence level. The third population is slightly less biased because respondents have no direct association with CDADI, and the number of respondents allow for +/- 10% response accuracy for the whole population to a 95% confidence level. All survey data have been carefully triangulated with other data to counter the inherent bias.</p>
<p>There is yet very little information available on outcomes of CDADI's work alone in member states.</p>	<p>CDADI is a recent steering committee that has not had a great deal of time to move beyond the initial deliverables committed to in the ToRs. In order to analyse intermediate outcomes and impact, the evaluation relied on assessments of effectiveness and impact of the overall sub-programme. This did not allow for any meaningful attribution to CDADI alone.</p>

## 3. Findings

38. The report is structured around four thematic areas that emerged most strongly in the data:<sup>27</sup>
- ▶ steering role on ADI and setting priorities (relevance);
  - ▶ intersectionality and a human rights-based approach (relevance, efficiency, effectiveness, pathways to sustainability);
  - ▶ intergovernmental approach to engage member states (efficiency, pathways to sustainability);
  - ▶ co-ordination of actors (coherence).
39. Overall, the evaluation findings are very positive in terms of both the volume and quality of work achieved by CDADI in a short period of time, and the meaningful approach taken to ensure the commitment of the members of committees. This positive assessment should be taken as the basis for the following sections, which focus on key strengths and main areas of improvement.
40. Given that CDADI has only been operational since 2020, it is too early to expect impact. The evaluation examines the effectiveness and impact of CDADI's thematic areas since the initiation of the various programmes from 2008 onwards and the full range of Council of Europe work on ADI during that period. Therefore, findings on impact in this section relate to the higher level and the overall structure of the Council of Europe's work, beyond CDADI, to consider the effectiveness and impact at the ADI sub-programme level.

### Steering role on ADI and setting priorities<sup>28</sup>

41. The creation of CDADI has brought strands of work on ADI together into one place. There are now exchanges and debates about intercultural integration, Roma and Travellers, national minorities, hate speech, hate crime and LGBTI rights in the same intergovernmental meeting. This is important, because, as mentioned in the introduction, ADI are phenomena that affect all areas of society in multiple, complex ways. This requires that they are treated in detail separately and in general collectively, as is reflected in the multifaceted structure and combinations of ToRs of CDADI.<sup>29</sup>
42. CDADI acts as a true steering committee, which means that it oversees many issues that have been examined and covered in much greater detail at the lower level of the substructures. This brings legitimacy to all the issues at the member state level and wide acceptance of the standards by member states, as was stated in the surveys,<sup>30</sup> and in interviews with member state representatives and their contact points.<sup>31</sup> CDADI binds these different areas to synergise and present a broad-based, coherent set of soft law and guidance to the Committee of Ministers on ADI issues.
43. The steering committee allows a package of issues to be brought to the attention of member states, some of which would not be taken into consideration in such detail otherwise, due to the particular approaches of each member state. For example, the steering committee ensures there is reflection throughout Council of Europe member states on LGBTI rights. Indeed, not many member states and international organisations are focusing on LGBTI. Therefore, this area is a strategic niche of CDADI as a clear area where CDADI can provide unique support, confirmed in interviews with other international organisations and international CSOs.<sup>32</sup> At the same time, where national minorities are prioritised by member states that may be less willing to work on issues such as LGBTI rights, this approach ensures exposure and some consideration of less desirable or preferred issues under the broader umbrella of CDADI.

27. The four thematic areas are based on the interpretation of data gathered during the evaluation. The key findings are selected from those covering the whole evaluation matrix and grouped according to the most relevant themes. Data relating to all the evaluation questions are available in Appendix 1b. The OECD development assistance committee criteria from the evaluation matrix are indicated in brackets and throughout the findings sections.

28. See Appendix 1a: Relevance: to what extent does the work of CDADI adapt to and seek to address the most important evolving issues in ADI?

29. ToRs of steering committees and ad hoc committees for 2022-2025 (CDADI, ADI-ROM, ADI-INT, ADI-MSI-DIS, PC/ADI-CH): [Terms of reference - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#).

30. Source: surveys of representatives of member states and indirect contacts in member states, see Appendix 6.

31. Source: interviews with representatives of member states (group 3) and indirect contacts in member states (group 7), and other groups (4, 5, 6 and 8), see Appendix 8.

32. Source: interviews with representatives of international organisations (group 5) and international CSOs (groups 7 and 8), see Appendix 8.

44. CDADI's approach to view LGBTI issues without distancing them from other possible grounds of discrimination helps member states to tackle those issues more effectively.<sup>33</sup> Observations showed that CDADI outputs were adopted with the intersectional approach embedded, because the effect of the complexity of societal make up was appreciated by member states.

45. CDADI's agenda and ADI priority focus areas support greater acceptance and consensus on ADI matters across member states. It has been instrumental in connecting principle-based approaches with very specific characteristics of discrimination in Roma, LGBTI and other minorities. The international collective consensus approach is the added value of CDADI in both establishing standards and bringing good practices to member states, with a toolkit approach to fill gaps.

46. The first direct effect of the creation of CDADI is that there are different representatives of the same member state from sub-committees working specifically on one of the issues above, either attending CDADI or reporting to CDADI member state representatives.<sup>34</sup> As a result, member states are paying more attention to the association between different sectors, experts and civil servants that work on different aspects of ADI.

47. There are clear benefits of connecting the different dimensions of anti-discrimination with specific instances where there are especially vulnerable groups, e.g. LGBTI, Roma and Travellers. The hate speech and hate crime recommendations are principle-based to cover all grounds of discrimination, and as such may in fact fail to consider some specific grounds. In order to address this problem, specific aspects were explored in much greater detail from the LGBTI and the Roma and Traveller perspectives, as well as from minorities, because the work on hate speech and hate crime was carried out under CDADI's remit.<sup>35</sup> This broader view of general principles is important when it comes to pervasive phenomena like discrimination, because it accounts better for their complexity and mitigates the risk of overlooking vulnerable groups.

#### **Box 1. CDADI's transversal approach links different ADI issues and helps member states address the cross-cutting nature of discrimination**

CDADI's approach has strategically promoted general principles of ADI to shed light on the various forms of discrimination experienced by vulnerable groups in member states. For example, the recommendation developed by the joint Committee of Experts on combating hate speech (ADI/MIS-DIS) uses a human rights framework to outline a comprehensive approach to combating hate speech. The recommendation provides both a broad definition of hate speech and distinguishes the different layers of hate speech and targeted groups. By doing so, the recommendation contains guidance on how to address the different layers of hate speech, as well as its "root causes" through non-legal means. This approach positions hate speech as a cross-cutting issue and ensures the guidance contained is relevant to all member states.

This principle-based approach has helped member states address discrimination in the various ways it takes shape while drawing attention to particular cases in more detail concerning Roma and Travellers, LGBTI persons and minorities. CDADI's application of general ADI principles plays an important role by keeping ADI issues on the political and legal agendas of member states.

Republic of Moldova stakeholder: *"Hate speech was not politically discussed, but now in Moldova we discuss these issues. It was not very exposed; once we established the sub-committee, the issues became more addressed politically. People are much more open to discuss and there are more changes in society."*

Italy focus group participant: *"CDADI was influential by raising awareness on hate speech and hate crime in Italy – this is important at a time of rising hate speech."*

48. A further level of complexity is added because CDADI oversees the positive aspects of diversity and inclusion through the work of ADI-INT.<sup>36</sup> This combination of positive and negative aspects of ADI makes CDADI's overall work more holistic. It enhances the status of lower levels of governance by enabling the participation of regional and local government through ADI-INT.<sup>37</sup> There are multiple dimensions of ADI consequently reflected in CDADI's structure.

33. Source: interviews Appendix 8.

34. Lists of members of CDADI and its substructures: [Committee - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#).

35. ToRs of steering committees and ad hoc committees for 2022-2025 (CDADI, ADI-ROM, ADI-INT, ADI-MSI-DIS, PC/ADI-CH): [Terms of reference - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#).

36. ToRs of steering committees and ad hoc committees for 2020-2021, 2022-2025 and 2024-2027 (ADI-INT).

37. Lists of members of ADI-INT: [Composition of the ADI-INT - Committee of Experts on Intercultural Integration of Migrants \(ADI-INT\)](#).

49. CDADI and its substructures are working on recommendations covering issues where there are still no standards in international law.<sup>38</sup> The Council of Europe's role in developing specific standards through CDADI is unique and not something delivered by the United Nations (UN) or the Organization for Security and Co-operation in Europe (OSCE). All recommendations drafted or currently in the process of being drafted fill gaps in international law, are needed, and more comprehensively address ADI at all levels, as confirmed unanimously by all people interviewed<sup>39</sup> and in the surveys.<sup>40</sup>

50. CDADI has a thorough and reliable process to identify ADI priorities for the Council of Europe and for member states. An extensive range of sources leads to excellent prioritisation based on the well-documented challenges of ADI through monitoring reports, issue papers and country visits of the Commissioner for Human Rights, and parliamentarian and local authorities' focus on ADI topics in PACE and Congress committees. Additionally, CDADI uses its own sensors through its many channels of contact with member states in the form of members, participants and observers to CDADI and all its relative substructures.

51. Over and above this, CDADI prioritises well on topics that are needed at an international level and at national level, including in response to current affairs that affect ADI. CDADI adapted its deliverables during the period of existing ToRs to work both on Covid-19 and hate speech in times of crisis in relation to the war in Ukraine, demonstrating its flexibility and reactivity to do so.

52. The establishment of CDADI has provided the overarching linkages that were missing in the Council of Europe until CDADI filled that gap, enabling the work on ADI to become greater than the sum of its parts. CDADI is working both on discrimination from a negative standpoint and diversity from a positive standpoint. CDADI's work involves both universal principles, such as all are equal before the law, and addresses the specific circumstances of vulnerable groups such as LGBTI, Roma and Travellers.

53. The steering committee is a good model for cross-cutting phenomena that affect all areas of society such as Article 13 of the Convention on effective remedy. The examination of the pervasive issues related to effective remedy would benefit from the multiple dimensional approach, the complex substructure that combines principles with specific major challenges, the legitimacy of an intergovernmental approach and the broad focus bringing member states' attention to both more and less sensitive topics. The additional investment is mitigated by economies of scale, by bringing together several sub-committees, and the return on investment is high because of the greater prominence brought to the issue.

#### **Lesson learned 1**

The umbrella approach provided by CDADI brings together different strands of transversal issues that vary in essence. It takes a principles-based approach combined with the specific characteristics of or grounds for discrimination. Essentially, the phenomena of prejudice or diversity affect every walk of life. This makes discrimination and diversity more tangible, so that specific approaches can be developed. A steering role approach is desirable because it brings attention, focus and consensus among member states on cross-cutting thematic areas, and ensures that multiple dimensions of pervasive phenomena are more equally considered.

54. There is some lack of clarity or understanding of how CDADI identifies its priorities.<sup>41</sup> There are coherent explanations for CDADI's prioritisation, as discussed in the section on strategic focus and adjustment, and there is no major concern about the priorities chosen. Some comments concern other discrimination grounds than those covered by CDADI's mandate rather than priorities within the mandate.

*Interview: "The process of identifying needs has been obscure. There is some understanding of why these topics were chosen and not others, but it is difficult to understand the long-term perspective. From a broader organisational perspective, there is no work on the rights of persons with disabilities – difficult to understand why it's not there."*

55. The current prioritisation process of topics and choices could be further articulated and communicated better, given that it is not clear to some stakeholders how CDADI plans to strategically balance a long-term perspective, and retain the flexibility to be reactive to change at the national or regional level. It may be helpful to clarify CDADI's offer to maintain relevance in uncertain times, for example, how CDADI can play a

38. ToRs of steering committees and ad hoc committees for 2020-2021 and 2022-2025 (CDADI).

39. Source: interviews (all groups 1-8), see Appendix 8.

40. Source: surveys of staff, representatives of member states and indirect contacts in member states, see Appendix 6.

41. Source: interviews with other Council of Europe staff (group 2), members of CDADI (group 3), international organisations (group 5), donors (group 6) and indirect contacts of CDADI (group 7), see Appendix 8.

continuity role, balancing competing demands in times of change or turmoil. ADI issues are the same but face new challenges that require additional efforts in changing circumstances, including in relation to migration and the rise in populism.

## Intersectionality<sup>42</sup> and a human rights-based approach<sup>43</sup>

### Strategy<sup>44</sup>

56. Up to 2024, there was no explicit statement or reference to intersectionality or a human rights-based approach in CDADI's strategic documents.<sup>45</sup> Nonetheless, CDADI is using intersectionality and a human rights-based approach, both inherent in the mandate of CDADI, as an underlying strategy to advance ADI as can be seen in the analysis of intersectionality and the human rights-based approach in Table 2.

**Table 2. Analysis of intersectionality and the human rights-based approach (HRBA)**

Principle	CDADI implementation
Intersectionality	Committee rapporteurs and representatives bring attention to the fact that multiple grounds of discrimination are more than just additionality through contributions to committee meetings and input to reports and drafts for new standards. <sup>46</sup>
HRBA: universal, indivisible, inalienable, interdependent human rights	Standards basis of CDADI with attention paid to ensure new standards apply to specific groups equally over and above the universal application.
HRBA: participation and inclusion	Extensive participation of observers and participants to meetings. Formal and informal consultation of targeted groups such as youth, CSOs and international organisations. CDADI is drafting recommendations that target more inclusion and participation.
HRBA: equality and non-discrimination	Overlapping with intersectionality, CDADI strives for all grounds to be taken into account so that no one is left behind and the general principle of equality is enforced.
HRBA: transparency and access to information	Public consultation on ADI texts and conferences open to wider audiences.
HRBA: accountability	Targeting greater acknowledgement of different groups and striving for consensus across all member states on ADI standards.

57. CDADI blends a universal application of ADI with the prioritisation of certain grounds of discrimination and characteristics. The recommendations on hate speech and hate crime are based on the indivisibility and universality principles of human rights, while the recommendation on multi-level governance emphasises a diversity of actors according to international, national, regional and local competences. Recommendations on sexual orientation and gender identity, and Roma and Travellers, are specific to either the most-contested grounds of discrimination or the most continually disrespected grounds of discrimination.

58. Although it is not explicitly stated, intersectionality applied universally is strongly advocated for by CDADI through its practice and approach. However, it is not always supported by member states on some aspects of

42. Oxford English Dictionary definition of intersectionality: "The interconnected nature of social categorisations such as "race", class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage; a theoretical approach based on such a premise."

43. The human rights-based approach is characterised by using human rights law as the basis for all work in accordance with the fundamental principles of human rights of universality, inalienability, indivisibility and interdependency. The approach enables a fulfilling relationship between duty bearers and rightsholders through participation and inclusion, equality and non-discrimination, accountability, and transparency and access to information.

44. See Appendix 1a: Efficiency: to what extent does CDADI make the best use of resources and deliver timely, useful results?

45. Source: document review of project documents and monitoring reports, see Appendix 5.

46. Observed at CDADI's seventh meeting (27-29 June 2023), ADI-ROM's seventh meeting (17-18 October 2023), ADI-INT's fourth meeting (17-18 October 2023), and GT-ADI-SOGI's fourth meeting (14 November 2023).

ADI. Stakeholders sometimes demonstrated poor understanding of the concepts of intersectionality and the human rights-based approach.<sup>47</sup> There is awareness of the concepts, but their full implications are not grasped by many.<sup>48</sup> Since these are essential underlying principles of CDADI's work, it is important that not only they are an integral part of CDADI's strategic focus, but also that there is a specific effort to communicate them and explain why they are essential.<sup>49</sup>

59. For example, evidence of this challenge was observed at the GR-H session; there was one isolated voice to change "intersectional" to "multiple". This was unanimously dismissed, underlining the importance attached and value of the intersectional approach with its strong connection to a human rights-based approach and the success CDADI is having with embedding intersectionality. However, the suggestion to change the terminology implies that the importance of the intersectional approach is not sufficiently communicated, especially in its underlying role in CDADI strategy. Communication should therefore clearly define intersectionality and how it links to the human rights-based approach. This is discussed fully in the section on communication and targeting of outputs.

60. CDADI's participatory process has brought greater diversity than typically seen in intergovernmental committees. Extensive consultations are included in the drafting processes, including targeted attention on gender mainstreaming and vulnerable groups through the selection of multiple rapporteurs.<sup>50</sup> For example, youth representatives praised CDADI's extensive consultation of youth during the drafting of Recommendation CM/Rec(2023)9<sup>51</sup> on the active political participation of national minority youth, noting the level of consultation exceeded that of any other department outside of the youth department. The Congress commented on the recommendation. The consultation processes helped ensure that the recommendation was inclusive and empowering.<sup>52</sup> Moreover, public consultation on the hate speech recommendation was very meaningful and a significant change in practice for the joint co-ordinating body of the recommendation, the Steering Committee on Media and Information Society (CDMSI). Table 3 provides a summary of CDADI's achievements related to the different aspects of intersectionality and the human rights-based approach.

**Table 3. Achievements of intersectionality and the human rights-based approach**

Principle	Achievements
Intersectionality	Uncovering blind spots and failures to address extenuated forms of discrimination. Better appreciation of forms discrimination takes through more concrete illustration of the combination of grounds of discrimination.
HRBA: universal, indivisible, inalienable, interdependent human rights	Expanding the definition of hate crime and revealing the pernicious nature of discrimination. Accounting for perspectives of LGBTIQ persons and Roma and Travellers in ADI work.
HRBA: participation and inclusion	Involves all voices, effectively guaranteeing intersectionality. More ownership of standards by all stakeholders: member states and social groups represented by CSOs.
HRBA: equality and non-discrimination	Ensures rights are fully respected by confirming and probing human rights principles. Reveals the systemic nature of discrimination.
HRBA: transparency and access to information	Empowers rightsholders to address ADI issues with duty bearers.
HRBA: accountability	Creates demand for action and responses, underlining responsibilities.

47. Source: interviews with representatives of member states (group 3) and indirect contacts in member states (group 7), and other groups (4, 5, 6 and 8), see Appendix 8.

48. Source: observations analysis, see Appendix 7.

49. Intersectional discrimination is now a specific focus and a study on this topic will be produced by a working group of CDADI in 2024-2025.

50. ToRs of steering committees and ad hoc committees for 2022-2025 (CDADI, ADI-ROM, ADI-INT, ADI-MSI-DIS, PC/ADI-CH): [Terms of reference - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#).

51. [Recommendation CM/Rec\(2023\)9 of the Committee of Ministers to member States on the active political participation of national minority youth](#), accessed 17 April 2024.

52. Source: interviews, see Appendix 8.

61. The committees' work embeds a gender mainstreaming approach. While this is a natural process from an ADI perspective, the use of gender equality rapporteurs was consistently in place. This approach has brought richer engagement and valuable perspectives that improve the quality of the recommendations and encourage the use of gender-sensitive language. There are high levels of inclusion and participation in CDADI because of this focus.

### **Lesson learned 2**

Gender mainstreaming and a human rights-based approach are embedded in committee work. The example of rapporteurs and the consultation was new for CDMSI, while this is a natural process from an ADI perspective. It has brought a richer engagement and valuable perspectives that improved the quality of the recommendations. There are high levels of inclusion and participation in CDADI because of this focus. CDADI fully integrates a human rights-based approach that reinforces intersectionality in all its working processes because of the complexity, transversality and ubiquity of ADI and the need to connect universal principles of human rights, with specifically under-protected groups. To fully optimise the approaches, they also need to be promoted to member states, together with the concept of intersectionality, explaining how they relate to each other and making clear the fundamental need for them. Gender mainstreaming and a human rights-based approach make the work more robust in terms of human rights principles, at little extra cost.

### **Civil society involvement<sup>53</sup>**

62. Participatory approaches, particularly the engagement of civil society and minority youth, have enhanced the quality and usefulness of CDADI's outputs, by bringing diversity of thought to the intergovernmental committee.<sup>54</sup> Engagement with civil society has increased the impact of the Council of Europe's work on ADI, as CSOs play an important role in reinforcing, influencing and contributing to change. In a very practical sense, CSOs are making extensive comments from highly specialised perspectives that provoke deeper reflections and reactions from the member state representatives. Through the interconnected relationships between the different substructures this ensures that principle-based work includes concrete references and consideration of vulnerable groups, based on direct experiences of CSOs.<sup>55</sup>

*Survey of national contact points of CDADI: "It is of utmost importance to keep up with the work of CDADI and continue to keep the anti-discrimination and diversity efforts on the agendas of the Council of Europe and especially of the member states. Providing a space for dialogue, networking and exchange between member states and civil society is especially valuable."*

63. ADI standards developed by the Council of Europe have helped to legitimise the work of CSOs, who play an important role in the advocacy of ADI issues at local and national level.<sup>56</sup> Recognising the utility of Council of Europe standards, CSOs have played a key role in the dissemination of the Council of Europe's work on ADI. Survey responses from CSOs confirmed that civil society actors were using Council of Europe guidelines, tool-kits and policy advice to promote action on ADI in policy discussions with national governments. One survey respondent representing a German CSO stated the Committee of Ministers Recommendation to include the history of Roma and/or Travellers in school curricula and teaching materials had been "a very powerful tool" in their advocacy work. In some cases, survey respondents indicated the Council of Europe's ADI products not only validated their work but also influenced their approach. Another survey respondent commented that the work of ADI-ROM has been used by CSOs in Switzerland as the basis for their contributions to national authorities.

64. These experiences are not very widespread however, as demonstrated in the case studies. National CSO interaction is usually through monitoring bodies, which is often restricted to shadow reporting and civil society monitoring of authorities' work on the specific topics of the monitoring, or through projects, which is limited to the generally narrow scope of project objectives<sup>57</sup> and tends to revolve around the contribution of civil society's expertise<sup>58</sup> rather than the reinforcement of CDADI standards. Rather than limiting the involve-

53. See Appendix 1a: Coherence: to what extent does the work of CDADI succeed in combining legal and societal approaches both within the Council of Europe and with other organisations?

54. Source: observations analysis, see Appendix 7.

55. Source: interviews with all groups 1-8, see Appendix 8.

56. Source: case studies, see Appendix 9.

57. Source: document review of project documents and monitoring reports, see Appendix 5.

58. Source: case studies, see Appendix 9.



ment of CSOs to when and where there are co-operation projects, or in an irregular manner during monitoring cycles and visits, CDADI ensures consistent engagement with CSOs as it is present across all member states of the Council of Europe.

65. Engagement with some CSOs has been short-term without follow-up. Maintaining relationships with CSOs from co-operation projects would be beneficial, as the impact of ADI activities requires behavioural, political and sometimes legislative change(s), which can take time. Continued long-term engagement with CSOs, research/academic institutions and implementing partners of co-operation projects is required to deliver the desired longer term impacts of the work of CDADI.

66. There is some overreliance on other sectors of the Council of Europe to enable communication and involvement of stakeholders outside CDADI's circle. National and local CSOs were shown to provide excellent support, also to the standard setting aspects of CDADI. There is potential for CDADI to directly engage with such CSOs and not wait for connections to be established through co-operation programmes. CDADI could do this by analysing more the whole spectrum of stakeholders involved with CDADI and what is gained through the involvement. CDADI could then tailor engagement processes to include more national CSOs on contact and distribution lists.

### **Recommendation 1**

**The role of different stakeholders should be analysed. Work with those that can move ADI forward should be prioritised.**

Explanation: some stakeholders move things forward through direct involvement; others through advocacy. The best mix for the different countries should be known to make stakeholder involvement more efficient.

## **Intergovernmental approach to engage member states**

### **Proximity to member states<sup>59</sup>**

67. As mentioned earlier, the essence of the intergovernmental approach is to accentuate involvement in ADI issues of member states' governments. CDADI applies some specific working methods in the context of ADI-ROM and ADI-INT to enter into closer contact with groups of member states through thematic review visits and other interactions between small groups of member states carried out by CDADI's sub-committees that allow for in-depth data gathering.<sup>60</sup> For example, ADI-ROM used a comparative analysis of strategic policy documents of selected member states to develop the Roma Women Empowerment Map. Visits and interaction between member states support the alignment of CDADI priorities with member states' interests. The proposals for topics of interest arise from discussions in the sub-committee meetings, and then the relevance of the topics is demonstrated by the uptake of other member states to be involved in these small groups.<sup>61</sup> Box 2 provides an example on Roma and Traveller issues.

### **Box 2. Aligning CDADI priorities with member states interests using peer-to-peer exchange**

Thematic visits can reveal the most pressing concerns of member states, e.g. on Roma and Traveller anti-discrimination policies. In this case, the linking of five member states, with a host and four visiting states, better aligns member states and encourages peer-to-peer learning. A waiting list approach, whereby the fifth and subsequent member states are put on a waiting list in case one of the four accepted member states drops out, promotes the extension of interest and reveals wider member state acknowledgement of the issue and engagement. This in turn encourages peer-to-peer relationships that then help member states to introduce new policy and to test out new mechanisms for implementation. The self-selection of countries, whereby they nominate themselves according to their interests, ensures that the issue meets the needs of each member state involved. The discussion encourages exchange of good practices on very targeted implementation of anti-discrimination policy in member states.

For instance, Croatia described a data collection model used in the country to measure the extent of segregation of Roma children in schools. This exchange of good practice occurred in two-thirds of the sessions observed in ADI-ROM and ADI-INT. Two out of five sessions in ADI-ROM and one out of three in ADI-INT

59. See Appendix 1a: Effectiveness: to what extent does the work of CDADI achieve its objectives?

60. Source: document review, see Appendix 5.

61. Source: observations analysis, see Appendix 7.

were devoted to peer-to-peer interaction of member states. During the observations, many member states interacted, acknowledging their strengths in Roma and Traveller anti-discrimination policy and practice. Member states provided key data and information about policy and practices in their respective countries.

68. CDADI builds alliances in member states by holding plenaries and task-focused exercises in member states, which encourage peer exchange and bring to life the work of standard setting in member states. Deliverables in the committees are developed through a thorough process that accesses information and practices in as many member states as possible through research often described as feasibility studies. Member states contribute data and evidence regarding the theme of the feasibility study. The feasibility studies attempt to determine if a recommendation should be formulated in the future. The study is presented to committees, discussed in plenary sessions as a form of consultation, with the invitation to extended written consultation around the different sessions. This leads to a wealth of data and good practices, sometimes from a few countries and sometimes from many. Moreover, this approach keeps CDADI informed of ADI challenges and best practices in member states.

### Lesson learned 3

CDADI has undertaken outreach and built alliances in member states within existing resources, e.g. through holding plenaries and task-focused exercises in member states. This supports the building of norms and acceptance over time and brings the work of standard setting to life in member states. The outreach and alliances improve prioritisation, focus on pressing issues and allow consideration of and adjustment to different realities and contexts; all of which enhance member state involvement and commitment.

69. In parallel to this outreach, CDADI uses innovative approaches to follow up on recommendations, which strengthens engagement with member states and bodes well for sustainability, painting a more accurate picture of how member states are implementing recommendations. Experimental models of follow-up were established given previous limited commitment and the reliability of member states' statistics and reporting on ADI standards. Box 3 provides an example of this.

### Box 3. Using innovative approaches to follow up on recommendations

GT-ADI-SOGI has tested new approaches to help member states assess their implementation of Committee of Ministers recommendations through peer review and further improve it through exchange of good practices. There were two comprehensive reviews of CM/Rec(2010)5<sup>62</sup> in 2014 and 2019 which revealed several challenges in accessing sufficient and reliable data. There is now considerable investment by the secretariat to record data in advance of consulting member states. This ensures better accuracy of the data and more complete information of the member states. This piloting through thematic reviews is informing the third comprehensive five-year review due in 2025.

GT-ADI-SOGI established and carried out annual thematic reviews on specific priority issues within the recommendation. Member states are coming together in different groupings to study deeply specific provisions of the recommendation. This is building stronger commitment to the recommendation overall, while encouraging a more extensive exchange on evolving priorities related to sexual orientation and gender identity. Different sectors within member states are connected in new ways through this process.

70. Member states have a range of approaches due to the diverse nature of ADI issues, as well as their different administrative structures. For example, ADI policy in some member states applies an approach based on laws applying equally to all, while others orient ADI policy around the needs of specific minority groups. Each recommendation is faced with a complex range of administrative bodies, levels of government and different sectors of civil society. The most effective mechanisms to follow up on standards in terms of both completeness and accuracy of data need to accommodate all these variations. These innovative methods of follow-up are particularly important for member states for whom the political conditions restrict the focus on inclusive societies.

71. Good follow-up of Recommendation CM/Rec(2010)5 leads to better implementation, making the associated standard setting more effective. It generates action and interest in member states to share their strengths with others in relation to the recommendation and to recognise areas of improvement. Member states come

62. [First thematic implementation review report on Recommendation CM/Rec\(2010\)5 on legal gender recognition in Europe](#), accessed 17 April 2024.

forward to research implementation methods and establish task forces to establish concrete measures that can be adopted.

#### **Lessons learned 4**

The experimentation of different approaches to follow up on the implementation of standards in member states is using innovative approaches that are being tested for CM/Rec(2010)5 by GT-ADI-SOGI. Questionnaires are updated with each comprehensive review on a five-year basis, allowing for greater progress on aspects of the recommendation that are already being met. The secretariat is pre-filling all sections of the questionnaire; there is already evidence to allow member states to concentrate on new information and confirming existing practices. Moreover, annual thematic reviews are also carried out that target a specific area of the recommendation. This allows for a more thorough analysis of the state of implementation across member states.

72. CDADI has drafted four recommendations so far, while it has taken over the responsibility for overseeing recommendations such as CM/Rec(2010)5 as mentioned. Good understanding of progress towards recommendations strengthens their implementation. Networks of sectors within member states and alliances between member states contribute to this understanding. Different approaches to follow up yield different reactions and responses according to the varied contexts and positions of member states. Member state implementation is still not achieving the full potential of the recommendations, while the evolving situation can be addressed both through new recommendations and targeted focus on existing recommendations. For this reason, the balance between follow-up of recommendations and drafting new recommendations is very important.

#### **Strategic focus of member state engagement<sup>63</sup>**

73. CDADI's strategy relating to member state engagement is stated in its ToRs:<sup>64</sup> "thematic exchanges and peer reviews of experience and good practice among Council of Europe member States". Essentially, this translates as an outcome of thematic exchanges and peer reviews of experiences and good practices among Council of Europe member states. This is an important strategic element because it encourages CDADI to introduce many working processes that enhance exchanges, encourage peer reviews of experience and good practices, and gather data that result from these exchanges. Nevertheless, it only expresses a part of CDADI's actual strategy.

74. The intergovernmental approach acts as a space for dialogue, learning and sharing on critical ADI matters for all member states, including exchange of best practices on standards and implementation. This has positive effects in terms of broad participation internally and externally, including civil society. Through this broad participation, member states are encouraged to create networks that enable multistakeholder approaches to fully address the complexity and transversality of ADI, enhancing co-ordination between multiple stakeholders at local, regional and national levels, and between public, private and third sectors.

75. The process leads to unstated outcomes by raising member state commitment and driving desire to create and own soft-law standards on key current issues of ADI for specific groups affected most by discrimination.<sup>65</sup> The intergovernmental approach also acts as a form of peer pressure, a space for dialogue, learning and sharing on critical ADI matters for all member states.<sup>66</sup> The key outcomes revealed in the evaluation data<sup>67</sup> provide operational guidance to bring greater clarity to what CDADI is trying to achieve:

- ▶ There is greater ownership of member states, with member states contributing to advancing CDADI standards.
- ▶ Member states create networks that enable multistakeholder approaches to fully address the complexity and transversality of ADI, enhancing co-ordination between multiple stakeholders at local, regional and national levels, and between public, private and third sectors.
- ▶ There is greater understanding of and willingness to apply equality mainstreaming and intersectionality to meet ADI standards.

76. CDADI planning that integrates these specific standard setting outcomes would allow for more strategic deliberation and better communication of the logic for decision making to determine the work programme

63. See Appendix 1a: Effectiveness: to what extent does the work of CDADI achieve its objectives?

64. ToRs of steering committees and ad hoc committees for 2022-2025 (CDADI, ADI-ROM, ADI-INT, ADI-MSI-DIS, PC/ADI-CH): [Terms of reference - Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#).

65. Source: interview group 2, see Appendix 8.

66. Source: surveys of national contact points of -CDADI and the sub-committees, see Appendix 6.

67. See Appendix 1b: Evidence mapping to the evaluation matrix.

and its respective modalities. These additional outcomes are not articulated or captured anywhere. As a result, they are unknown or not well-understood by almost all stakeholders.<sup>68</sup> CDADI could integrate these outcomes, link them to overall strategy and then adjust operational tactics according to evidence related to them.

77. Moreover, there is no formal measurement of these outcomes, nor a systematic review of how CDADI is achieving them, nor if there may be even better, alternative ways to do so. Appropriate follow-up and performance measurement would enable this and allow CDADI to course correct and adjust as required when faced with uncertain, changing circumstances at local, regional, national and international levels.

78. Some form of review is needed and would help to ensure CDADI remains relevant, and as seen later, is as efficient, effective and coherent as possible; all of which will also contribute to the sustainability of CDADI's work. For this to become systematic, there needs to be a dashboard of standard setting outcomes that guides the planning and implementation of CDADI's ToRs. There is an intuitive planning and decision making that is not stated clearly or used in discussion and planning beyond the core team of CDADI.

79. Bringing these important outcomes and values into the strategic deliberation of CDADI would strengthen its performance over time as it builds on its early success. CDADI is capturing extensive data about the situation in member states relating to all the topics covered by CDADI and its substructures. There is a risk that this is somewhat detached from the objectives of standard setting, in that it gathers information under the umbrella of CDADI at an overarching level and then simply presents the situation, without fulfilling its full potential to advance ADI responses in member states.

80. There is an opportunity for CDADI to make use of more explicit intermediate outcomes relating to standard setting that can then be measured from a performance perspective and recognised for the added value that CDADI brings to ADI issues. This will then support member states to take more responsibility for meeting these outcomes. Overall, it reflects an adjustment in thinking and approach rather than any financial implications.

## **Recommendation 2**

**Progress on ADI through CDADI's strategic approach and Committee of Ministers recommendations should be captured. This could employ collaborative lessons learned exercises between CDADI and member states that highlight responses to recommendations and draw attention to and reinforce CDADI's strategic outcomes.**

Explanation: highlighting work deriving from CDADI in member states will highlight how progress was made and factors that contributed to success that derive from CDADI's strategic approach. Resources need to be invested in developing new methods and adjusting existing ones to capture progress in member states.

## **Communication and targeting of outputs<sup>69</sup>**

81. CDADI's communication and the value it could add to collective ADI efforts and to enhancing the achievement of CDADI's strategic goals often arises from the data. CDADI and its substructures are situated within the wider framework of the ADI sub-programme and Council of Europe bodies, e.g. the Court and the Congress. CDADI could add even greater value to this wider effort for ADI through its approach to communication on strategy and enhancing outcomes.

82. External stakeholders<sup>70</sup> have faced difficulties in contributing as fully as they could to drafting the recommendations on hate speech and hate crime because they were not convinced of the big picture, in the sense that CDADI wished to integrate a broader, inclusive anti-discrimination dimension into the recommendations. They had difficulty to grasp exactly how and at what stage they could best be involved. The result was that CDADI's work was not as collective as it could have been.

83. In addition, there was not enough clarity around the decisions made in the recent drafting of the recommendation on hate crime. The approach taken to drafting the recommendation on hate crime adopted a human rights-based approach, which demanded a compromise between competing interests and sectors. There was a conscious strategic choice in this process. Moderate dissatisfaction of all parties is a sign of compromise in negotiation theory, which is an integral part of intergovernmental standard setting. It was the collective decision of all member states involved through CDADI and the European Committee on Crime Problems (CDPC)

68. Source: interviews (all groups 1-8), see Appendix 8.

69. See Appendix 1a: Efficiency: to what extent does CDADI make the best use of resources and deliver timely, useful results?

70. Source: interviews with other international organisations (group 5), indirect contacts of CDADI (group 7) and ADI experts and CSOs (group 8), see Appendix 8.

to adopt the recommendation. However, the level of dissatisfaction expressed by observer parties indicates that perhaps not enough was done to present this strategic choice at the drafting stage and to communicate the rigour of thinking that it had involved.

84. There is inadequate communication both to members and to key allies by CDADI on its prioritisation process, as explained in the section of this report on priorities. Nor are the expectations of member state behaviour specific to intergovernmental standard setting stated clearly enough. When member states pay more attention to their own role to play in the process, there are excellent co-ordinated responses to CDADI. This applies equally to intersectionality and the human rights-based approach, as detailed in that section of the report.

85. CDADI engages in a great deal of different communication processes, and it is simply a question of shifting the focus of those processes a little to address these aspects that are repeatedly mentioned by key stakeholders. It will greatly enhance the effectiveness and extent of co-operation of the most important actors working with CDADI.

### **Recommendation 3**

#### **Member states should be reminded of their commitments to ADI through targeted communication of CDADI's strategic approach.**

Explanation: this is linked to the recommendation on lessons learned from CDADI's strategy. Standard setting outcomes need to be fully understood and bought into by the members of the committees and by the member states. This relies on targeted communication with a consistent message that informs member states and partners about the specific objectives of intergovernmental standard setting in ADI as well as how these link to organisational goals.

86. The volume and density of CDADI outputs is challenging for stakeholders in member states to deal with, as mentioned in the strategic focus and adjustment section. The outputs are comprehensive and exhaustive, which means that while they are extremely useful and rich in valuable information,<sup>71</sup> they are sometimes difficult to use for the needs related to specific public services within a given member state.

87. Authorities in member states are interested in specific examples of good practices where the context is comparable.<sup>72</sup> The whole range of examples and good practices across the Council of Europe means that these specific examples are very difficult to quickly identify and make use of. While it is entirely valid that CDADI caters for all member states of the Council of Europe, clearer referenced products that are more reader-targeted would improve outreach and take-up because it would make the relevant parts of each output more accessible to more stakeholders.

88. Notwithstanding the time taken overall to develop standards, the tight timelines within this process for member states to respond are a challenge and could adversely impact upon the quality of outputs.<sup>73</sup> Short deadlines for feedback can be a barrier to an in-depth exploration of certain topics and the thinking behind them.<sup>74</sup> There is a risk that recommendations may need revision if there is not sufficient time for deliberation within the drafting process. There is not always clarity around why the overall process is so long but within this process the interim deadlines for member states to provide feedback can be tight. Allowing for longer feedback cycles or providing more advanced planning could better reflect the time and capacity constraints of member states.

89. The format of CDADI's outputs is not always appropriate/effective given the varying capacity across and within member states. Outputs such as the compendiums of good practice are valuable materials that illustrate how to implement recommendations nationally and locally.<sup>75</sup> However, quick absorption of good practices is reduced as stakeholders must read through the lengthy reports to get to this information rather than being able to access it rapidly and easily.

90. CDADI outputs can be too broad and theoretical for policy implementation at the national and local level. Concerns were raised in both ADI-INT and ADI-ROM meetings of the difficulties of contextual adaptation

71. Source: document review of CDADI outputs, see Appendix 5.

72. Source: interviews with representatives of member states (group 3) and indirect contacts in member states (group 7), and other groups (4, 5, 6 and 8), see Appendix 8.

73. Source: surveys of national contact points of CDADI and the sub-committees, see Appendix 6.

74. Source: interviews with member states representatives (group 3) and indirect contacts of CDADI members (group 7), see Appendix 8.

75. Source: interviews with member states (group 3), indirect contacts in member states (group 7), see Appendix 8.

and the standard research style documentation.<sup>76</sup> Indirect contacts of CDADI commented in the survey that the quality of CDADI outputs can be very technical. This undermines the outreach and CDADI's initiatives to promote multiple and holistic responses in member states.

Survey respondent: "Very technical and complicated – colleagues not working in international contexts have a hard time navigating this."

91. The broad range of dimensions and stakeholders in all member states connected to CDADI is of great value, as described in the section on strategic focus and adjustment. This means that it is important to understand the different stakeholders to maximise this benefit. Otherwise, CDADI products will remain less accessible beyond the committee members.

92. Little consideration is given to how CDADI outputs can be adopted or implemented in different ways by different actors in member states. The secretariat of CDADI could improve its understanding of its sphere of influence. The length and style of CDADI's products may compromise wide use and uptake, making them less accessible to key stakeholders. A detailed stakeholder mapping in terms of the extended reach of CDADI and the counterparts of the various interlocutors of the contacts of committee members would be needed to understand how recommendations are ultimately leading to implementation. The information gathered through this stakeholder mapping would allow for different presentations of the standards, their compendiums of good practices, studies, guidelines and toolkits that cater for different levels of government, civil society and think tanks.

93. The current approach also results in a general "one-size fits all" presentation of products which does not consider the need to stimulate use of the outputs by different actors. There are different ways to increase the accessibility of outputs, indicated to the evaluators. The large volume of documentation would benefit from indexing and cataloguing. For instance, compendiums of good practices could be managed through a database warehouse with classification and analysis to improve quick access and filtering of relevant examples according to different member state contexts and specific ADI categories and priorities (e.g. through knowledge hubs).

#### Recommendation 4

##### **Guidance and toolkits should be more practical, including items that can easily be operationalised.**

Explanation: specific groups (such as social service ministries, labour ministries, health ministries, law enforcement, *inter alia*) need specific guidance materials that are more practice-oriented and more tailored to them. CDADI needs to have a better understanding of the needs of these groups.

## Co-ordination of actors

### Task-focused co-operation<sup>77</sup>

94. The intergovernmental standard setting provided by CDADI has an important place in the wider scheme of Council of Europe work on ADI. The steering committee and its substructures complement the Court, the Commissioner for Human Rights, PACE and the Congress very well, and they integrate standard setting, monitoring and co-operation projects. This includes the Court, monitoring bodies and co-operation projects.<sup>78</sup> The integrated approach of CDADI adds value to Council of Europe ADI work by ensuring the whole of the Court and Council of Europe ADI together with CDADI can be greater than the sum of their parts.

95. Within the ADI department, CDADI is connected to the other work on monitoring and supporting member states through co-operation programmes. In terms of substance, there are many links between CDADI topics and those of the monitoring mechanisms, ECRI<sup>79</sup> (combating racism and intolerance against Roma/Travellers, combating hate speech, preventing and combating intolerance and discrimination against LGBTI persons), the

76. Source: observations analysis, see Appendix 7.

77. See Appendix 1a: Efficiency: to what extent does CDADI make the best use of resources and deliver timely, useful results? and Coherence: to what extent does the work of CDADI succeed in combining legal and societal approaches both within the Council of Europe and with other organisations?

78. Source: observations analysis, see Appendix 7.

79. ECRI standards, available at [European Commission against Racism and Intolerance Standards - European Commission against Racism and Intolerance \(ECRI\)](#), accessed 9 April 2024.

Advisory Committee on FCNM<sup>80</sup> (protection of national minorities) and the Committee of Experts of ECRML<sup>81</sup> (stressing the value of interculturalism and multilingualism, the protection and the promotion of regional or minority languages), as well as the objectives of numerous co-operation projects.<sup>82</sup>

96. The ADI department has furthermore piloted a new task-oriented management approach proposed by the Directorate General of Administration, and the Private Office of the Secretary General and the Deputy Secretary General. Its objectives are to break down divisions laid out in the organisational structure within the department to allow for work oriented around tasks, with members from different divisions carrying out tasks for CDADI and its substructures. This has been a very positive process, while a considerable effort for the staff of the department. It has enabled important links to be made and integrated into respective sectors work on ADI.<sup>83</sup> Both cases have strengthened CDADI's outputs and provide useful lessons for co-ordination between different structures of the Organisation.

97. Projects use CDADI standards to address specific needs identified in member states. They establish close, intensive relationships with key stakeholders for fixed periods of time. These relationships involve much greater dialogue and contact than CDADI can maintain. Similarly, projects take CDADI standards, guidelines and toolkits, and adapt them in very specific, targeted ways to meet the concrete needs according to different authorities they work with and seek to support. Once again, the level of detail is beyond CDADI's capacity. CDADI, on the other hand, works with member states on all its standards, guidelines and toolkits, and with key co-ordinating contacts in all member states.

98. Monitoring bodies and their monitoring cycles spur interaction in general around ADI within member states. Both CDADI and the monitoring bodies lead to networks forming within member states between co-ordinating contact points and different authorities. These tended to be ad hoc in line with the monitoring cycle, requests for information and visits over the last decade. CDADI is contributing to these networks becoming more formalised and systematic.

#### **Lessons learned 5**

Integrating different components within a sub-programme through a task-oriented approach and cross-fertilisation has allowed very good communication and co-ordination between these different lines of work on ADI. Standards produced and being worked on by the committees are being introduced into monitoring processes, and capacity building through co-operation is allowing for different models and mechanisms of implementation to be tested for the targeting of standard setting outputs to specific stakeholder group needs in member states. Task-oriented and joint working across sectors contribute strongly to better communication and co-ordination.

99. Beyond the ADI department, CDADI has tested innovative, intersectoral working methods between the Directorate General of Human Rights and Rule of Law and the Directorate General of Democracy and Human Dignity. The resulting diversity in content through intersectoral work constitutes very good practice. The co-ordination between CDADI's sub-committees and working groups, and CDADI's co-ordination with other steering committees is a key feature of CDADI's approach. The involvement of committees from different sectors ensures a holistic approach is applied for complex aspects of human rights. As seen in the following section on collective impact, CDADI's efforts to co-ordinate work across Council of Europe actors has had a multiplying effect on collective ADI work.

#### **Box 4. Multisectoral committees bring a holistic approach to complex aspects of human rights**

The Committee of Experts on Hate Speech was composed of 10 representatives, five on behalf of CDADI and five on behalf of CDMSI. As CDMSI steers the Council of Europe's work in the fields of freedom of expression, media and internet governance, this structure ensured that the recommendation duly considers the legal frameworks related to freedom of expression and addresses the critical threat of online hate speech. Subsequently, the recommendation provides guidance for combating hate speech to both public officials and other key actors, including internet intermediaries, media and CSOs.

A similar structure was observed in the Committee of Experts on Hate Crime, which was composed of five representatives from CDADI and five representatives from CDPC. The structure was set up to ensure the

80. [Framework Convention of National Minorities](#), accessed 9 April 2024.

81. [European Charter for Regional or Minority Languages](#), accessed 9 April 2024.

82. Source: document review of monitoring bodies and project documents, see Appendix 5.

83. Source: interviews with CDADI staff members (group 1) and other Council of Europe staff members (group 2), see Appendix 8.

forthcoming recommendation on hate crime addresses “the complex nature of hate crime”, providing a legal instrument that incorporates victims’ rights, as well as the necessary criminal law components for combating hate crime.

100. CDADI is having real success working with other intergovernmental committees on common issues. The combination of an ADI perspective with perspectives of the other committees (freedom of expression and freedom of media or crime problems) has underlined the concept of intersectionality and addressed mainstreamed or transversal phenomena and perspectives such as equality and discrimination. It has increased the commitment of member states and encouraged greater steps to prepare for implementation of standards.

### Lessons learned 6

Multisectoral committees across different programmes bring a holistic approach to complex aspects of human rights. Discrimination and diversity are underlying elements in all societies that influence the protection and fulfilment of human rights. This additional dimension is fully introduced into addressing hate speech and hate crime through the joint-committee approach to the working groups respectively on hate speech and hate crime, with CDMSI and CDPC.

The approach leads to more effective mainstreaming of equality and other transversal issues. It provides a more coherent and comprehensive approach within the Council of Europe but also in member states. Member states need to respond by co-ordinating at the Council of Europe level, and consequently different national administrations need to do so at the domestic level. This encourages important cross-sectoral fertilisation. Finally, it brings more synergies in the dissemination and the promotion of standards.

### Collective impact<sup>84</sup>

101. The encouragement of progress towards meeting ADI standards has been amplified when communication has been consistent. The repetition of messages delivered by the Court, the Commissioner for Human Rights, FCNM, ECRI, CAHROM, Country Action Plans and CDADI and its current substructures, as seen in the case studies,<sup>85</sup> persuades member states to implement ADI policy.

102. Within the short time CDADI has been operational, it has already contributed to this impact as new CDADI standards are cited by these bodies:

- ▶ the Court, *Sanchez v. France*, Grand Chamber of the Court;<sup>86</sup>
- ▶ ECRI, for example sixth report on Iceland, paragraph 45, sixth report on Poland, paragraph 56, fifth report on Georgia, paragraph 29;<sup>87</sup>
- ▶ PACE report: The theme of migration and asylum in election campaigns and the consequences on the reception of migrants and their rights,<sup>88</sup> citing CM/Rec(2022)10<sup>89</sup> and CM/Rec(2022)16.<sup>90</sup>

103. Over the last decade, the sub-programme has been contributing collectively to outcomes in member states. In all three country case studies, an important outcome is the significant extent of inclusion and participation across a wide range of stakeholders, including central and regional governments and CSOs through both monitoring exercises and co-operation programmes. This has led to member states developing networks to address Council of Europe ADI efforts.

104. This has translated into more attention within member states on minorities, vulnerable groups, Roma and Travellers, LGBTI persons, national mechanisms to tackle discrimination, including hate speech and hate crime, and practical instruments to improve diversity in cities and regions. The outcomes identified in the three case studies illustrate these points.

84. See Appendix 1a: Effectiveness: to what extent does the work of CDADI achieve its objectives? and Impact: what has been the impact of Council of Europe’s work on ADI in the last 10 years? Note that the scope of the evaluation was extended to the whole sub-programme and the last 10 years in order to gather sufficient evidence of effectiveness and impact.

85. Source: case studies in Italy, North Macedonia and the Republic of Moldova, see Appendix 9.

86. Available at <https://hudoc.echr.coe.int/?i=001-224958>, paragraph 61, accessed 9 April 2024.

87. Available at <https://hudoc.ecri.coe.int/eng?i=ISL-CbC-VI-2023-26-ENG>; <https://hudoc.ecri.coe.int/eng?i=POL-CbC-VI-2023-29-ENG>; <https://hudoc.ecri.coe.int/eng?i=GEO-CbC-VI-2023-19-ENG>, accessed 9 April 2024.

88. Available at <https://pace.coe.int/en/files/33029/html>, accessed 9 April 2024.

89. Recommendation CM/Rec(2022)10 of the Committee of Ministers to member States on multilevel policies and governance for intercultural integration, accessed 17 April 2024.

90. Recommendation CM/Rec(2022)16 and Explanatory Memorandum, accessed 17 April 2024.



### Case study: combating hate speech and supporting Roma in Italy

In Italy, ADI work has contributed to preventing and combating discrimination at different stages over the last decade. For example, Council of Europe work on hate speech has enabled political dialogue in this field. The Council of Europe's progressive standard setting involving representatives of Italy from the National Office Against Racism (UNAR) has supported ADI conversations on political and legal agendas. In the case of one of the projects implemented in Italy, this led to authorities' better understanding of the scale of issues faced by vulnerable communities.

The Council of Europe's ADI work has provided a portfolio of expert-led standards for legislators and practitioners in Italy to draw upon, with a baseline reference of good practice. The large membership of the Council of Europe has helped to give a picture across the continent of Europe, which can be useful for peer-to-peer review.

ADI work has amplified the voices of ADI actors and communities in Italy. For example, a Roma facilitator trained through the Roma Women's Access to Justice JUSTROM programme is now regularly invited to the United Nations High Commissioner for Refugees (UNHCR) round tables on statelessness. Council of Europe's multilayered work on ADI has allowed local authorities and national institutions in Italy to share intercultural integration best practices across multiple governance levels.

### Case study: combating discrimination, supporting Roma and LGBTI persons, and intercultural strategy in North Macedonia

Over the past few years, North Macedonia has made significant progress in strengthening and developing the national anti-discrimination framework at the legislative and policy levels, and its alignment with the European anti-discrimination standards. Parliament passed a new Law on the Prevention and Protection against Discrimination that entered into force in 2020. In accordance with the law, a new national equality body with an extended mandate compared to the previous one, the Commission for Prevention and Protection from Discrimination (CPPD), was established in 2021. This institutional change responds to ECRI's 2016 recommendation on the need to further strengthen the independent work and capacity of the then equality body. At the policy level, a new National Strategy for Equality and Non-Discrimination for 2022-2026 and an accompanied Action Plan for its realisation were adopted in 2022 and 2023 respectively.

Although social exclusion and marginalisation of Roma in North Macedonia remain persistent, the stakeholders noted some positive developments related to the increase in the number of Roma mediators in primary education, the awarding of scholarships to Roma students and a slight increase in representation of Roma in ministries and other state institutions. In its 2023 Report on North Macedonia, ECRI noted that several initiatives were taken under the 2016-2020 national Roma strategy to improve Roma inclusion in the areas of housing, health, education and employment.

After the 2016 "colour" revolution and political changes in 2017, the newly formed government accepted the concept of one society and interculturalism as one of the key determinants of its policy work. A new intersectoral strategy (Strategy for the development of the concept of "one society for all" and interculturalism) was adopted in 2019 and was a significant step forward in promoting and improving intercultural communication in North Macedonia, based on principles of equality and non-discrimination. It aims to implement the recommendations of international bodies of the UN, the Council of Europe, the European Commission and OSCE. The precursor working group to ADI-INT had a strong influence on implementation and further development of the 2020 (National) Strategy for Development of the "One Society for All" concept and interculturalism.

At the legislative level, in addition to 2018 amendments to the Criminal Code, the legal prohibition of discrimination on sexual orientation and gender identity grounds was introduced in the 2020 Law on the Prevention and Protection against Discrimination. References were made to the Court's judgment in the case X vs the former Yugoslav Republic of Macedonia on gender recognition issues. The government drafted a new Civil Registry Law that should allow transgender people to change their identity, although it is still being processed in parliament. In 2022, a draft Law on Gender Equality was presented for public discussion and there has been a proposal for a new Gender Equality Act. The Skopje Pride has been held regularly since 2019. Awareness of initiatives for legal recognition has been raised. There was an increase in the number of CSOs focused on gender identity and the capacities of the LGBTI community for reporting have been strengthened. Several CSOs conducted research related to the issues of LGBTI persons. Finally,

more social care, legal and psychosocial support services have been made available to LGBTI people in co-operation with the authorities.

### Case study: combating hate speech in the Republic of Moldova

In the Republic of Moldova, there has been progress in national legislation, practice and knowledge over the last 10 years in relation to anti-discrimination and combating hate speech. Comparing the latest ECRI and Commissioner for Human Rights reports to those a decade ago, the focus is much less on basic institutional structure and rule of law and more on advanced aspects of anti-discrimination such as the extent of sanctioning power of the Equality Council for capturing hate speech and hate crimes. This progress has been enabled by repeated monitoring visits with the follow-up of recommendations and new recommendations, new case law from the Court, and the sequence of Council of Europe Country Action Plans for the Republic of Moldova, implementing continuing programmes of technical assistance.

Incorporating the transversal aspects of anti-discrimination in projects of different sectors of the Council of Europe and systematically addressing the key stakeholders in a variety of project components has enabled a broadening of ADI to other national authorities and spheres in the Republic of Moldova. For example, the hate speech recommendation was broadly covered by the work of national authorities thanks to it being targeted by Council of Europe projects, with remaining areas such as digital hate speech still to focus on.

105. In some cases, CDADI is already contributing to some of these outcomes. The measures on increasing effectiveness described in the section on the effects CDADI has will contribute to significantly enhancing these results. It is certainly the collective effort, however, that ultimately contributes to the impact of the Council of Europe's work on ADI.

106. Despite these positive aspects of CDADI's co-ordination, in certain areas the promotion of outputs is not as maximised as it could be. ADI-INT's work, for example, is only visible to a select group of stakeholders that actively engage in the work. The number of local and regional authorities involved in the Intercultural cities programme (ICC) is less than a quarter of the local and regional authorities represented in the Congress, and there has been little promotion of the ICC there. The Congress did not always make use of the possibility to participate in ADI-INT and CDADI meetings during the drafting of ADI-INT's Model Framework for Intercultural Integration Strategies. Additionally, the monitoring bodies' work and the projects could be even better linked with some examples of good practice from CDADI.

107. There is limited interaction on several specific ADI issues while others are more integrated depending on the particular focus of standard setting committees, monitoring bodies and co-operation projects. It would be a natural extension to promote ADI-INT throughout the Congress's network of local and regional elected officials. All the substructures could influence different organisational initiatives to combat discrimination and to enhance inclusion and diversity in the holistic sense that CDADI champions. Signalling CDADI's added value to the larger body of work across the Council of Europe would be beneficial, stemming from the Convention, Article 14 and Protocol 12, and CDADI could explore ways to achieve a more systematic co-ordination with other parts of the Council of Europe working on ADI to mainstream equality.

108. CDADI is well-co-ordinated at the sub-programme level and contributes in an important way to the overall international collective effort on ADI. It has also introduced some very good practices in working across other sectors of the Organisation on specific tasks. The mutual reinforcement and complementarity of an overall organisational approach to ADI could be improved through systematic co-ordination, to ensure that CDADI maximises its opportunities to connect with key stakeholders throughout the member states of the Council of Europe, and vice versa that it contributes as fully as possible to other ADI initiatives outside the sub-programme.

109. It has not been sufficiently articulated how the Council of Europe integrates CDADI at a higher level. There are synergies with other parts of the Organisation that are not explored enough. This is partly because the specific outcomes standard setting can achieve are not incorporated enough into how CDADI works with other bodies, although CDADI incorporates other entities' work well. There is sometimes overreliance on CDADI's own mechanisms when an easier and wider outreach could be achieved through other entities. Conversely, there is sometimes an overreliance on other sectors to achieve what an intergovernmental committee could also contribute more to through greater expectation and encouragement of member states, such as wider sharing of recommendations and associated toolkits, and guidelines and identification of relevant sections of products to different levels and types of stakeholders.

### **Recommendation 5**

#### **The ADI department should analyse the options to co-ordinate better with other parts of the Council of Europe working on ADI.**

Explanation: the interaction CDADI has with other parts of the Council of Europe involves regular meetings and involvement in ADI intergovernmental work. This interaction could be more formalised, for example through equality mainstreaming throughout the organisation, and involve more targeted dialogue, in a similar way to the co-ordination between standard setting, monitoring and co-operation that represents good practice in the ADI sub-programme.

## 4. Conclusions

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110. Overall, CDADI has brought about significant progress on ADI issues in the short space of time since it was established. CDADI's priorities bring focus and continuity to the Council of Europe's work on ADI, connecting many strands of previous and ongoing work into a relevant and coherent approach. CDADI can link many ADI priorities under a larger umbrella. CDADI and its substructures complement the wider structures of the Council of Europe.

111. CDADI's priorities are well-informed and seek to increase the Council of Europe's ability to address the most important ADI issues. Consultation with key stakeholders strongly confirms that CDADI is focusing on the right issues. The international collective consensus approach is the added value of CDADI, with the inter-governmental approach being much valued.

112. There is however a lack of understanding among some stakeholders of both CDADI's strategic approach and scope. CDADI products could be adjusted to be more tailored to needs member states have domestically to enhance their usability, and communication and outreach could be improved. As CDADI matures, there is room for adjustment to strategy, to improve tracking of progress and reporting, to tailor products and to improve outreach and communication for CDADI to have greater effectiveness and impact.

# Appendices

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Link to volume II appendices: <https://rm.coe.int/eva-adi-evaluationreportappendices/1680af2df0>

This evaluation examines how the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) steers the intergovernmental approach and encourages member states to develop common policy responses and analyse implementation of Council of Europe work on ADI. CDADI's priorities bring focus and continuity to the Council of Europe's work on ADI, connecting many strands of previous and ongoing work into a relevant and coherent approach. This intergovernmental approach, combined with intersectionality and a human rights-based approach, deliver the added value of CDADI. There is however a lack of understanding among some stakeholders of both CDADI's strategic approach and scope. CDADI products could be adjusted to be more tailored to needs member states have domestically to enhance their usability, and communication and outreach could be improved. As CDADI matures, there is room for adjustment to strategy, to improve tracking of progress and reporting, to tailor products and to improve outreach and communication for CDADI to have greater effectiveness and impact.

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